

**City of San Leandro
Community Development Department
Planning Services Division**

**RECOMMENDED FINDINGS OF FACT FOR APPROVAL OF
PLN2009-00006; Rezone and Planned Development
2450 Washington Avenue
APNs 077D-1410-025-00 and 077D-0556-104-00
Wm. Mathews, Inc. (applicant and property owner),**

General Plan Land Use Map Amendment (Chapter 1, Introduction; Section F, Implementing and Amending the Plan (Page 1-11))

1. The proposed General Plan amendment will be in the public interest.

The proposed Project PLN2009-00006 (the “Project”) consists of 2.85 acres, and three of its four property boundaries (north, south and east) are adjacent to sites that are designated as Residential (Medium Density Residential to the north and east and High Density Residential to the south) in the current General Plan Land Use Map. The west side of the site fronts Washington Avenue. The properties to the immediate west of the site are designated by the General Plan Land Use Map as Corridor Mixed Use, which allows residential as a conditionally permitted use. Applicable General Plan policies regarding conversion of non-residential land such as this dated office complex to residential uses (General Plan Policy 3.10) also support this as a means to expand the housing base.

Amending the General Plan to change the land use designation of the entire site from Office to High Density Residential will provide consistency in the General Plan Land Use Map for this subject site in the context of the immediate neighborhood and would allow for residential uses on the site. The General Plan Amendment will facilitate construction of new housing units that will be in the public interest.

2. The proposed General Plan amendment will not be detrimental to public health, safety and welfare.

There are existing High- and Medium- Density Residential designations directly contiguous to the Project site. Thus, the change in land use designation would not result in the introduction of a new, detrimental land use type into the area. The City has conducted an Initial Study and prepared a Mitigated Negative Declaration to ensure that the future development will not be incompatible with surrounding development, nor would it be detrimental to public health, safety, and welfare.

3. The proposed General Plan Amendment is otherwise consistent with the General Plan.

The proposed General Plan Amendment is otherwise consistent with the General Plan because it will further a number of existing General Plan policies, will not impede achievement of other policies, and will not create any internal inconsistencies with the

General Plan. The proposed Amendment is consistent with the City's contemplated "City Structure" (General Plan Fig. 3-1) because it proposes a residential development in an area generally described as "Mixed Use Corridor/Residential". By facilitating development of a residential Project, the General Plan Amendment also furthers a number of other existing General Plan Goals, Policies, and Actions. For example, it encourages a mix of residential unit types by providing multi-family housing and promotes infill development (Policies 3.01 and 3.04). It ensures that infill development is compatible with existing homes (Policy 2.05). It preserves the low-density character of existing neighborhoods by providing a new site for multi-family development (Policy 2.04). Further, the General Plan Amendment will not impede achievement of other existing policies, nor will it create internal inconsistencies with existing policies. Accordingly, the Amendment is consistent with the City's General Plan.

4. The proposed General Plan amendment is in accordance with applicable provisions of the California Code and the California Environmental Quality Act.

The Project required preparation of an Initial Study/Mitigated Negative Declaration Project (completed by City staff.) Environmental topics for which mitigation was indicated in order to bring potentially significant impacts to a level of insignificance include: aesthetics, air quality, cultural resources, geology/soils, hydrology/water quality, noise, population and housing, public services, recreation, and utilities. The mandated 30-day public review period is from October 14 to November 14, 2011. All comments received by staff will be forwarded to the City Council as the final decision-making body for the Project.

Rezone (Zoning Code Sections 5-2708 and 5-2712)

1. The proposed rezone must be in general agreement with the adopted General Plan of the City.

Should the City Council approve the General Plan amendment, changing the land use designation of the site from Office (O) to High Density Residential (HDR), the proposed rezoning of the site to Residential Multi-Family with a Planned Development Overlay [RM-1800(PD)], would be consistent with the with both the polices and land use map of the General Plan.

Further, by facilitating the residential development, the rezone would promote a number of existing General Plan policies (as demonstrated above) without impeding achievement of other General Plan polices.

2. The uses permitted by the proposed zoning district must be compatible with existing and proposed uses in the general neighborhood.

The area surrounding the Project is residential in orientation to the north, south and east of the site, rezoning Residential Multi-Family (RM-1800). Therefore the proposed residential

use that would be permitted with the RM-1800-Planned Development are consistent with the existing uses adjacent to the property along San Leandro Boulevard and Washington Avenue. The apartment complex at this site would not infringe upon the privacy and quality of life for the existing area residents. The use of the Planned Development Overlay designation will allow the Planning Commission to review any subsequent changes to the property through the Planned Development (PD) modification process and ensure that the new development will be compatible with the existing area.

- 3. The property subject to the rezone will be served by streets, utilities and other public facilities of sufficient capacity to properly serve it without overloading and without detriment to other areas presently zoned in contemplation of full use and availability of such facilities.**

The Project site is an infill site not slated for intense development, and a portion was previously developed. Thus the rezoned property will be adequately served by existing infrastructure without overloading streets, utilities and other public facilities, and without detriment to other uses in the area.

Findings for Planned Unit Development (Zoning Code Sections 5-2212, 5-2214, 3-1018 and 3-1020)

- 1. That the proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.**

The proposed location, with the approval of the rezoning of two of the parcels from P-Professional to RM-1800(PD), will be residential multi-family apartment development, a permitted use under the Zoning Code for the Residential Multi-Family (RM) district.

- 2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained, will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.**

The proposal is consistent with City goals, objectives and policies related to high-density residential development, as well as for development in proximity to historic structures, as outlined in the General Plan. The development will result in an improvement in appearance to the property with the removal of the outdated medical office structure and construction of new buildings with high-end Craftsman architecture on the property and with parking and landscaping amenities. The application of current construction practices and adherence to the recommended mitigation measures will prevent disturbances from significant levels of noise emanating from within the completed buildings.

- 3. That the proposed use will comply with the provisions of this code; including any specific condition required for the proposed use, in the district, in which it would be located.**

The Zoning Code provides that the RM-1800 (PD) District allows the same uses as permitted in the underlying zoning designations. The applicant is proposing residential multi-family use, permitted in RM-1800 District and the design of the buildings will be for residential or resident-accessible recreational uses. Some deviations from the RM development standards are proposed, and are permitted via approval of the Planned Development (PD) Overlay.

4. That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

The proposed Project was reviewed by the City Engineering and Transportation Department staff. It was concluded that due to the decrease in estimated traffic trips in comparison to trips generated by the existing 43,200 square-foot medical office, the 66-unit residential Project would not result in impacts to existing transportation systems, nor require any off-site transportation improvements. Thus, the Project will not create demands exceeding the capacity of the existing streets. The site is already served by adequate public utilities and infrastructure, including but not limited to: the gas and electric company, the water district, waste disposal, and police and fire departments. The site was previously improved and occupied for approximately 50 years.

5. The Planned Development Project Plan will provide superior urban design in comparison with the development under the base district zoning regulations.

The site plan elements (including building placement, size and location of landscape areas, parking facilities, and the placement of trash enclosures) create a harmonious and orderly development that is compatible with its surroundings. In exchange for a minor reduction in setbacks, and fulfillment of the parking requirements with a certain proportion of open parking stalls in lieu of the required covered parking, the proposal offers an attractive apartment complex that provides over double the required common open space and replaces an outdated commercial office building with new construction that is compatible with the existing environment and uses. The overall design and features included within the Planned Development enhances the appearance of Washington Avenue.

6. 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 the existing and planned systems.

There is adequate public service provided to the proposed subdivision, including but not limited to gas, electric, water, waste disposal, and police and fire services. The Engineering and Transportation Department and Alameda County Fire Department have found the access to the site and internal circulation to be safe for vehicular, pedestrian and emergency vehicle access.

