

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ZONING MAP FOR THE APPROXIMATELY 2,280-SQUARE-FOOT PROPERTY AT 1715 LINCOLN AVENUE (APN 72-299-11) FROM C-1, NEIGHBORHOOD BUSINESS DISTRICT, TO R-5, RESIDENTIAL DISTRICT, IN CONFORMANCE WITH THE PROPERTY'S GENERAL PLAN LAND USE DESIGNATION OF MEDIUM-DENSITY RESIDENTIAL, AS RECOMMENDED BY THE PLANNING BOARD

WHEREAS, an application was made on May 23, 2023, by Nick Portolese for Portman Enterprises, LLC requesting approval for conformance rezoning PLN23-0210 to amend the zoning map for the approximately 2,280 square foot property at 1715 Lincoln Avenue (APN 72-299-11) from C-1, Neighborhood Business District, to R-5, Residential District; and

WHEREAS, the C-1 Zoning District is intended to provide retail shopping and service facilities via ground floor commercial storefronts; and

WHEREAS, the Alameda 2040 General Plan Land Use Diagram changed the designation for the property from Neighborhood Business to Medium-Density Residential; and

WHEREAS, the C-1 Zoning is not consistent with the General Plan designation for Medium-Density Residential; and

WHEREAS, the existing structure on the property was originally built as a single-family home and is not well suited to meet modern building codes for a retail storefront, including significant accessibility issues; and

WHEREAS, the Housing Element of the General Plan calls for permitting 5,353 housing units between 2023 and 2031; and

WHEREAS, amending the Zoning Map to rezone the property at 1715 Lincoln Avenue from C-1, Neighborhood Business District to R-5, Residential District will facilitate reinvestment in the property and restore one unit of housing and bring the zoning into General Plan conformance; and

WHEREAS, the Planning Board approved Planning Board Resolution No. PB-23-15 on July 24, 2023 which recommended that the City Council amend the City of Alameda Zoning Map to rezone the approximately 2,280 square foot property at 1715 Lincoln Avenue (APN 72-299-11) from C-1, Neighborhood Business District, To R-5, Residential District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Findings. The City Council makes the following findings:

1. **The amendment relates favorably to and maintains the integrity of the General Plan.** The proposed rezoning ensures consistency between the General Plan and the Alameda Zoning Map. The zoning designation for this property, C-1, Neighborhood Business District, is not consistent with the General Plan designation of Medium-Density Residential. Amending the Zoning Map to R-5, Residential District is consistent with the General Plan designation of Medium-Density Residential.
2. **The amendments will support the general welfare of the community.** The proposed rezoning is consistent with the prior residential use of the site, and will support the general welfare of the community by enabling significant reinvestment into the property and adding a housing unit to Alameda's housing inventory.
3. **The amendments are equitable.** The proposed rezoning is equitable in that it is consistent with the General Plan, the City Charter and other City documents. The map amendment is a conformance rezoning to change the C-1, Neighborhood Business District zoning to R-5, Residential District.
4. **California Environmental Quality Act.** The City Council finds that, based on substantial evidence in the record, the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. On November 30, 2021, by Resolution No. 15841, the City Council certified a Final Environmental Impact Report for the Alameda 2040 General Plan (State Clearinghouse No. 2021030563) in compliance with CEQA, and adopted written findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the General Plan Amendment to update the Alameda General Plan (General Plan EIR). Pursuant to CEQA Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review are present with respect to the General Plan EIR. Approval of the project would not require major revisions to the General Plan EIR due to new significant impacts or due to a substantial increase in the severity of the significant environmental effects. There have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the General Plan EIR due to new or substantially increased significant environmental effects. Further, there has been no discovery of new information of substantial importance that would trigger or require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. For these reasons, no further environmental review is required.

Section 2. The Citywide Zoning Map shall be amended to change the zoning designation for the approximately 2,280 square foot property at 1715 Lincoln Avenue identified as APN 72-299-11 from C-1, Neighborhood Business District, to R-5, Residential District.

Section 3. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 5. Authority. This ordinance is enacted pursuant to the City of Alameda's general police powers, Section 1-2 of the Charter of the City of Alameda, and Article XI of the California Constitution.

Presiding Officer of the Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda at a regular meeting assembled on this 19th day of September 2023 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of September 2023.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda