



## Legislation Text

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**RESOLUTION 2021-002** of the Board of Zoning Adjustments of the City of San Leandro approving a Conditional Use Permit, Parking Exception, and Site Plan Review for PLN18-0036, a mixed-use transit-oriented development located at 1188 E. 14<sup>th</sup> St.

**WHEREAS**, 1188 E. 14<sup>th</sup> St., also referred to as the Callan & East 14<sup>th</sup> Street Project (“Project”), is comprised of four parcels totaling 1.6 acres located in downtown San Leandro on a city block bounded by E. 14<sup>th</sup> St. to the west, Chumalia St. to the north, Hyde St. to the east and Callan Ave. to the south, APNs 77-447-14-6, 77-447-15-6, 77-447-14-7, and 77-447-7-1 (“Property”), proposed by 14th and Callan Street Developer LLC (“Applicant”); and

**WHEREAS**, the Property is zoned DA-1(S), Downtown Area 1 Special Review Overlay District, in the City’s Zoning Code and has a General Plan designation of Downtown Mixed Use; and

**WHEREAS**, the Property is further identified in the adopted Downtown San Leandro Transit-Oriented Development Strategy (“TOD Strategy”), located with Special Policy Area 3; and

**WHEREAS**, the City Council of the City of San Leandro adopted Resolution 2016-027 on February 16, 2016 authorizing the execution of a Purchase and Sale Agreement for the sale of the City-owned parking lot located at 1188 E. 14<sup>th</sup> St. to enable the overall development of the subject Property in accord with the adopted TOD Strategy; and

**WHEREAS**, the Property is located within a high-quality transit corridor and is in proximity to existing major transit stops, approximately ±1,800 feet from the San Leandro BART station and approximately ±325 feet from the Downtown San Leandro Tempo station, a high-frequency Bus Rapid Transit (BRT) service, and is located within proximity to at least four additional AC Transit bus routes; and

**WHEREAS**, Chapter 2.08 of the San Leandro Zoning Code identifies Mixed-Use Residential, Retail Sales and Retail Services as Permitted Uses and requires a Conditional Use Permit for Neighborhood Specialty Food Markets, Supermarkets and Retail Sales businesses larger than 10,000 square feet in size in the DA-1 zoning district; and

**WHEREAS**, as per Chapter 3.16 of the Zoning Code and the Zoning Map, a Special Zoning Overlay is designated on the subject property to ensure project compliance with the adopted TOD Strategy, requiring a Conditional Use Permit; and

**WHEREAS**, in accord with Zoning Code Chapters 2.08 and 5.12, Site Plan Review is required for development plans in the DA-1 zoning district to ensure general consistency with the Design Guidelines for the TOD Strategy and the design criteria for mixed-use residential developments; and

**WHEREAS**, the Project consists of a ±286,204 square foot building 74’8” in height, consisting of 23,189 square foot grocery/retail space, 5,660 square feet of non-grocery retail space, a two-story

parking structure with 70 parking spaces at the ground level, an additional 216 parking spaces on the second floor with adequate clearance for parking stackers, and 196 residential apartment units on three stories above consisting of approximately 127,743 square feet, with an additional 5,893 square feet of amenity space servicing the units; and

**WHEREAS**, the Project includes the demolition of all existing structures and surface parking on the subject Property, totaling approximately 31,000 square feet, consisting of a retail pharmacy, small business offices, a fraternal hall and a parking garage constructed between 1966 and 1971; and

**WHEREAS**, the Project was evaluated and found to comply with height, setbacks, unit density, floor area ratio, lot coverage, open space, bicycle parking and other development standards specified for the DA-1(S) Zoning District in the Zoning Code; and

**WHEREAS**, the Project was evaluated and found to be consistent with the adopted General Plan, Zoning Code, Downtown Design Guidelines, and Downtown TOD Strategy, as well as conformance with the TOD Strategy's adopted criteria for Special Policy Area 3; and

**WHEREAS**, parking for the Project was evaluated and found to be adequate through a parking study in accord with the criteria specified for Parking Exceptions under Chapters 4.08 and 5.08 of the Zoning Code; and

**WHEREAS**, the Project, located within the designated Downtown San Leandro Priority Development Area (PDA), was evaluated and found to be consistent with the development strategies identified in Plan Bay Area 2040, including meeting primary objectives to provide adequate housing and reduce greenhouse gas (GHG) emissions by focusing growth and development in existing communities along the existing transportation networks; and

**WHEREAS**, the Project was evaluated under the California Environmental Quality Act (CEQA) Guidelines, including Sections 15183.3(b) and CEQA Guidelines Appendix M, which establish eligibility requirements for projects to qualify as infill projects for streamlining procedures provided in CEQA Guidelines Section 15183.3; and

**WHEREAS**, an Infill Checklist has been prepared in accordance with Public Resources Code Section 21094.5 and the CEQA Guidelines, California Code of Regulations Section 15183.3 and Appendices M and N. The Infill Checklist tiers off the 2035 General Plan Update Environmental Impact Report (2016). This prior EIR was prepared as part of enacting the City's General Plan Update and zoning code which implemented the Downtown Transit-Oriented Development (TOD) Strategy (CEQA Guidelines 15183.3). This Infill Checklist demonstrates that any significant effects of the Callan & East 14th Street Project were analyzed in the prior EIR or would be substantially mitigated by the City's uniformly applicable development policies. The Infill Checklist also incorporates information from the Downtown TOD EIR (2007), which also qualifies as a prior EIR. Therefore, pursuant to Public Resources Code Section 21094.5, no additional environmental review is required under CEQA for the Project as an infill project; and

**WHEREAS**, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on May 6, 2021, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Board of Zoning Adjustments fully considered the environmental analysis and determinations of the CEQA Infill Checklist prepared for the Project, attached hereto and incorporated herein by reference; and

**WHEREAS**, the Board of Zoning Adjustments fully considered the Project application and entitlements, applicant's statements, staff report, plan exhibits, parking study, environmental analysis and determination, General Plan conformance statement, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at and prior to the public hearing, attached hereto and incorporated herein by reference; and

**WHEREAS**, the Board of Zoning Adjustments finds that the staff report and standards for approval reflects the City's independent judgement and analysis of the Project; and

**WHEREAS**, the Board of Zoning Adjustments finds that the proposed Project does satisfy the requisite findings of fact necessary for approval as further explained in the staff report and attachments, and the findings of fact associated with this Resolution, as identified in "Exhibit A" attached to this Resolution; and

**WHEREAS**, the City's General Plan, Downtown Transit Oriented Development Strategy, Downtown Design Guidelines, Zoning Code, and Plan Bay Area 2040 are incorporated herein by reference, and are available for review at City Hall during normal business hours and on the City's website.

**NOW, THEREFORE IT IS RESOLVED THAT:** The forgoing recitals are true and correct and made part of this resolution.

**BE IT FURTHER RESOLVED THAT:** The Board of Zoning Adjustments of the City of San Leandro does hereby make the following findings and determinations regarding the proposed Project:

1. The Board of Zoning Adjustments of the City of San Leandro does hereby make the necessary findings and determinations required by Sections 3.16.124, 5.08.124 and 5.12.124 of the City of San Leandro Zoning Code to approve the requested Conditional Use Permit, Site Plan Review and Parking Exception for the mixed use development at 1188 E. 14th St., as further explained in the staff report, infill checklist and findings of fact for approval as set forth in "Exhibit A" attached hereto and incorporated herein by this reference.
2. Based on the findings and determinations, the Board of Zoning Adjustments of the City of San Leandro does hereby approve Conditional Use Permit, Site Plan Review and Parking Exception PLN18-0036 allowing a mixed-use development project at 1188 E. 14th St. subject to the Conditions of Approval, as further set forth in "Exhibit B" attached hereto and incorporated herein by this reference.