



## Legislation Text

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**File #:** 11-361, **Version:** 1

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Resolution Approving an Amendment to the City General Plan Land Use Map, a Vesting Tentative Map, and a Planned Development Entitlement for a Two-Story, 66-Unit Residential Development Project Located at 2450 Washington Avenue (PLN 2009-00006) Assessor's Parcel Numbers 77D-1410-25 and 77-556-104

**WHEREAS**, Matthew Brooks, of William Matthews, Inc. (the "Applicant") submitted applications for a two-story 66-unit residential development (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 in a relatively flat portion of the City in central San Leandro which has been previously graded and is developed with a 43,200 square foot commercial office building constructed in 1965, with an associated asphalt parking lot; and

**WHEREAS**, the City prepared an Initial Study and 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**, the General Plan Land Use Map designates the site as Office and, in order to allow for the Project, with a proposed density of 23 dwelling units per acre, the General Plan Land Use Map designation for the Property would need to be amended from Office (OF) to High Density Residential (HDR) (which allows from 19 to 25 units per acre) as described in more detail in Exhibit A, attached hereto and incorporated herein; and

**WHEREAS**, the Project application also includes a proposed vesting tentative map together with its provisions for its design and improvements; and

**WHEREAS**, the Project also requires the approval of a Planned Development Project entitlement, pursuant to 3-1012 of the Zoning Code, and satisfies all the requisite findings as further explained in the staff report associated with this Resolution; and

**WHEREAS**, on October 20, 2011, by Resolution No. 2011-001PC, the Planning Commission

made the necessary findings and recommended that the City Council approve the proposed General Plan Land Use Map Amendment and the Planned Development Project entitlement; and

**WHEREAS**, on November 21, 2011 the City Council conducted a properly noticed public hearing to consider approval of the Project, including, in addition to this Resolution, an amendment to 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 **RESOLVE** as follows:

Section 1. The foregoing recitals are true and correct and made a part of this Resolution.

Section 2. Findings for the General Plan Land Use Map Amendment. As required under State law, the General Plan and the City Municipal Code, the City Council finds the following:

A. The proposed General Plan Land Use Map Amendment attached hereto as Exhibit A and incorporated herein, is consistent with the San Leandro General Plan as proposed for amendment, and furthers a number of important Guiding and Implementing Policies currently in the General Plan, including without limitation:

**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 General Plan Land Use Map Amendment is in the public interest, will not be detrimental to public health, safety and welfare, and allows the General Plan (as so amended) to remain internally consistent. The Amendment therefore satisfies all findings required for General Map amendments, as provided in Section F of Chapter 1 of the General Plan.

Section 3. Adoption of the General Plan Land Use Map Amendment. The City Council does hereby approve the General Plan Land Use Map amendment to change the land use designations for the Project site from Office (OF) to High Density Residential (HDR), as further set forth in Exhibit A.

Section 4. Findings for the Vesting Tentative Map. As required under State law, the General Plan and the City Municipal Code, the City Council finds the following:

A. The proposed subdivision map will be consistent with the General Plan Land Use Map (as amended), in that the tentative map provides for residential development in the form of attached residential development within a single-lot subdivision with common areas for all roadways, open space and site amenities (Recreation Building and Swimming Pool) in what has been designated in the General Plan (as amended) as High Density Residential. The General Plan designation allows for a residential project with density of up to 25 units per acre. This proposed layout of the residential development with a density of approximately 23 units per acre would be a compatible transitional use between the single-family uses to the north and the multi-family trailer homes to the east and south. The proposed plan carries out General Plan Policies 2.05, 3.01 and 3.04 which is to ensure infill development is compatible with existing residential development, to 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, and to encourage infill development on vacant or underused sites within residential areas, respectively. In addition, the proposal carries out General Plan Policy 13.04, which is to ensure that properties developed along public transit routes are developed in a way that maximizes the potential for transit use.

B. The design and improvements of the proposed subdivision map are consistent with the General Plan in that it includes an orderly division of a parcel that is adequately served by streets and with drainage for the development.

C. The site is physically suitable for residential development in that the site and area would accommodate such development. There are no known problems regarding cultural, historical or scenic aspects. Soil stability will be reviewed thoroughly prior to issuance of building permits.

D. The proposed high density of approximately 23 units per acre would be consistent with the uses that surround the site.

E. The design of the residential subdivision and necessary site improvements are not likely to cause serious public health problems. A residential subdivision will not involve any significant amounts of hazardous materials or products on the site.

F. The design of the subdivision or improvements will not conflict with or affect any existing easements.

G. The City Engineer has certified that a tentative map entitled "Vesting Tentative Map, Tract 8003, San Leandro, Alameda County, California" is technically correct; and that the subdivider has complied with the provisions of Title VII, Chapter 13 of the San Leandro Municipal Code and the provisions of the Subdivision Map Act.

Section 5. Approval of the Vesting Tentative Map. The City Council hereby approves the Vesting Tentative Map, Tract 8003, subject to the conditions of PLN2009-00006 (Vesting Tentative Map and Planned Development) prescribed by the Planning Commission, and attached hereto and incorporated herein by reference as Exhibit B.

Section 6. Approval of the Planned Development. The City Council does hereby make the findings and determinations required by sections 5-2212, 5-2214, 3-1018 and 3-1020 of the City Zoning Code regarding the proposed Planned Development Project, as further explained in the staff report, and the City Council approves the proposed Planned Development Project entitlement and those certain development conditions attached hereto and incorporated herein as Exhibit B.

Section 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Resolution, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.