



Legislation Text

File #: 21-694, **Version:** 1

PLN17-0034; Consideration of a two-year time extension for a 20-unit Planned Development on a .97 acre site located at 311 MacArthur Blvd.; Alameda County Assessor's Parcel Numbers 76-311-30-1, 76-311-1-3, 76-311-3, 76-311-4, 76-311-5; David Langon (applicant); 311 MacArthur Boulevard LLC (property owner).

SUMMARY AND RECOMMENDATION

The applicant is requesting a two-year time extension for a 20-unit, three-story residential townhome Planned Development on a 0.97-acre site on the west side of MacArthur Boulevard and the east side of Herma Court in the Broadmoor neighborhood. The City Council previously approved the Project on October 21, 2019. Zoning Code section 3.01.144 grants the Planning Commission the authority to renew approved Planned Development Projects for up to two (2) years.

Staff recommends the Planning Commission adopt a minute order approving a two-year time extension for the 311 MacArthur Planned Development, PLN17-0034.

RELATIONSHIP TO SURROUNDING AREA

The subject property is located at 311 MacArthur Boulevard, bounded by MacArthur Boulevard to the east, Broadmoor Boulevard to the north, Herma Court to the west, and one- and two-story single-family homes sharing the block immediately to the south. It is located at the northeastern edge of the city, approximately 350 feet south of the City of Oakland border. Adjacent small-scale commercial uses along MacArthur Boulevard include a restaurant, a barber shop, a hair salon, and a clothing store.

BACKGROUND

The Planning Commission recommended City Council approval of the 311 MacArthur planned development Project at their September 5, 2019 public hearing under Resolution 2019-009 by a 6-0 decision with Commission Breslin absent. The City Council reviewed and approved the Project at their October 21, 2019 public hearing through Resolutions 2019-171 and 2019-172 and the first reading of Ordinance 2019-016 (for the Planned Development zoning overlay) by a 7-0 decision for all three items. Ordinance 2019-016 for the zoning overlay was adopted on second reading on November 2, 2019 and took effect 30 days later.

Applicants may request a time extension for up to two years if the Planning Commission finds the renewal is consistent with the purposes of this chapter and that no substantive changes have occurred in the conditions or circumstances pertinent to the Planned Development or its approval.

If a Planned Development Project approval expires, Zoning Code section 3.04.144 stipulates the initiation of a zoning map amendment, as provided by Chapter 5.16 Amendments, to re-establish the prior zoning designation or other zoning designation deemed appropriate.

DETAILS OF THE PROPOSAL

A copy of the October 21, 2019 City Council staff report and approved exhibits are attached to this report for reference.

The applicant, David Langon, submitted a timely request for consideration of a time extension. Planned Developments are the only entitlement that requires Planning Commission approval for a time extension from the initial validity period. All other time extension requests are reviewed by the City's Zoning Enforcement Official administratively. The decision of the Planning Commission regarding this time extension is appealable to the City Council if an appeal is filed with the City Clerk within 15 days of the decision.

STAFF ANALYSIS

No substantive changes have occurred in the conditions or circumstances pertinent to the Planned Development since the original date of approval. If approved, the validity period for the Project would be extended two years from the date of this motion, through December 2, 2023.

In response to Covid-19, Government Code Section 65914.5 (Assembly Bill 1561) granted an automatic 18-month time extension on housing entitlements issued before March 4, 2020 that would have expired before December 31, 2021. Due to this law, the Project entitlement would otherwise expire on Friday, April 21, 2023.

ENVIRONMENTAL REVIEW

A Consistency Memorandum for the Project was previously approved by the City Council on October 21, 2019 in accordance with CEQA Guidelines, California Code of Regulations Section 15183, with the finding that the Project was consistent with a Community Plan and Zoning, that there were no project-specific significant effects which were peculiar to the project or its site, and that no additional environmental review was required.

PUBLIC OUTREACH

This hearing item was identified on the posted meeting agenda. No public comments were received at the time of the filing of this report.

ATTACHMENTS

City Council Staff Report for 311 MacArthur, October 21, 2019
Approved Plan Exhibits for 311 MacArthur, October 21, 2019

PREPARED BY:
Andrew Mogensen, AICP
Planning Manager
Community Development Department