

City of San Leandro Planning Commission

RESOLUTION NO. 2024-XXX

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SAN LEANDRO**

**RECOMMENDING THAT THE CITY COUNCIL APPROVE A VESTING
TENTATIVE TRACT MAP TO ESTABLISH 148 PARCELS EAST OF
MONARCH BAY DRIVE BETWEEN MARINA BOULEVARD AND FAIRWAY
DRIVE ON APPROXIMATELY 15.86 ACRES OF LAND.
PLN23-0026**

WHEREAS, Monarch Bay For Sale Residential, LLC owns approximately 15.86 acres east of Monarch Bay Drive between Marina Boulevard and Fairway Drive at 13800 Monarch Bay Drive, identified as Alameda County Assessor's Parcel Numbers 79A-590-7 and 79A-590-8 (the "Property"); and

WHEREAS, the Property is zoned RM-2000(PD) and is designated RM, Medium Density Residential, in the General Plan; and

WHEREAS, on February 24, 2020, the City Council approved a disposition and development agreement ("DDA") with Cal Coast Companies LLC, Inc. for the shoreline development project, that includes significant residential, commercial, and recreational development, and the City Council approved General Plan and Zoning Map amendments necessary for the shoreline development project (the "Shoreline Project"); and

WHEREAS, on June 21, 2022, the City Council adopted Resolution No. 2022-085 approving a Planned Development Project and Site Plan Review for the Private Elements of the Monarch Bay Shoreline Development ("2022 Entitlements"):

1. A 210-room hotel with an attached restaurant, a detached 16,024 square foot two story restaurant/banquet facility, a 2,500 square foot market/café, and associated parking located north of Mulford Point Drive and west of Monarch Bay Drive;
2. A 285-unit multi-family apartment complex with associated parking located south of Pescador Point Drive and west of Monarch Bay Drive; and
3. A "for-sale" development of 144 detached single-family homes and 62 townhomes located on approximately 15.86 acres east of Monarch Bay Drive, south of Marina Boulevard, and north of Fairway Drive ("Single-Family Element"); and
4. Related site improvements.

WHEREAS, the City Council previously approved Parcel Map 11312 on September 6, 2022, which subdivided two City-owned parcels to facilitate the

sale of the project site to the current Property Owner for construction of the Single-Family Element; and

WHEREAS, the sale of the Single-Family Property closed and was completed on December 30, 2022; and

WHEREAS, the proposed Vesting Tentative Tract Map 8643, identified as “Exhibit A” attached, would subdivide the Property into 148 lots to facilitate future sale of residential units (“Single-Family Element VTTM”); and

WHEREAS, the proposed Vesting Tentative Tract Map satisfies all applicable requirements of the San Leandro Zoning Code and City’s Subdivision Ordinance contained in San Leandro Municipal Code Chapter 7-1; and

WHEREAS, the development of the City’s Shoreline area and the planned Project are addressed extensively in the San Leandro 2035 General Plan; and

WHEREAS, the proposed Vesting Tentative Tract Map is consistent with the San Leandro 2035 General Plan; and

WHEREAS, the proposed Vesting Tentative Tract Map is necessary to implement the DDA, which includes the provision of significant community benefits, housing, commercial development, and parks and open space; and

WHEREAS, the proposed Vesting Tentative Tract Map is a Subsequent Approval under the Development Agreement, which is a tool to implement the final policy decisions of the Shoreline Development Project Entitlements and is to be reviewed for substantial conformity with the vested project entitlements, applicable rules, and CEQA compliance; and

WHEREAS, on July 20, 2015, the City Council previously adopted Resolution No. 2015-125 certifying an environmental impact report for the Shoreline Project entitled, “San Leandro Shoreline Development Project EIR (SCH #2013072011)”, and adopting a Mitigation Monitoring and Reporting Program for the project, incorporated herein by this reference; and

WHEREAS, the City Council approved an addendum to the San Leandro Shoreline Development Project EIR on February 24, 2020 (the “First Addendum”), incorporated herein by this reference; and

WHEREAS, the City Council approved a second addendum to the San Leandro Shoreline Development Project EIR on May 16, 2022 (the “Second Addendum”); and

WHEREAS, the City Council approved a third addendum to the San Leandro Shoreline Development Project EIR on June 21, 2022 (the “Third Addendum”); and

WHEREAS, Vesting Tentative Tract Map 8643 is consistent with the 2022 Entitlements evaluated by the Third Addendum, it will not have any significant new impacts or substantially increase previously identified significant impacts, and further documents that no new information of substantial importance was identified, and no new mitigation measures would be necessary to reduce significant impacts; and

WHEREAS, the Third Addendum to the EIR is dated May 2022 and is on file with the Community Development Department at San Leandro City Hall located at 835 East 14th Street; and

WHEREAS, a staff report dated October 3, 2024, and incorporated herein by reference, described and analyzed the proposed Vesting Tentative Tract Map 8643 and its consistency with the 2022 Entitlements; and

WHEREAS, the Planning Commission held a duly noticed public hearing regarding the proposed Vesting Tentative Tract Map on October 3, 2024, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission fully considered the proposed Vesting Tentative Tract Map application and entitlements, applicant's statements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the City's General Plan, Zoning Code and Municipal Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE THE PLANNING COMMISSION FOR THE CITY OF SAN LEANDRO DOES RESOLVE THAT: The above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT, the Planning Commission of the City of San Leandro does hereby make the following findings and determinations regarding the proposed approval of Vesting Tentative Tract Map 8643 ("Exhibit A") to subdivide approximately 15.86 acres east of Monarch Bay Drive between Marina Boulevard and Fairway Drive into 148 lots for the Single-Family Element of the Shoreline Project, based on the following findings and considering the staff report, the Third Addendum and the whole of the record related to the Shoreline Project:

1. The Vesting Tentative Tract Map is consistent with the General Plan
2. Pursuant to CEQA and the CEQA Guidelines, the Planning Commission finds, on the basis of substantial evidence set forth in the record, including but not limited to, the EIR, the First Addendum, the Second Addendum, the Third Addendum and all related information presented to the Planning

Commission, that the environmental effects of the Vesting Tentative Tract Map 8643 and Shoreline Project were sufficiently analyzed.

The Planning Commission further finds that none of the circumstances described in the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR exist because the proposed Vesting Tentative Tract Map 8643:

- will not result in substantial changes in the Shoreline Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - will not result in substantial changes with respect to the circumstances under which the Shoreline Project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - does not present new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time the EIR was certified showing any of the following:
 - a. that the proposed Shoreline Project would have one or more significant effects not discussed in the previous EIR;
 - b. that significant effects previously examined would be substantially more severe than shown in the previous EIR;
 - c. that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the project proponents declined to adopt the mitigation measure or alternative; and
 - d. that mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.
3. Having considered the Third Addendum, the Second Addendum, the administrative record, the EIR, the First Addendum and all written and oral evidence presented to the Planning Commission, the Planning Commission finds that all environmental impacts of the proposed Vesting Tentative Tract Map 8643 and Shoreline Project were addressed within the EIR, the First Addendum, the Second Addendum, and the Third Addendum. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Shoreline Project may result in any significant environmental impacts beyond those analyzed in the EIR. The Planning Commission finds that the Addendum

contains a complete, objective, and accurate reporting of the environmental impacts associated with the Shoreline Project and reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED THAT: The Planning Commission hereby recommends that the City Council approve Vesting Tentative Tract Map 8643 to subdivide approximately 15.86 acres located east of Monarch Bay Drive between Marina Boulevard and Fairway Drive into 148 lots for the Single-Family Element of the Shoreline Project subject to the Conditions of Approval, as further set forth in “Exhibit B” attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED THAT: The recommendation of the Planning Commission is based on a finding that Vesting Tentative Tract Map 8643 is consistent with the San Leandro 2035 General Plan, the San Leandro Zoning Code, and the San Leandro Subdivision Ordinance.

BE IT FURTHER RESOLVED THAT the Board of Zoning Adjustments’ approval of is subject to the following conditions of approval:

1. Conditions of Approval set forth in Exhibit F to Resolution 2022-085, approving a Planned Development Project and Site Plan Review for the Private Elements of the Monarch Bay Shoreline Development (“2022 Entitlements”), shall apply in addition to those set forth by this Exhibit.
2. The Conditions of Approval herein contained shall run with the property and shall be binding on the Applicant/Developer and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
3. The Applicant/Developer shall note minor lot line adjustments may be made to the map based on final construction plans, subject to approval by the City and Developer.
4. The Final Map shall be in substantial conformance with the Vesting Tentative Tract Map prepared by BKF Engineers. The Final Map shall be prepared by a qualified Registered Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by the Public Works Director.
5. The Final Map will subdivide the property into 148 lots as shown on the Vesting Tentative Tract Map.
6. Approval of the Vesting Tentative Tract Map does not constitute approval of the utility improvements as outlined in the Vesting Tentative Tract Map. All existing utilities shall be protected in place until approval of relevant encroachment, grading, and/or demolition permits by the City.
7. Approval of the Vesting Tentative Tract Map does not constitute approval or vesting rights relative to the horizontal position and size of building

footprints or the architecture of the homes. The architecture/height of the structures shall be limited to the fire department access roads provided, and the Applicant/Developer shall obtain prior approval for each design from the Alameda County Fire Department prior to building permit issuance.

8. This Vesting Tentative Tract Map and any subsequent Final Map approval does not permit the commencement of any site work at the Property. The Applicant/Developer shall be required to submit separate permits applications for review and approval by the City.
9. The Final Map shall include provision of common area, access, parking, utility, drainage, emergency vehicle access, and other easements as needed, prior to approval of the Final Map.
10. In addition to the responsibilities outlined in Conditions of Approval 192 and 193 in Exhibit F to Resolution 2022-085, the conditions, covenants and restrictions document (CC& Rs) shall specify that the future Homeowners Association (HOA) shall be responsible for:
 - a. Maintenance, repair, restoration, replacement, and management of all private stormwater management facilities.
 - b. Maintenance of perimeter landscaping, retaining walls, and fencing.

PASSED, CONDITIONALLY APPROVED, AND ADOPTED, on this 3rd
day of October 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Litha Zuber
Chair of the Planning Commission

ATTEST:

Avalon Schultz, AICP
Secretary to the Planning Commission