

## **The City of San Leandro Planning Commission**

### **Resolution No. 2014-02, Recommending that the City Council Adopt an Ordinance Approving a Mitigated Negative Declaration, a Rezoning, a Planned Development, a Site Plan Review, and a Development Agreement for the Downtown Office/Technology Campus Project, 1333 Martinez Street**

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#### **RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A MITIGATED NEGATIVE DECLARATION, AN AMENDMENT TO THE ZONING MAP, A PLANNED DEVELOPMENT/SITE PLAN REVIEW PERMIT, AND A DEVELOPMENT AGREEMENT FOR THE DOWNTOWN OFFICE CAMPUS AT 1333 MARTINEZ STREET**

**WHEREAS**, Westlake Development Partners, LLC (the “Applicant”) submitted an application for a multi-phase, transit-oriented development project located adjacent to the Downtown San Leandro BART Station (PLN 2013-00045) (“Project”) consisting of 340,000-500,000 square feet of multi-story office buildings and related on-site and off-site improvements including landscaping, bike path, pedestrian path, utilities and a multi-level parking structure, to be located on a 7.3-acre project site that encompasses four separate parcels and vacated City rights-of way, identified as 1333 Martinez Street. The Project includes applications for an amendment to the Zoning Map (the “Zoning Map”), a Planned Development/Site Plan Review Permit, and a Development Agreement; and

**WHEREAS**, the majority of the proposed site for the Project is a relatively flat portion of the City that was formerly occupied by a Del Monte canning facility but has been vacant for over 20 years; and

**WHEREAS**, the proposed Project site is currently zoned DA-5(S) Downtown Area, Special Overlay District and PS(S) Public and Semipublic, Special Overlay District and has a General Plan designation of Office “OF”. The proposed Project site is surrounded by the San Leandro BART station to the east; by Alvarado Street to the west; by West Estudillo Avenue on the north; and by Thornton Street on the south. In addition, the site has railroad tracks on the east and west edges of the Project site. Moreover, the Project site is included in the San Leandro Downtown Transit Oriented Development Strategy (“TOD Strategy”) and is within walking distance to the City’s downtown; and

**WHEREAS**, the Planning Commission held a noticed work session regarding the proposed Project on August 15, 2013; and

**WHEREAS**, the City prepared an Initial Study consistent with CEQA Guidelines section 15070 and determined a Mitigated Negative Declaration was required in order to analyze the potential for significant impacts of the Project which was circulated for public review from January 20, 2014 to February 19, 2014; and

**WHEREAS**, the Planning Commission reviewed the staff report and the draft Mitigated Negative Declaration (Exhibit A) and is of the opinion that the draft Mitigated Negative Declaration, including comments, reflects the City's independent judgment and analysis on the potential for environmental impacts from the Project; and

**WHEREAS**, location and custodian of the draft Mitigated Negative Declaration, including comments, and other documents that constitute a record of proceedings for the Project is the City of San Leandro, 835 East 14th Street, San Leandro, California 94577; and

**WHEREAS**, the Project may have potential significant environmental impacts; however, proposed mitigation measures have been incorporated into the Project to reduce these impacts to a less than significant level; and

**WHEREAS**, the Zoning Map currently designates the Project site as DA-5(S) Downtown Area, Special Overlay District and PS(S) Public and Semipublic, Special Overlay District. The Zoning Map should be amended to DA-5(S)(PD) Downtown Area, Special Overlay, Planned Development Overlay District and PS(S)(PD) Public and Semipublic, Special Overlay, Planned Development Overlay District as set forth in Exhibit B; and

**WHEREAS**, the Project also requires a Planned Development and Site Plan Review Project Approval, pursuant to 3-1012 and 5-2506 of the Zoning Code, respectively, and satisfies all the requisite findings as further explained in the staff report associated with this resolution; and

**WHEREAS**, the Applicant is also requesting the execution of a proposed Development Agreement, attached hereto and incorporated herein as Exhibit D that would vest the Project applications upon execution; and

**WHEREAS**, the City's General Plan and the Zoning Code, are incorporated herein by reference, and are available for review at City Hall during normal business hours.

**NOW, THEREFORE IT IS RESOLVED THAT:**

The forgoing recitals are true and correct and made part of this resolution.

**BE IT FURTHER RESOLVED THAT:** The Planning Commission of the City of San Leandro does hereby make the following findings and determinations regarding the draft Mitigated Negative Declaration:

1. The draft Mitigated Negative Declaration has been completed in compliance with CEQA and the CEQA Guidelines and is complete and adequate and reflects the City's independent judgment and analysis of the environmental effects of the Project.
2. The Planning Commission hereby recommends that the City Council make all required findings and adopt the Mitigated Negative Declaration for the Project set forth in Exhibit A attached hereto and incorporated herein by this reference.

**BE IT FURTHER RESOLVED THAT:** The Planning Commission of the City of San Leandro does hereby make the following findings and determinations regarding the proposed Zoning Map amendment:

1. The DA-5(S) zoning and the TOD Strategy provides that the northern Project site can be developed with a high density office campus that takes advantage of its immediate proximity to transit. The sites also have additional advantages that will allow them to maximize their positive impact on downtown revitalization and transit ridership.

2. The PS(S) zoning and the TOD Strategy identifies the southern Project site as severely constrained due to its long and narrow shape. It is bounded on the west and east by rail lines; the site is not useful for office development due to poor visibility from surrounding public streets. This area is better suited as a parking reservoir for future development. There are no adjacent land uses that would be adversely affected by parking in a structure of multiple levels in this location. While visibility and access are unsuitable for commercial/office development in this location, there is adequate access to serve a parking facility.

3. The Planning Commission does hereby recommend approval of the Zoning Map Amendments from DA-5(S) Downtown Area, Special Overlay District and PS(S) Public and Semipublic, Special Overlay District to DA-5(S)(PD) Downtown Area, Special Overlay, Planned Development Overlay District and PS(S)(PD) Public and Semipublic, Special Overlay, Planned Development Overlay District, as further set forth in Exhibit B, attached hereto and incorporated herein by reference.

**BE IT FURTHER RESOLVED THAT:** The Planning Commission of the City of San Leandro does hereby make the findings and determinations required by section 5-2212, 5-2214, 3-1018, 3-1012, 5-2512, and 5-2514 of the City of San Leandro Zoning Code regarding the proposed Planned Development/Site Plan Review Project Approval, as further explained in the staff report, and recommend that the City Council approve of the proposed Planned Development/Site Plan Review Project.

**BE IT FURTHER RESOLVED THAT:** The Planning Commission of the City of San Leandro does hereby make the following findings and determinations regarding the draft Development Agreement:

1. The draft Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the real property is located upon the approval of the draft Mitigated Negative Declaration, the Zoning Map Amendment, and the Planned Development and Site Plan Review Project Approval.

2. The draft Development Agreement is in conformity with the City General Plan and will not be detrimental to the health, safety and general welfare in that the development will proceed in accordance with the draft Development Agreement and all Conditions of Approval for the Project.

3. The City of San Leandro Planning Commission does hereby recommend that the City Council adopt an Ordinance approving the draft Development Agreement, attached hereto and incorporated herein as Exhibit D, between the City and the Applicant for the Project.

**PASSED, APPROVED AND ADOPTED**, under separate motions, the Development Agreement, Mitigated Negative Declaration, Zoning Map Amendment, and Planned Development/Site Plan Review, respectively, this 20th day of February 2014 by the following vote:

AYES-	COMMISSIONERS COLLIER, FITZSIMONS, LEICHNER, LEUNG, RENNIE, VICE CHAIR HERNANDEZ, CHAIR ABERO	(7)
NOES-	NONE	(0)
ABSENT-	NONE	(0)
ABSTENTION-	NONE	(0)

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Planning Commission, Chairperson

ATTEST:

  
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Planning Commission, Secretary

Exhibit A  
Draft Mitigated Negative Declaration

Exhibit B  
Proposed Zoning Map Amendment

Exhibit C

Planned Development and Site Plan Review Conditions of Approval

Exhibit D  
Draft Development Agreement