



Legislation Details (With Text)

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**Title:** RESOLUTION NO. 2021-006 Recommending City Council Approval of the First Amendment to the Development Agreement for the Residential Development Project Located at 2436 Washington Avenue - 2450 Washington Avenue Development Project; APN 077D-1410-025-00; PLN2009-0006 and PLN21-0001.

**Sponsors:** Tom Liao, Andrew Mogensen

**Indexes:**

**Code sections:**

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| Date     | Ver. | Action By   | Action | Result |
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| 7/1/2021 | 1    | Planning Commission and Board of Zoning Adjustments |        |        |

**RESOLUTION NO. 2021-006** Recommending City Council Approval of the First Amendment to the Development Agreement for the Residential Development Project Located at 2436 Washington Avenue - 2450 Washington Avenue Development Project; APN 077D-1410-025-00; PLN2009-0006 and PLN21-0001.

**WHEREAS**, to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864, et seq. (the “Development Agreement Statute”), which authorizes cities to enter into agreements for the development of real property with any person having legal or equitable interest in such property in order to establish certain development rights in such property; and

**WHEREAS**, William Mathew Brooks, of Wm. Mathews, Inc. (the “Applicant”) submitted applications for a two-story 66-unit residential development project (PLN2009-00006) (the “Project”) consisting of 48 two-bedroom units and 18 one-bedroom units, with a proposed density of 23.2 dwelling units per acre, to be located on an approximately 2.85-acre site at 2436 Washington Avenue, commonly known as the 2450 Washington Avenue Development Project, known as Assessor’s Parcel Number 077D-1410-25-00 (the “Property”); and

**WHEREAS**, the City Council on November 21, 2011 had a first reading to approve the Project, and subsequently on December 5, 2011 approved the Project, adopted the Initial Study and Mitigated Negative Declaration and Mitigation Monitoring Reporting Program associated with the Project, along with the Vesting Tentative Map, Tract 8003, a General Plan Map Amendment from Office to High Density Residential, a Rezone from P (AU)-Professional with Assembly Use Overlay to RM-1800(PD)

-Residential Multi-Family with Planned Development Overlay, a Development Agreement, and approved a Development Agreement for the Project; and

**WHEREAS**, the Development Agreement has an initial term of ten (10) years, which expires on January 4, 2022, and which may be extended by one five (5) year term upon approval by the City of San Leandro Planning Commission; and

**WHEREAS**, the Applicant on January 11, 2021 submitted an application to amend the Development Agreement in two ways: to exercise the five (5) year term extension, and to modify the Development Agreement by deleting Section 2.10 to allow the Project to be operated as a rental and/or for sale project; and

**WHEREAS**, the Vesting Tentative Map prepared for the Project has a lifespan dependent on the Development Agreement and remains viable throughout the initial term and five (5) year extension of the term of the Development Agreement; and

**WHEREAS**, City prepared an Initial Study, Mitigated Negative Declaration and a Mitigation Monitoring Reporting Program consistent with the California Environmental Quality Act, Public Resources Code, Sections 21000, et seq. (CEQA) and CEQA Guidelines approved on by Council November 21, 2011 by Resolution No. 2011-192; and

**WHEREAS**, the First Amendment to the Development Agreement is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) State CEQA Guidelines; and

**WHEREAS**, the proposed First Amendment is consistent with the approved subdivision and City requirements and does not alter the design or layout of the subdivision or result in any land use changes to the subdivision; and

**WHEREAS**, the Planning Commission, pursuant to the requirements of Development Agreement Section 1.3.2, reviewed and approved the staff report and resolution, and recommended approval of the five (5) year term extension on July 1, 2021 at a duly noticed public hearing, at which time all interested parties had the opportunity to be heard.

**NOW, THEREFORE THE PLANNING COMMISSION FOR THE CITY OF SAN LEANDRO RESOLVES THAT:** The above recitals are true and correct and are made a 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 proposed approval of the First Amendment to the Development Agreement, as shown in attached Exhibit A and incorporated herein by reference, based on the following findings and considering the staff report, and the whole of the record related to the Project:

1. The Planning Commission, having reviewed and considered the draft First Amendment to the Development Agreement, the Initial Study and Mitigated Negative Declaration prepared pursuant to CEQA in 2011 and the CEQA exemption, comments received during the public review period, and the City's written responses to comments prior to acting on the Project finds that the First Amendment to the Development Agreement is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061(b)(3)

State CEQA Guidelines.

The Planning Commission further finds that on the basis of the whole record before it, there is no substantial evidence that the First Amendment to the Development Agreement will have a significant effect on the environment beyond those identified by the Initial Study and Mitigated Negative Declaration, approved by the City Council on November 21, 2011 by Resolution No. 2011-192 and is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) State CEQA Guidelines.

2. The Planning Commission further finds that the First Amendment to the Development Agreement is drafted in compliance with the requirements of the Development Agreement, the Subdivision Map Act, California Government Code Section 65580, et seq., San Leandro Zoning Code Chapter 6.04, and all other applicable federal, state, and local laws. The Planning Commission finds that the First Amendment to the Development Agreement is consistent with the City General Plan. The Planning Commission finds that First Amendment to the Development Agreement with regard to the five year term extension is complete and adequate and reflects the City's independent judgement and analysis of the Applicant's Application to Amend the Development Agreement in the context of the Project.

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