



Legislation Text

File #: 16-363, **Version:** 1

RESOLUTION to Affirm the Decision of the Planning Commission that Effectively Denies the Appeal by WRI Greenhouse of the Planning Commission's Disapproval of PLN15-0031 to Modify the Planned Development PD-83-3 APL16-0002 (Appeal of Planning Commission Denial of PLN15-0031)

WHEREAS, Tom Wilson Architect, Inc. (the "Applicant") submitted an application for major modifications to the façade at 699 Lewelling Boulevard/Greenhouse Marketplace (PLN 15-0031) ("Project") consisting of removing the glass atrium features and replacing features with sign towers/roofing, adding stone veneers to columns, and new paint color. The Project includes an application for an amendment to the existing Planned Development (PD-83-3); and

WHEREAS, the Greenhouse Marketplace was built approximately 30 years ago, with slight modifications in 2003 (99 Cent Only Stores), 2005 (Safeway), and 2011 (McDonalds); and

WHEREAS, the proposed Project site is currently zoned (CC) Commercial Community District and has a General Plan designation of General Commercial. The Project site is bordered by Interstate-880 and Interstate-238 to the northeast; residential, and commercial land uses to the west; and commercial, public, and residential land uses to the south.

WHEREAS, the project is exempt from environmental review pursuant to the California Environmental Quality Act per (CEQA) Guidelines, Article 19 Section 15301 Existing Facilities; and

WHEREAS, the Project also requires a Planned Development Project Approval, pursuant to 3-1012 of the Zoning Code, and

WHEREAS, the proposed Planned Development Project Approval does not satisfy all the requisite findings as further explained in the staff report associated with this resolution, which is attached hereto and made a part hereof; and

WHEREAS, the Planning Commission held a noticed Public Hearing regarding the proposed Project on March 17, 2016 and voted to continue the Public Hearing to the May 19, 2016 Planning Commission meeting to seek a revised proposal from the applicant; and

WHEREAS, the Planning Commission convened on May 19, 2016 to continue the Public Hearing; and

WHEREAS, the Planning Commission reviewed a staff report, that reflects the City's judgment and analysis of the potential impacts from the Project; and

WHEREAS, the Planning Commission, after closing the public hearing, disapproved the proposed modifications to the Planned Development approval; and

WHEREAS, the Planning Commission disapproval is final but can be appealed to the City Council within 15 calendars days of the Planning Commission's action; and

WHEREAS, Brian Kriz on behalf of WRI Greenhouse LP filed an appeal (APL16-0002) with the City Clerk's Office on June 2, 2016; and

WHEREAS, the matter of the appeal was scheduled to the City Council meeting date of July 18, 2016; and

WHEREAS, the City Council desires to uphold the General Plan Policy Goals 42 (Sense of Place) and 43 (Quality Construction and Design) and

WHEREAS, the pursuant to 3-1026 of the Zoning Code, the Project does not satisfy all the requisite findings as further explained in the findings of fact as further set forth in Exhibit A associated with this resolution; and

WHEREAS, the City's General Plan and the Zoning Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

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

Section 1. Findings for the Planned Development. Based on the entirety of the record, as described above, and after a public hearing, the City Council finds and determines that the proposed façade improvements are not in accord with the objectives of the Zoning Code; will not be consistent with the General Plan; will be detrimental to public health, safety, or welfare of persons in the immediate area; and will be detrimental to properties or improvements in the vicinity or to the general welfare of the City per sections 3-1020 and 5-2212; and the City Council denies the appeal and affirms the Planning Commission's disapproval of the proposed modification of the Planned Development approval for the Greenhouse Marketplace, PD-83-3.