

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING THE ZONING MAP DESIGNATION FOR THE PROPERTY AT 2350 FIFTH STREET (APN 74-1356-23) FROM M-X, MIXED USE TO R-4, NEIGHBORHOOD RESIDENTIAL DISTRICT TO FACILITATE RESIDENTIAL USE OF THE PROPERTY, AS RECOMMENDED BY THE CITY PLANNING BOARD

WHEREAS, the property at 2350 Fifth Street is designated for Medium Density Residential in the Alameda General Plan; and

WHEREAS, the proposed rezoning of the property from M-X, Mixed Use to R-4, Neighborhood Residential District is consistent with the General Plan designation; and

WHEREAS, the City prepared a draft Mitigated Negative Declaration which considers the potential environmental impacts of the project; and

WHEREAS, on September 28, 2020, the Planning Board conducted a duly noticed public hearing on the Mitigated Negative Declaration and proposed rezoning, and examined all submitted materials and received oral and written public comments; and

WHEREAS, upon conclusion of the public hearing, the Planning Board recommended that the City Council adopt the Mitigated Negative Declaration and approve the Zoning Map amendments; and

WHEREAS, on November 17, 2020, the City Council conducted a duly noticed public hearing on the proposed Zoning Map amendments, as recommended by the Planning Board; and

WHEREAS, all interested parties were given the opportunity to participate in the hearing by submittal of oral and written comments, and the public hearing was closed by the City Council on November 17, 2020; and

WHEREAS, by a companion Resolution, on November 17, 2020, in compliance with the California Environmental Quality Act, the City Council adopted the 2350 Fifth Street (Bottle Parcel) Rezoning Project Mitigated Negative Declaration and project-specific Mitigation Monitoring and Reporting Program prior to making a decision on Zoning Map amendments. The Mitigated Negative Declaration considers the potential environmental impacts of the project including evaluating potential effects that could result from the construction and operation of 25 multi-family residential units on the site; and

WHEREAS, the City Council finds as follows:

1. **California Environmental Quality Act (CEQA).** In accordance with Public Resources Code Sections 21064.5 and 21080(c)(2) and CEQA Guidelines Sections 150645(f)(2) and 15070(b), the City of Alameda, as the lead agency under CEQA, prepared a Mitigated Negative Declaration for the project. The adopted Mitigated Negative Declaration has been prepared in the manner required and authorized under CEQA, and the City Council has considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, together with the initial study and comments received, all of which are incorporated by reference as though fully set forth herein, prior to making a decision on the Zoning Map amendments. The City Council finds and determines that the Mitigated Negative Declaration complies with CEQA and adequately addresses the potential environmental impacts of the residential use of the property including the potential impacts of future actions by a property owner to construct new buildings. The Mitigated Negative Declaration finds that some construction activities may result in some potentially significant temporary impacts, but that all of the potential impacts can be mitigated to a level of less than significant through standard construction mitigations.
2. **The Zoning Map amendment maintains the integrity of the General Plan.** The proposed R-4, Neighborhood Residential zoning designation is consistent with the underlying Medium Density General Plan designation for the property.
3. **The Zoning Map amendment will support the general welfare of the community.** The proposed zoning map amendment will facilitate the development of housing during a regional and local housing crises and support the general welfare of the community by establishing clear standards for the future residential use of a small parcel once owned by the Federal Government in a manner that is compatible with the adjacent residential and institutional uses.
4. **The Zoning Map amendment is equitable.** The proposed zoning map amendment is equitable in that it establishes appropriate processes and procedures for the review of any future development of the subject property to ensure compatibility with adjacent land use and consistent with the procedures and processes that are followed by other owners of property zoned with the same zoning designation; and

BE IT ORDAINED by the Council of the City of Alameda:

Section 1. The Citywide Zoning Map shall be amended to change the zoning designation for the parcel at 2350 Fifth Street (APN 74-1356-23) from M-X, Mixed Use to R-4, Neighborhood Residential District.

Section 2. 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 3. 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 4. The above amendments shall be known as and referenced to as Rezoning Amendment No. ____ to Ordinance No. 1277, N.S.

Presiding Officer of the City 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 in a continued regular meeting assembled on the 17th day of November 2020 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 18th day of November 2020.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda