



Legislation Text

File #: 16-460, **Version:** 1

ORDINANCE Amending Ordinance 2007-021 (to Create Special Review Criteria for Certain Properties within the Downtown Transit-Oriented Development Study Area Generally within ½ Mile Radius of the Intersection of East 14th Street and Davis Streets) to Remove Special Project Areas SP-1, Downtown South Gateway and SP- 8 BART/Westlake Properties; and to Modify the Special Review Criteria for SP-2, Washington Plaza Shopping Center and San Leandro Plaza; SP-3, Town Hall Square and Vicinity; and SP-5, North Alvarado Sites.

WHEREAS, the City of San Leandro recently adopted the 2035 General Plan, which states that “the San Leandro General Plan aspires to update its zoning regulations and zoning map to ensure consistency with the updated General Plan Map and Land Use categories. Furthermore, to comply with State General Plan Guidelines, the City has updated its General Plan to ensure that it remains relevant and reflects local physical and demographic patterns”; and

WHEREAS, the 2035 General Plan “aspires to update wording pertaining to the “S” Overlay Zones in the Downtown TOD Areas identified as SP-1, Downtown South Gateway, SP-2, Washington Plaza Shopping Center and San Leandro Plaza Special Policies, SP-3, Town Hall Square and Vicinity Special Policies, ...SP-5, North Alvarado Sites Special Policies and SP-8, BART/Westlake Properties Special Policies to encourage development of additional City gateway features and undertake public improvements”; and

WHEREAS, on September 17, 2007, the City Council adopted Ordinance 2007-021, to implement the Downtown TOD Strategy. The ordinance adopted Special Review Criteria for eight specified areas subject to the S-Overlay for Special Project Areas. Ordinance 2007-021 is incorporated herein by reference; and

WHEREAS, the following goals and policies in the new General Plan are implemented with the amendments to the Special Review Criteria for the “S” Overlay Zones: Goal LU-6 Foster the development of Downtown San Leandro as a vibrant pedestrian oriented destination; Policy LU-6.1 Downtown Plans; Action LU-6.1.B TOD Strategy Update; Policy LU-6.2 Downtown Sub-Districts; Policy LU-6.4 Office Development; Policy 6.6 Downtown Housing Diversity; Policy LU-6.13 BART Station Area Transit Village; Action LU-6.13.C. BART Area Housing; Policy LU-6.14 Downtown Open Space; Action LU-6.14.A. Thrasher Park and San Leandro Creek; Action LU-6.14.B Town Square Park; Policy ED-1.8 Expand the Local Office Market; Goal ED-4 Create attractive, economically vibrant commercial areas; Policy ED-4.5 Downtown San Leandro; and

WHEREAS, the City of San Leandro Planning Division was tasked with periodic updates to land use development ordinances; and the Zoning Code is required to be brought into conformity with the new 2035 General Plan. Accordingly, with respect to the S-overlay zones, staff prepared amendments to Ordinance 2007-021 text, as set forth in **Exhibit A**, and to the ordinance map as set forth in **Exhibit B**, both of which exhibits are incorporated herein by reference. All text and map provisions in Ordinance 2007-021 except those in Exhibits A and B would continue to be in effect;

and

WHEREAS, the City prepared an Environmental Impact Report (EIR) for the new General Plan and related zoning amendments, including amendments to the S-overlay zones, in compliance with the California Environmental Quality Act; and

WHEREAS, between May 27 and July 25, 2016, staff held community meetings with Industrial Transition property owners, Downtown Area property owners, the San Leandro Improvement Association, the Downtown Association, the Chamber of Commerce, the Estudillo Estates Homeowners Association, and other interested parties to present proposed zoning text and map changes related to the new General Plan, including amendments to the S-overlay zones, and to receive public comments on the proposed amendments; and

WHEREAS, on June 16, 2016, the Planning Commission held a work session to receive public comments on the draft amendments and to review and provide recommendations. The City Council held similar work sessions on July 5, 2016 and July 25, 2016; and

WHEREAS, a staff report dated August 25, 2016 and incorporated herein by reference, described and analyzed the proposed S-overlay zone amendments for the Planning Commission; and

WHEREAS, the Planning Commission reviewed the staff report and the proposed amendments to Ordinance 2007-021 and the City Zoning Map, as set forth in attached Exhibits A and B, at a duly noticed public hearing on August 25, 2016, at which time all interested parties had the opportunity to be heard. In addition to legally required notice, the City also sent courtesy notices to property owners affected by the amendments and other interested parties; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 2016-002 recommending City Council certification of the Final Environmental Impact Report, Resolution 2016-003 recommending City Council approval of the new General Plan, and Resolution 2016-004 recommending City Council approval of the S-overlay zone amendments, which resolutions are incorporated herein by reference; and

WHEREAS, a staff report dated September 19, 2016 and incorporated herein by reference, described and analyzed the proposed S-overlay zone amendments for the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed S-overlay zone amendments on September 19, 2016, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council considered the staff report, the Planning Commission recommendation, the EIR, all oral and written testimony, and the materials in the record before taking action on the proposed S-overlay zone amendments; and

WHEREAS, following the public hearing, the City Council adopted Resolution 2016-____ certifying the EIR and making required CEQA findings for the 2035 General Plan and related zoning amendments, including the S-overlay zone amendments, and adopted Resolution 2016-

____ adopting the San Leandro 2035 General Plan, which resolutions are incorporated herein by reference.

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. CEQA. The S-overlay zone amendments are within the project analyzed in the Environmental Impact Report certified by the City Council in Resolution _____ on September 19, 2016.

SECTION 3. Findings. Based on the entirety of the record, the City Council hereby finds that the proposed S-overlay zone amendments to Ordinance 2007-021 as shown in Exhibits A and B are consistent with the policies of the recently adopted 2035 General Plan. The City Council further finds that consideration of the proposed S-overlay zone amendments complied with the notice and hearing provisions of the Zoning Code.

SECTION 4. Approval. The City Council hereby approves the S-overlay zone amendments as shown in attached Exhibits A and B, described as follows:

- Exhibit A: Proposed Amendments to Ordinance 2007-021 text
- Exhibit B: Proposed Amendments to Ordinance 2007-021 map

Attached Exhibits A and B are incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Publication and Effective Date. This Ordinance shall take effect thirty (30) days after adoption. The City Clerk of the City of San Leandro shall cause the Ordinance to be published in accordance with Section 36933 of the Government Code of the State of California.

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