



Legislation Text

File #: 14-107, **Version:** 2

ORDINANCE Approving a Rezoning, a Planned Development and a Site Plan Review, and a Development Agreement for the Downtown Office/Technology Campus Project, 1333 Martinez Street (PLN 2013-00045)

RECITALS

WHEREAS, Westlake Development Partners, LLC (the “Applicant”) submitted an application for a multi-phase, transit-oriented development project located adjacent to the Downtown San Leandro BART Station (PLN 2013-00045) (“Project”) consisting of 340,000 to 500,000 square feet of multi-story office buildings and related on-site and off-site improvements including landscaping, bike path, pedestrian path, utilities and a multi-level parking structure, to be located on a 7.3-acre project site that encompasses four separate parcels and vacated City rights-of way, identified as 1333 Martinez Street. The Project includes applications for an amendment to the Zoning Map (the “Zoning Map”), a Planned Development/Site Plan Review Permit, and a Development Agreement; and

WHEREAS, the majority of the proposed site for the Project is a relatively flat portion of the City that was formerly occupied by a Del Monte canning facility but has been vacant for over 20 years; and

WHEREAS, the proposed Project site is currently zoned DA-5(S) Downtown Area, Special Overlay District and PS(S) Public and Semipublic, Special Overlay District and has a General Plan designation of Office “OF”. The proposed Project site is surrounded by the San Leandro BART station to the east; by Alvarado Street to the west; by West Estudillo Avenue on the north; and by Thornton Street on the south. In addition, the site has railroad tracks on the east and west edges of the Project site. Moreover, the Project site is included in the San Leandro Downtown Transit Oriented Development Strategy (“TOD Strategy”) and is within walking distance to the City’s Downtown; and

WHEREAS, the Planning Commission held a noticed work session regarding the proposed Project on August 15, 2013; and

WHEREAS, the City prepared an Initial Study consistent with CEQA Guidelines section 15070 and determined a Mitigated Negative Declaration was required in order to analyze the potential for significant impacts of the Project which was circulated for public review from January 20, 2014 to February 19, 2014; and

WHEREAS, the Planning Commission reviewed the staff report and the draft Mitigated Negative Declaration ([Exhibit 1](#)) and is of the opinion that the draft Mitigated Negative Declaration, including comments, reflects the City’s independent judgment and analysis on the potential for environmental impacts from the Project; and

WHEREAS, location and custodian of the draft Mitigated Negative Declaration, including

comments, and other documents that constitute a record of proceedings for the Project is the City of San Leandro, 835 East 14th Street, San Leandro, California 94577; and

WHEREAS, the Project may have potential significant environmental impacts; however, proposed mitigation measures have been incorporated into the Project to reduce these impacts to a less than significant level; and

WHEREAS, the Zoning Map currently designates the Project site as DA-5(S) Downtown Area, Special Overlay District and PS(S) Public and Semipublic, Special Overlay District. The Zoning Map should be amended to DA-5(S)(PD) Downtown Area, Special Overlay, Planned Development Overlay District and PS(S)(PD) Public and Semipublic, Special Overlay, Planned Development Overlay District as set forth in Exhibit 2; and

WHEREAS, the Project also requires a Planned Development and Site Plan Review Project Approval, pursuant to 3-1012 and 5-2506 of the Zoning Code, respectively, and satisfies all the requisite findings as further explained in the staff report associated with this Ordinance; and

WHEREAS, the Applicant requests the execution of a proposed Development Agreement, attached hereto and incorporated herein as Exhibit 4 that would vest the Project applications upon execution; 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 **ORDAIN** as follows:

SECTION 1. ADOPTION OF THE ZONING MAP AMENDMENT. Based on the entirety of the record, as described above, the Property described as 1333 Martinez Street, Assessor's Parcel Numbers 75-47-2, 75-47-7, 75-47-3-2, and 75-42-2-1, and Vacated and Disposed City rights-of-way is hereby reclassified from its current designation on the Zoning Map of DA-5(S) Downtown Area, Special Overlay District and PS(S) Public and Semipublic, Special Overlay District to DA-5(S)(PD) Downtown Area, Special Overlay, Planned Development Overlay District and PS(S)(PD) Public and Semipublic, Special Overlay, Planned Development Overlay District, as further set forth in Exhibit 2, attached hereto and incorporated herein by reference, and filed in the office of the City Clerk on March 17, 2014.

SECTION 2. FINDINGS FOR THE PLANNED DEVELOPMENT/SITE PLAN REVIEW. Based on the entirety of the record, as described above, and after the public hearing, the City Council finds and determines that the proposed office development and related improvements are in accord with the objectives of the Zoning Code; will be consistent with the General Plan; 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 per sections 3-1012, 3-1020, 5-2212, 5-2214, 5-2512, and 5-2514; and the City Council approves the Planned Development/Site Plan Review subject to the Recommended Conditions of Approval as further set forth in Exhibit 3, attached hereto and incorporated herein by reference.

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, and the staff

report incorporated herewith, 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 Office; 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 D, 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. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, 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 Ordinance, 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.

SECTION 7. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Gregory on this 7th day of April, 2014, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza;
Mayor Cassidy (7)

NOES: None (0)

ABSENT: None (0)