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36883-000

June 18, 2015

**VIA E-MAIL**

Members of the San Leandro Planning Commission  
c/o Tamika Greenwood, City Clerk  
835 East 14th Street  
San Leandro, CA 94577

Re: Proposed Shoreline Development Project and the Marina Inn, 68  
Monarch Bay Drive

Dear Planning Commissioners:

The owners and management of The Marina Inn have been and are very concerned about the impact of the proposed Shoreline Development Project on The Marina Inn.

The Marina Inn has been successfully providing hospitality to guests of San Leandro for many years. It is a stakeholder in the Marina area.

As it relates to this proposed development, The Marina Inn will be one of two businesses left in the Marina area. The Marina Inn will be surrounded by this proposed development.

The Marina Inn requests this Planning Commission to decline recommendation of the EIR, the General Plan Amendment and Zoning Amendment at this time.

**1. Recommendation of certification of the EIR should be declined.**

The public has not been fully or accurately informed. Material information has been withheld. Irrelevant information has been provided. The EIR does not forthrightly and adequately inform the public, let alone significant stakeholders, about the impacts of this massive project.

For example, the Marina Inn will be at ground zero of the impact of construction of this project. Yet, scant analysis is provided concerning the impact to The Marina Inn.

Members of the San Leandro Planning  
Commission  
June 18, 2015  
Page 2

Skewed information results in the unsupported assertion that impacts will be "less than significant."

In the small San Leandro submarket, the project proposes a brand new 200-room hotel (New Hotel) directly across and in front of The Marina Inn. The New Hotel impacts view. Whether by design or by consequence, the result is that the future relevance of The Marina Inn is compromised at a level that is more than significant. The EIR's inadequate analysis proves the point.

The inadequacies include, but are not limited to:

- The EIR's aesthetics section is incomplete and contradictory. It inexplicably asserts that the project will cause "less than significant" impacts to view. Staff and the developer want to say there are no impacts, so there is no analysis. Commissioner Collier previously stated on the record, the analysis is deficient and the conclusion can and was skewed based on the viewer's perspective points. If a study situates the "viewer" where there will be no view impacts, a conclusion will be reached that there will be no view impacts. Of course, such a study is inherently invalid. Many comments were provided to the Draft EIR regarding the important views from and to the Marina area and concerns about the deficient aesthetic "analysis" conducted in the Draft. The critical comments include comments from the members of the Planning Commission. The proposed Final EIR disregards these comments. It claims that the comment only expressed an opinion of the commenter or it refers back to the deficient aesthetics section.
- The EIR's Urban Decay Analysis (Appendix B) provides another false analysis. The conclusion reached in Appendix B is incredible. Staff and the developer have hired a consultant to assert  $2+2=5$ . That the consultant concluded  $2+2=5$  neither controls nor persuades. The City's economic deal with the developer has not been disclosed. The economic deal supposedly has not been approved. It is not intellectually honest to make claims about the New Hotel's impact on the Marina Inn unless the public (and the consultant preparing the Appendix B report) knows and "economic" deal terms between the developer and the City.

Members of the San Leandro Planning  
Commission  
June 18, 2015  
Page 3

- The EIR does not provide an analysis of the parking impacts caused by the project. The scant information provided in the EIR demonstrates that the parking impacts have not been analyzed or considered.
- The information on the project phasing is inadequate. The EIR proposes that the bulk of the project is proposed to be "phased" in Phase 1. The "phasing" information in the EIR does not provide any information to the public.
- The EIR's "analysis" of the air quality impacts is incomplete and is based on an incorrect assumption that The Marina Inn is not a sensitive receptor.
- The EIR's "analysis" of the noise impacts incorrectly assumes that The Marina Inn is not a sensitive receptor.
- The Water Quality section of the EIR is deficient. It does not analyze or consider the removal of riprap and the potential impacts that removal will have on the water quality. It does not provide any analysis of the quality of the water after implementation of the project.
- The EIR should have considered an alternative of continuing marina operations. The elimination of the marina operations is a gaping hole in the EIR. It has not been properly analyzed or considered. Further, the failure to consider a no-hotel alternative is further compromised by the sham analysis in Appendix B. The "analysis" of the relocated hotel alternative is inadequate. The conclusion that the alternative would "have generally the same impacts as the project" is driven by the already improper conclusion that the proposed hotel location will not cause view impacts.

There are better project alternatives that have been considered by the EIR. These include the reduced density and the relocated hotel alternative. The June 18, 2015 Staff Report's discussion of the Project Alternatives cites to supposed "City concerns" as to the economic viability of such alternatives. That assertion is unfounded and no "deal" terms have been reported. There has been no analysis in support.

The Planning Commission should not recommend certification of the EIR to the City Council.

Members of the San Leandro Planning  
Commission  
June 18, 2015  
Page 4

**2. The Planning Commission should not recommend the amendments to the General Plan and Zoning.**

City Staff and the developer are attempting to amend the General Plan before receiving City Council certification of the EIR and approval of the project. The timing is improper. Why is the City proceeding with approving a final step before approving the beginning step? Any amendment to the General Plan and Zoning should be considered when, or if, the EIR is approved.

The proposed amendment to the zoning for the Shoreline is improper. The proposed amendment seeks to change the zoning of the project area from Commercial Recreation to "Community Commercial, Planned Development overlay." This change is in direct conflict with the General Plan goals, policies and actions for the Marina and Shoreline. Policy 9.02 provides, "Enhance the San Leandro Marina areas as a distinguished **recreational** shoreline, with complementary activities . . ." In fact, the proposed project seeks to eliminate the recreation and the shoreline.

Further, the information proffered as the justification for the Planned Development zoning overlay in the Staff Report is different from that provided in the proposed Planning Commission resolution. The proposed resolution provides that the "overlay is intended for projects that include a mix of land uses, that can be made compatible by applying careful and imaginative treatments to the interrelationships of uses and activities **to ensure that orderly and thorough planning** will result in high-quality urban design."

The Staff Report, however states that the overlay is to "reduce or eliminate the rigidity . . . that otherwise would result from application of the zoning standards and procedures . . ." The Staff Report goes on to say that the overlay would provide "greater freedom" to the developer. The positions are doublespeak. It is a simultaneous expression of contradictions. It can't be both careful, orderly, thorough and structured and free from order and structure.

In order for the Planning Commission to recommend approval of the rezone to a Planned Development Overlay District, it must first find that the Planned Development Concept Plan is consistent with the adopted Land Use Element of the General Plan and other applicable policies of the General Plan and is compatible with surrounding development. (Zoning Code, § 3-1008B.)

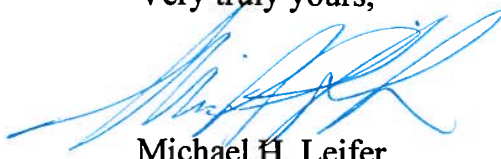
Members of the San Leandro Planning  
Commission  
June 18, 2015  
Page 5

The proposed resolution demonstrates that the Planning Commission cannot make such a finding. The proposed resolution includes first a recommendation from the Planning Commission to the City Council to amend the General Plan Map to "change land use designations to include 'Medium Density Residential' from Parks and Recreation along the east edge of Monarch Bay Drive and the interior of the nine-hole golf course. . . ." That is only a recommendation and such an amendment will not occur until it is approved by the City Council. As such, this Planning Commission **cannot** find that the Planned Development Overlay District--particularly for the rezoning of the "five acre area along the edge of Monarch Bay Drive and the seven acre interior of the nine-hole golf course from CR Commercial Recreation District to RM-200(PD) Residential Multi-Family, Planned Development Overlay District"--is consistent with the adopted Land Use Element of the General Plan and other applicable policies of the General Plan.

3. **Conclusion.**

The Marina Inn requests this Planning Commission to decline recommendation of the EIR, the General Plan Amendment and Zoning Amendment at this time.

Very truly yours,



Michael H. Leifer

MHL:ebn

cc: Cynthia Battenberg, City Community Development Department Director  
Client