

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2022-005

ORDINANCE OF THE CITY OF SAN LEANDRO CITY COUNCIL TO ADOPT A ZONING MAP AMENDMENT TO REZONE THE PROJECT FROM A SPLIT ZONING OF IP/RS INDUSTRIAL PARK AND RESIDENTIAL SINGLE-FAMILY TO RS(PD) RESIDENTIAL SINGLE-FAMILY WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT LOCATED AT 2824 HALCYON DRIVE. ALAMEDA COUNTY ASSESSOR'S PARCEL NUMBER 77C-1240-5 (PLN21-0005)

WHEREAS, Chris Zaballos of D.R. Horton (“Applicant”) submitted an application for a Zoning Map Amendment, Planned Development, Site Plan Review, and Tentative Map to demolish four existing residential and accessory structures, rezone site from Industrial Park (IP) and Residential Single-Family (RS) to Residential Single-Family with a Planned Development Overlay (RS(PD)) zoning district, subdivide the single parcel into 18 lots and three parcels, and construct 18-single family residences with associated circulation and landscape installations on a 2.4-acre site at 2824 Halcyon Drive (PLN21-0005) (“Project”); and

WHEREAS, in accord with the California Environmental Quality Act, an Infill Checklist was prepared; and

WHEREAS, in accord with the San Leandro Municipal Code Chapter 7-1, the applicant is concurrently requesting approval of Tentative Tract Map 8592 to subdivide the parcel into 18 lots for 18 single-family residences and three parcels for two private courts and one privately owned and maintained open space parcel accessible to the public; and

WHEREAS, pursuant to Section 15183.3 of the California Environmental Quality Act (CEQA) Guidelines, the City prepared an Infill Environmental Checklist, dated March 2022 by Rincon Consultants, Inc. (Rincon) on behalf of the City. The Infill Checklist finds that the proposed project qualifies as an Infill Project that would result in new specific effects. However, these effects would be substantially mitigated under uniformly applicable development policies and thus, no further environmental review is required; and

WHEREAS, the Property has a General Plan land use designation of RLM Low-Medium Density Residential and has a split zoning where the western portion of the site is zoned Industrial Park (IP) and the eastern portion is zoned Residential Single-Family (RS); and

WHEREAS, the Applicant proposes a Zoning Map Amendment to rezone the Project site from IP Industrial Park/ RS Residential Single-Family to RS(PD) Residential Single-Family with a Planned Development Overlay District as identified in “Exhibit A”; and

WHEREAS, a Planned Development establishes a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels; and

WHEREAS, the Planned Development Project complies with the maximum density, side, corner side, and rear minimum yards, maximum height, daylight planes, maximum lot coverage, maximum floor area ratio (FAR), fences, off-street parking and loading, refuse storage areas, underground utilities, performance standards and landscaping and development regulation conditions required for approval under Section 3.04 of the Zoning Code; and

WHEREAS, the Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of existing and planned systems; and

WHEREAS, the Planned Development Project contributes to the availability and affordability of much needed housing in the community, with provisions for market rate and affordable housing; and

WHEREAS, the Planning Commission held a duly noticed public hearing regarding the proposed Project on April 7, 2022, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on April 7, 2022, the Planning Commission, after consideration of all pertinent plans, documents, project application, Infill Checklist, entitlements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing, recommended to the City Council by a 4-1-2 decision the approval of the Zoning Map Amendment, and the Project; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution No. 2022-001 recommending City Council approval of a Zoning Map Amendment, Planned Development, Site Plan Review, and Tentative Map for PLN21-0005 located at 2824 Halcyon Drive, based on the Recommended Findings of Fact and subject to the Recommended Conditions of Approval. Planning Commission Resolution No. 2022-001 dated April 6, 2022 is incorporated herein by reference; and

WHEREAS, a staff report for the City Council dated May 2, 2022 and incorporated herein by reference, described and analyzed the proposed Zoning Map Amendment and Project; and

WHEREAS, the City Council held a duly noticed public hearing regarding the proposed Project on May 2, 2022, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council fully considered the Project application, Infill Checklist, entitlements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the City Council finds that the staff report and standards for approval reflects the City's independent judgement and analysis of the Project; and

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

NOW, THEREFORE, the City Council of the City of San Leandro hereby **ORDAINS** as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. FINDINGS. Based on the entirety of the record, the City Council hereby finds that the proposed Zoning Map Amendment, as shown in the attached “Exhibit A” is consistent with the 2035 General Plan adopted September 19, 2016. The City Council further finds that consideration of the proposed Planned Development Overlay District compiles with the notice and hearing provisions of the Zoning Code.

SECTION 3. APPROVAL. The City Council hereby approves the Zoning Map Amendment for the Planned Development Overlay District as shown in attached “Exhibit A”, incorporated herein by reference.

SECTION 4. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall take effect thirty (30) days after adoption. The title thereof shall be published once and a complete copy thereof shall be posted on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Mayor Cutter and passed to print on the 2nd day of May 2022 by the following called vote:

Members of the Council:

AYES:	Councilmembers Aguilar, Ballew, Cox, Lopez, Simon, Cutter	(6)
NOES:	Councilmember Azevedo	(1)
ABSENT:	None	(0)

Passed and adopted the 16th day of May 2022 after publication on May 13, 2022 by the following called vote:

Members of the Council:

AYES:		(0)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: _____
Kelly B. Clancy, Acting City Clerk