



Legislation Details (With Text)

**File #:** 11-345      **Version:** 2      **Name:** 2450 Washington Avenue Apartments PLN2009-00006

**Type:** Ordinance      **Status:** Passed

**On agenda:** 11/21/2011      **In control:** City Council

**Enactment date:** 12/5/2011      **Final action:** 12/5/2011

**Enactment #:** Ordinance 2011-013

**Title:** ADOPT: Ordinance No. 2011-013, an Ordinance Making Findings and Amending the City of San Leandro Zoning Map in Order to Rezone the Parcel Located at 2450 Washington Avenue from Professional with an Assembly Use Overlay P (AU) to Residential Multi-Family with a Planned Development Overlay [RM-1800(PD)] and Adopting a Development Agreement with William Mathews, Inc. for a Two-Story 66-Unit Residential Development (PLN2009-00006)

**Sponsors:** Luke Sims

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A Proposed Zoning Map Amendment, 2. Exhibit B - Development Agreement

| Date       | Ver. | Action By    | Action          | Result |
|------------|------|--------------|-----------------|--------|
| 12/5/2011  | 2    | City Council | Adopted         | Pass   |
| 11/21/2011 | 1    | City Council | Passed to print | Pass   |

**Ordinance No. 2011-013**, an Ordinance Making Findings and Amending the City of San Leandro Zoning Map in Order to Rezone the Parcel Located at 2450 Washington Avenue from Professional with an Assembly Use Overlay P (AU) to Residential Multi-Family with a Planned Development Overlay [RM-1800(PD)] and Adopting a Development Agreement with William Mathews, Inc. for a Two-Story 66-Unit Residential Development (PLN2009-00006)

**WHEREAS**, Matthew Brooks, of William Mathews, Inc. (the “Applicant”) submitted applications for a two-story 66-unit residential development project (PLN 2009-00006) (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 a 2.85-acre site at 2450 Washington Avenue, known as Assessor’s Parcel Numbers 77D-1410-25 and 77-556-104 (the “Property”); and

**WHEREAS**, the Property is currently zoned Professional with an Assembly Use overlay “P (AU)” and is surrounded by one- and two-story residential, commercial office and industrial buildings, including a mobile home park to the south and east, single-family residential to the north, and retail and industrial businesses to the west across Washington Avenue; and

**WHEREAS**, the City prepared an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Report (the “MND”) consistent with the California Environmental Quality Act, Public Resources Code, sections 21000, et seq. (CEQA) and CEQA Guidelines that were reviewed and approved by the Planning Commission on October 20, 2011 by Resolution No. 2011-001PC in accordance with CEQA and adequately discloses and analyzes the potential environmental impacts of the Project; and

**WHEREAS**, the MND was circulated for a 30-day public review from October 14, 2011 to November 14, 2011 and, by separate Resolution, the City Council has made findings and adopted the MND as an objective and accurate document that reflects the independent judgment of the City in the identification, discussion and mitigation of the environmental impacts of the Project; and

**WHEREAS**, in order to allow for the proposed density of 23 dwelling units per acre for the Project, the Property land use designation as set forth in the Zoning Map must be amended from Professional with an Assembly Use overlay "P(AU)" to Residential Multi-Family with a Planned Development Overlay "RM-1800(PD)", as set forth in Exhibit A attached hereto and incorporated herein by this reference; and

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

**WHEREAS**, on October 20, 2011 the Planning Commission of the City of San Leandro passed Resolution No. 2011-001PC, recommending adoption of the Development Agreement and adoption of a zoning ordinance amendment that would amend the land use designation of the Property from Assembly Use overlay "P (AU)" to Residential Multi-Family with a Planned Development Overlay [RM-1800(PD)]; and

**WHEREAS**, on November 21, 2011 the City Council conducted a properly noticed public hearing to consider approval of the Project, including the draft Mitigated Negative Declaration and Planned Development as well as amendments to the General Plan and the Zoning Map; and

**WHEREAS**, the documents incorporated herein by reference are available for review in the City Planning department at the San Leandro City Hall, file PLN2009-00006, during normal business hours. The location and custodian of the draft Mitigated Negative Declaration, including comments and responses, and other documents that constitute a record of proceedings for the Project is the City of San Leandro, 835 E. 14<sup>th</sup> Street, San Leandro, CA 94577.

**NOW, THEREFORE**, the City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Findings for the Zoning Map Amendment. As required under State law, the City Council finds as follows:

a. The proposed rezone is consistent with the City's General Plan (as proposed for amendment), pursuant to Gov. Code section 65855 and sections 5-2708 and 5-2712 of the Zoning Code. The Zoning Map RM-1800(PD) designation corresponds to the appropriate land use designations in the General Plan and the Project site will have sufficient capacity for public services required for the increase in density. In addition, the proposed amendments are consistent with the following policies of the General Plan:

**Policy 2.05: Alterations, Additions and Infill**

Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.

**Policy 3.01: Mix of Unit Types**

Encourage a mix of residential development types in the City, including single-family homes on

a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments and multi-family housing.

**Policy 3.04: Promotion of Infill**

Encourage infill development on vacant or underused sites within residential areas.

**Policy 13.04: Transit-Oriented Development**

Ensure that properties adjacent to City's BART stations and along heavily used public transit routes are developed in a way that maximizes the potential for transit use. Such development should be of particularly high quality, include open space and other amenities, and respect the scale and character of nearby neighborhoods.

b. The proposed rezone is internally consistent with the City's Zoning Ordinance since the rezone meets the requirements and standards of the Zoning Ordinance and the procedural requirements of Article 27 ("Amendments")

c. The proposed rezone furthers and is reasonably related to the public health, safety, and welfare in that the Project will provide 66 additional housing units to the City's existing housing stock.

Section 2. Adoption of the Zoning Map Amendment. Based on the entirety of the record, as described above, the Property described as 2450 Washington Avenue, Assessor's Parcel Numbers 77D-1410-25 and 77-556-104 is hereby reclassified from its current designation on the Zoning Map of Professional with an Assembly Use overlay "P (AU)" to Residential Multi-Family with a Planned Development overlay "RM-1800(PD)" and the City of San Leandro Official Zoning Map is hereby amended as shown on Exhibit A, attached hereto and incorporated herein by this reference, and filed in the office of the City Clerk on November 21, 2011.

Section 3. Findings for the Development Agreement. On the basis of the foregoing Recitals which are incorporated herein, the City of San Leandro General Plan, the Mitigated Negative Declaration, the Agenda Statement, and on the basis of the specific conclusions set forth below, the City Council finds and determines that:

a. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan (as proposed for amendment) land use designation for the site as High Density Residential, the Project is also consistent with the fiscal policies of the General Plan with respect to the provision of infrastructure and public services, and the Development Agreement includes provisions relating to vesting of development rights.

b. The Development Agreement is in conformity with public convenience, general welfare, and good land use policies in that the Project will implement land use guidelines set forth in the General Plan.

c. The Development Agreement will not be detrimental to the health, safety and general welfare in that the Project will proceed in accordance with all the programs and policies of the General Plan as well as any Conditions of Approval for the Project.

d. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values in that the project will be consistent with the General Plan.

Section 4. Approval of the Development Agreement. The City Council hereby approves the Development Agreement attached hereto and incorporated herein as Exhibit B, and authorizes the City Manager to execute it.

Section 5. Recordation of the Development Agreement. Within ten (10) days after the Development Agreement is fully executed by all parties, the City Clerk shall submit the executed Development Agreement to the County Recorder for recordation.

Section 6. Effective Date of Ordinance. This Ordinance shall take effect thirty (30) days after adoption. The City Clerk of the City of San Leandro shall cause the Ordinance to be published in accordance with Section 36933 of the Government Code of the State of California.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of San Leandro hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Introduced by Councilmember Prola on this 21st day of November, 2011, and passed to print by the following called vote:

Members of the Council:

|         |  |     |
|---------|--|-----|
| AYES:   | Councilmembers Cutter, Gregory, Prola, Reed, Souza, Starosciak | (6) |
| NOES:   | None   | (0) |
| ABSENT: | Mayor Cassidy  | (1) |