



Legislation Text

File #: 19-539, **Version:** 1

ORDINANCE of the City of San Leandro City Council to Approve a Zoning Amendment and Planned Development of 311 MacArthur Boulevard, the subject property, from CC Commercial Community and RS Residential Single-Family to CC(PD) Commercial Community and RS(PD) Residential Single-Family, Planned Development Overlay District. Alameda County Assessor's Parcel Numbers 76-311-30-1, 76-311-1-1, 76-311-3, 76-311-4, 76-311-5 (PLN17-0034)

WHEREAS, David Langon ("Applicant") submitted an application (PLN17-0034) for a Zoning Amendment, Planned Development, Tentative Map, and Site Plan Review to construct four three-story townhome condominium buildings comprising of 20 units at 311 MacArthur Boulevard ("Project"); and

WHEREAS, in accordance with the San Leandro Municipal Code Chapter 7-1, the applicant is concurrently requesting approval of Tentative Tract Map 8422 to merge five parcels and subdivide the 0.97 acre site into 20 townhome condominium units; and

WHEREAS, the Property has a split General Plan designation of Corridor Mixed Use and Residential Low Density; and

WHEREAS, the Property is currently zoned CC Commercial Community and RS Residential Single-Family and the Applicant proposes to amend the Zoning Map to identify the Project site as CC (PD) Commercial Community and RS(PD) Residential Single-Family, Planned Development Overlay District;

WHEREAS, a Zoning Amendment is required to propose to rezone an approximately 3,900-square-foot portion from RS Residential Single-Family to CC Commercial Community to align the Zoning District with the General Plan land use designation; and

WHEREAS, the development of the 20 townhome units is located entirely within the areas to be rezoned CC(PD) Commercial Community, Planned Development Overlay;

WHEREAS, the Planned Development Project complies with the minimum area, width, residential unit density, height, coverage, floor area ratio, and landscaping standards required under the base district zoning regulations;

WHEREAS, a Planned Development establishes a discretionary review process that enables consideration of a new development that is otherwise compatible with the existing neighborhood and complies with the General Plan, but may not meet all of the underlying zoning standards;

WHEREAS, a Consistency Memorandum was prepared in accordance with CEQA Guidelines, California Code of Regulations Section 15183, with the finding that the Proposed Project is consistent

with a Community Plan or Zoning, that there are no project-specific significant effects which are peculiar to the project or its site, and therefore no additional environmental review is required. The existing building proposed for demolition with the project was evaluated and cleared in conjunction with the CEQA Consistency Memorandum.

WHEREAS, a staff report for the City of San Leandro Planning Commission dated September 5, 2019 and incorporated herein by reference, described and analyzed the proposed rezoning; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the rezoning on September 5, 2019, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission fully considered the Project application and entitlements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing prior to making a recommendation on the zoning amendment and planned development.

WHEREAS, following the public hearing, the Planning Commission adopted Resolution No. 2019-009 based on findings of fact, recommending that the City Council approve the Project. Planning Commission Resolution No. 2019-009 is dated September 5, 2019 and incorporated herein by reference; and

WHEREAS, a staff report dated October 21, 2019 and incorporated herein by reference, analyzed the Project, including the rezoning. On October 21, 2019, the City Council held a duly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council considered all above-referenced reports, recommendations, and testimony prior to taking action on the Zoning Amendment and Planned Development overlay.

NOW, THEREFORE, the City Council of the City of San Leandro does hereby **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 October 21, 2019, the City Council adopted a Resolution approving the Consistency Memorandum in accordance with CEQA Guidelines, California Code of Regulations Section 15183, with the finding that the Proposed Project is consistent with a Community Plan or Zoning.

SECTION 3. FINDINGS. Based on the entirety of the record, the City Council hereby finds that the proposed Zoning Amendment and Planned Development zoning overlay, as shown in the attached "Exhibit A" is consistent with the 2035 General Plan adopted September 19, 2016. The City Council further finds that consideration of the proposed Planned Development zoning overlay compiles with the notice and hearing provisions of the Zoning Code.

SECTION 4. APPROVAL. The City Council hereby approves the Zoning Amendment and Planned Development overlay as shown in attached "Exhibit A", 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.