

RESOLUTION NO. 19-001

**A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS
OF THE CITY OF SAN LEANDRO**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
AND SITE PLAN REVIEW FOR PLN18-0013
915 ANTONIO STREET**

WHEREAS, Maximus Antonio Alvarado LLC (“Applicant”) submitted an application for Conditional Use Permit and Site Plan Review to construct a 687 unit (730 sq. ft. average unit size), five & six-story multi-family residential development with 892 parking spaces at 915 Antonio Street (PLN18-0013) (“Project”); and

WHEREAS, 915 Antonio Street (also known as 899 Alvarado Street (“Property”) is comprised of five partially vacant parcels on 5.73 acres; and

WHEREAS, the Property is zoned DA-4 (S) Downtown Area 4 (Special Policy Area 5) and has a General Plan designation of Transit-Oriented Development Mixed Use (MUTOD); and

WHEREAS, the Property is within one-quarter mile of the San Leandro BART Station and situated in the City’s Downtown San Leandro Transit-Oriented Development Strategy (TOD Strategy) area; and

WHEREAS, in the Zoning Code, multi-family residential in the DA-4 district is a permitted use. The minimum density is 60 units per acre and the maximum density is 100 units per acre. A density bonus of 20 percent to the maximum is permitted for projects with an average unit size less than 750 square feet (Zoning Code Section 2-642.A.6); and

WHEREAS, Conditional Use Permit is required for the establishment of any new land use and/or structure within an S Overlay District (Zoning Code Section 3-1306.A). Site Plan Review is required for development plans in the DA-4 district for general consistency with the Design Guidelines for the TOD Strategy (Zoning Code Sections 2-698.C and 5-2502); and

WHEREAS, an Infill Checklist has been prepared in accordance with Public Resources Code Section 21094.5. and the CEQA Guidelines, California Code of Regulations Section 15183.3 and Appendices M and N. The Infill Checklist tiers off the 2035 General Plan Update Environmental Impact Report (2016). This prior EIR was prepared as part of enacting the City’s General Plan Update and zoning code which implemented the Downtown Transit-Oriented Development (TOD) Strategy (CEQA Guidelines 15183.3). This Infill Checklist demonstrates that any significant

effects of the 915 Antonio Street and 844 Alvarado Street Project (collectively, "Project") were analyzed in the prior EIR or would be substantially mitigated by the City's uniformly applicable development policies. The Infill Checklist also incorporates information from the Downtown TOD EIR (2007), which also qualifies as a prior EIR. Therefore, pursuant to Public Resources Code Section 21094.5, no additional environmental review is required under CEQA for the Project as an infill project; and

WHEREAS, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on March 7, 2019, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments fully considered the Project application and entitlements, applicant's statements, staff report, finds of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

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

WHEREAS, the Board of Zoning Adjustments finds that the proposed Project does satisfy the requisite findings of fact necessary for approval as further explained in the staff report and the findings of fact associated with this Resolution, as identified in "Exhibit A" attached to this Resolution; and

WHEREAS, the City's General Plan, Downtown Transit Oriented Development Strategy, Downtown Design Guidelines, and the Zoning 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, BE IT RESOLVED THAT: The above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT: The Board of Zoning Adjustments of the City of San Leandro does hereby make the following findings and determinations regarding the regarding the proposed Project:

1. The Board of Zoning Adjustments of the City of San Leandro does hereby make the necessary findings and determinations required by Sections 5-2212 and 5-2512 of the City of San Leandro Zoning Code to approve the requested Conditional Use Permit and Site Plan Review for the multi-family residential development at 915 Antonio Street, as further explained in the staff report and findings of fact for approval as set forth in "Exhibit A" attached hereto and incorporated herein by this reference.

2. Based on the findings and determinations, the Board of Zoning Adjustments of the City of San Leandro does hereby approve Conditional Use Permit and Site Plan Review PLN18-0013 allowing a multi-family residential development project at 915 Antonio Street subject to the Conditions of Approval, as further set forth in "Exhibit B" attached hereto and incorporated herein by this reference.

PASSED, APPROVED, AND ADOPTED, on this 7th day of March, 2019
by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board of Zoning Adjustments

ATTEST:

Andrew J. Mogensen, AICP
Secretary to the Board of Zoning Adjustments