



## Legislation Text

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**File #:** 20-312, **Version:** 1

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**ORDINANCE** of the City of San Leandro City Council to Approve a Rezoning of a 1.27 Acre Parcel at 1388 Bancroft Avenue from Professional Office (P), to Professional Office, Planned Development Overlay District, P(PD), Alameda County Assessor's Parcel Number 77-524-12-4 (PLN18-0046)

**WHEREAS**, on June 14, 2018, Tom Silva of Eden Realty ("Applicant") submitted an application for a Planned Development and Site Plan Review (PLN18-0046) proposing to redevelop a 1.27 acre property located at 1388 Bancroft Avenue with a 45 unit multifamily residential Planned Development project ("Project"); and

**WHEREAS**, the application was evaluated and deemed complete on October 12, 2018 and, in accord with the California Environmental Quality Act, an initial study was prepared shortly thereafter; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to consider the Project on December 20, 2018, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, at said hearing the Planning Commission considered the proposed Project, including the Initial Study-Mitigated Negative Declaration (including comments and responses), the staff report, recommended findings for approval, and public comments and testimony provided at or prior to the hearing. Following the public hearing, the Planning Commission adopted Resolutions Nos. 2018-005 and 2018-006, recommending the City Council approve the Initial Study-Mitigated Negative Declaration and the Project. The Planning Commission Resolutions dated December 20, 2018 are incorporated herein by reference; and

**WHEREAS**, the City Council, after giving all public notices required by State law and the San Leandro Zoning Code, held a duly noticed public hearing on February 4, 2019, to consider the Project with 45 units and the draft Initial Study and Mitigated Negative Declaration for the Project; and

**WHEREAS**, following receipt and consideration of written and verbal comments on the proposed project and Mitigated Negative Declaration at the February 4, 2019 hearing, the City Council directed the applicant to reduce the Project's density and number of units; and

**WHEREAS**, the applicant prepared and submitted revisions to the Project one year later on February 4, 2020, reducing the total number of units from 45 to 42, removing the rooftop patio, and replacing the footprint of the removed units with a widened sports lawn area; and

**WHEREAS**, a Planned Development establishes a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels; and

**WHEREAS**, the 1.27 acre project site is the largest Professional Office (P) zoned parcel in the City of San Leandro; and

**WHEREAS**, the Zoning Map currently designates the Project site as Professional Office (P) zoning district. The Applicant proposes to amend the Zoning Map to identify the Project site as P(PD) Professional Office, Planned Development Overlay District, as set forth in Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, the Planned Development Project complies with the minimum area, residential unit density, performance standards, and development regulation conditions required for approval under Article 10 of the Zoning Code; and

**WHEREAS**, the Planned Development Project provides superior urban design in comparison with development under the base district zoning regulations;

**WHEREAS**, the Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of existing and planned systems; and

**WHEREAS**, the Planned Development Project is consistent with the adopted Land Use Element of the General Plan and other applicable policies of the General Plan, and is compatible with surrounding development; and

**WHEREAS**, the Planned Development Project contributes to the availability and affordability of much needed housing in the community, with provisions for market rate and affordable housing; and

**WHEREAS**, pursuant to the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), an Initial Study and Mitigated Negative Declaration (collectively, "Mitigated Negative Declaration" or "MND"), dated November 30, 2018, were prepared and circulated for the project. The Initial Study determined that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures; and

**WHEREAS**, the Project revisions were reviewed and evaluated in accord with CEQA Guidelines section 15073.5 and it was determined that the reduction of three dwelling units, removal of the rooftop deck and widening of the sport lawn area constitute minor revisions that do not result in any new or significant additional effects and do not trigger Recirculation of the Mitigated Negative Declaration because the changes are minor and made in response to written and verbal comments on the Project's effects identified in the Mitigated Negative Declaration, in accord with CEQA Guidelines, Section 15073.5(c)(2); and

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

**WHEREAS**, staff reports dated February 4, 2019 and September 21, 2020, incorporated herein by reference, described and analyzed the proposed rezoning for the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing to consider the revised Project on September 21, 2020, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City Council considered the Mitigated Negative Declaration and all aforementioned referenced reports, recommendations, comments and testimony prior to taking action on the Planned Development zoning overlay (zoning map amendment).

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

**SECTION 1. RECITALS.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. ENVIRONMENTAL REVIEW.** On September 21, 2020, the City Council adopted a Mitigated Negative Declaration for the Project under Resolution 2020-\_\_\_\_, incorporated herein by reference.

**SECTION 3. FINDINGS.** Based on the entirety of the record, the City Council hereby finds and determines that the Planned Development zoning overlay, as shown in Exhibit A, attached hereto and incorporated herein by reference, is consistent with the City of San Leandro 2035 General Plan adopted September 19, 2016, will not be detrimental to public health, safety, or welfare of persons in the immediate area, and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. The City Council further finds that consideration of the proposed Planned Development zoning overlay complies with the notice and hearing provisions of the Zoning Code.

**SECTION 4. ADOPTION OF THE ZONING MAP AMENDMENT.** The City Council hereby approves the Planned Development zoning overlay as set forth in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** This Ordinance shall take effect thirty (30) days after adoption. The title thereof shall be published once and a complete copy thereof shall be posted on the City Council Chamber bulletin board for five (5) days prior to adoption.