



Legislation Details (With Text)

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Title: RESOLUTION of the City Council of the City of San Leandro
Upholding the Decision of the Board of Zoning Adjustments to Approve Parrott Street Apartments,
PLN17-0061
APL18-001
Sponsors: Tom Liao
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Attachments: 1. FINDINGS OF FACT - Exhibit A to Resolution.pdf, 2. Conditions of Approval - Exhibit B Jan 4 2018 to Resolution.pdf

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**RESOLUTION of the City Council of the City of San Leandro
Upholding the Decision of the Board of Zoning Adjustments to Approve Parrott Street
Apartments, PLN17-0061
APL18-001**

WHEREAS, Eden Housing, Inc., (the “Applicant”); and Parrott Street Investors, LLC, (the “Property Owner”) submitted an application to construct a five-story 62-unit multi-family affordable housing development at 1604 and 1642 San Leandro Boulevard (PLN17-0061) (“Project”); and

WHEREAS, the subject property is comprised of two parcels to be merged, a 13,321 square foot corner lot and a 6,700 square foot interior lot adjacent to the south, totaling 20,021 square feet (0.46 acre). The corner lot is vacant and unimproved and the interior lot is developed with a two-story four-unit apartment complex. The complex would be demolished and removed; and

WHEREAS, the subject property is located at the southeast corner of San Leandro Boulevard and Parrott Street, across the street from the San Leandro BART station; and the site is included within the Downtown Transit Oriented Development (TOD) Strategy area; and

WHEREAS, on September 4, 2007 the San Leandro City Council approved the “San Leandro Transit Oriented Development Strategy,” a plan that addresses planning and design in the downtown area and around the San Leandro BART station. The TOD Strategy contains policies and design standards to focus higher density growth in the transit-accessible downtown area. The project site along San Leandro Boulevard is ideal for transit oriented development and affordable housing because the area is immediately served by a variety of public transportation sources, including AC Transit, BART and San Leandro’s LINKS shuttle, and has established shopping and professional services within the immediate vicinity; and

WHEREAS, associated with the adoption of the TOD Strategy specific plan was the new DA Downtown Area Zoning District, containing zoning standards that implement the TOD Strategy and include increased building height limits, higher residential densities and reduced parking standards. These TOD standards were established to minimize the uncertainty of the discretionary review process and were reflected in the Zoning Code; and

WHEREAS, in the General Plan, the subject property is designated Downtown Mixed Use (MUD). The site is zoned DA-4, Downtown Area 4 zoning district. In the Zoning Code, multi-family residential in the DA-4 zoning district is a permitted use (Zoning Code Section 2-642 A.6.). Site Plan Review is required for development plans in the DA-4 District to ensure general consistency with the Design Guidelines for the TOD Strategy (Zoning Code Sections 2-698 C. and 5-2502) and conformance with the General Plan; and

WHEREAS, due to the significance of the proposal, the Zoning Enforcement Official referred the Site Plan Review application to the Board of Zoning Adjustments for their review and action, in accord with the provisions of Zoning Code Section 5-2506 B; and

WHEREAS, a duly noticed Public Hearing regarding the Project was scheduled for the Board of Zoning Adjustments on January 4, 2018, at which time all interested parties had the opportunity to be heard regarding the proposed Project; and

WHEREAS, the staff report presented to the Board of Zoning Adjustments dated January 4, 2018 reflects the City's independent judgment and analysis of the potential impacts from the Project, on file with the City and incorporated herein by reference; and

WHEREAS, the Board of Zoning Adjustments found that the Project conformed to the development standards of the DA-4 Downtown Area zoning district, including building height, setbacks, density, and lot coverage requirements; and

WHEREAS, the Board of Zoning Adjustments further found that the architectural design of the Project was well-articulated, detailed, and complied with the design standards identified within the adopted TOD Strategy; and

WHEREAS, parking for the Project was determined to comply with the parking standards for qualifying affordable multi-family housing projects under California Government Code Section 65915; and

WHEREAS, the Board of Zoning Adjustments determined that the Project was categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Article 19, Categorical Exemption, Section 15332, In-Fill Development Projects, and a Notice of Determination was subsequently filed with the Alameda County Clerk on January 10, 2018; and

WHEREAS, the Board of Zoning Adjustments, after considering the Project, the staff report and all public comments and testimony provided at or prior to the hearing, adopted findings of fact and approved the Project on January 4, 2018 by a 4-0 decision with one abstention; and

WHEREAS, following the January 4, 2018 decision of the Board of Zoning Adjustments, J.W. Blaine, Appellant, filed a timely appeal of the Board's decision with the City Clerk's Office on January

18, 2018; and

WHEREAS, the matter of the appeal was scheduled and noticed in accord with Article 28 of the Zoning Code; and

WHEREAS, the City Council held a duly noticed public hearing on March 19, 2018, regarding the subject appeal; and

WHEREAS, the City of San Leandro's General Plan, Zoning Code, and TOD Strategy are incorporated herein by reference, and are available for review at City Hall during regular business hours; and

WHEREAS, on March 19, 2018, the City Council, after consideration of all arguments made by and on behalf of the Appellant, the staff report, conditions of approval, and all other testimony and evidence presented at the public hearing, declared its intent to deny the appeal and uphold the decision and findings of the Board of Zoning Adjustments regarding Site Plan Review PLN17-0061.

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

Section 1. That the City Council denies the appeal by J.W. Blaine, upholds the Board of Zoning Adjustment's approval of the Site Plan Review application for Parrot Street Apartments ("Project," PLN17-0061), and makes the following findings:

- A. The forgoing recitals are true and correct and made part of this resolution.
- B. The City Council has reviewed, considered and evaluated all of the Project Based on the entirety of the record and following consideration of all materials and public comments received at the hearing, the City Council finds and determines that the Project described herein is consistent with the San Leandro General Plan; the Project is in accord with the objectives of the Downtown TOD Strategy; and is in compliance with the development standards of the Zoning Code.
- C. The City Council finds that the grounds for the Appeal are without merit, in that the design of the Project, including the building's form and massing, have been demonstrated to not result in conditions which would be detrimental to the public health, safety or welfare of persons residing in the vicinity of the Project, and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City. The design and massing of the Project have been found to be in accord with all development standards identified in the Zoning Code and any shadows cast by the Project upon adjacent properties have been demonstrated to not result in a nuisance condition or a condition that deprives adjacent property owners from the enjoyment or use of their properties.
- D. The City Council hereby upholds the Findings of Fact as adopted by the Board of Zoning Adjustment in support of its approval of the Site Plan Review for the Project (PLN17-0061), as adopted on January 4, 2018, incorporated herein and attached to this Resolution as Exhibit A.
- E. The City Council finds that the Conditions of Approval for the Project are suitably written to ensure the Project is appropriately developed and compatible with its surroundings. The City Council hereby upholds the Conditions of Approval for the Project (PLN17-0061) as adopted

by the Board of Zoning Adjustments on January 4, 2018, incorporated herein and attached to this Resolution as Exhibit B.

- F. The City Council denies the Appeal and upholds the decision of the Board of Zoning Adjustments regarding the Site Plan Review for Parrot Street Apartments (PLN16-0061).

Section 2. This resolution shall become effective immediately upon its passage and adoption.