

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2022-**

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL ADOPTING AN ADDENDUM TO THE SAN LEANDRO SHORELINE DEVELOPMENT PROJECT EIR (SCH # 2013072011) AND APPROVING A PLANNED DEVELOPMENT PROJECT AND SITE PLAN REVIEW (PLNS 21-0020, 21-0021, 22-0008) FOR THE PRIVATE ELEMENTS OF THE MONARCH BAY SHORELINE DEVELOPMENT, INCLUDING A NEW 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, A 285-UNIT MULTI-FAMILY APARTMENT COMPLEX, DEVELOPMENT OF 144 DETACHED SINGLE-FAMILY HOMES, 62 TOWNHOMES, AND RELATED PARKING AND SITE IMPROVEMENTS (PLNS 21-0020, 21-0021, 22-0008). ASSESSOR'S PARCEL NUMBERS: 080G 0900 001 08, 080G 0900 004 01, 079A 0475 009 04, 079A 0590 001 05, 079A 0590 001 07, 079A 0590 002 00, 079A 0590 003 00, AND 079A 0590 004 00; MONARCH BAY LLC (APPLICANT) AND CITY OF SAN LEANDRO (OWNER)**

**WHEREAS**, the City owns the Monarch Bay Shoreline area, which is bounded by Marina Blvd to the north, the San Francisco Bay to the west, and Fairway Drive to the south, and identified as Alameda County Assessor's Parcel Numbers: 080G 0900 001 08, 080G 0900 004 01, 079A 0475 009 04, 079A 0590 001 05, 079A 0590 001 07, 079A 0590 002 00, 079A 0590 003 00, and 079A 0590 004 00 (the "Property"); and

**WHEREAS**, on February 24, 2020, the City Council approved a disposition and development agreement ("DDA") with Monarch Bay, LLC's ("Applicant") predecessor in interest Cal Coast Companies LLC, Inc. for the shoreline development project, that includes residential, commercial, and recreational development, and the City Council approved General Plan and Zoning Map amendments necessary for the shoreline development project (the "Project"); and

**WHEREAS**, the Project includes:

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 16 gross acres east of Monarch Bay Drive, south of Marina Boulevard, and north of Fairway Drive; and
4. Related site improvements.

**WHEREAS**, the City Council previously approved Vesting Tentative Tract Map 8633 for the west side of Monarch Bay Drive to facilitate the commercial development and multi-family apartment complex; and

**WHEREAS**, the DDA requires the Applicant to obtain planning entitlements for the private development components of the Project prior to sale or leasing of any portion of the Property by the City to Applicant; and

**WHEREAS**, the Project is a large development project consisting of varied residential and commercial components, and the proposed Planned Development Project is necessary in order to ensure orderly and thorough planning that will result in high-quality urban design; and

**WHEREAS**, portions of the Property have base zoning of RM-1800 (Planned Development), RM-2000 (Planned Development), and CC (Planned Development); and

**WHEREAS**, the proposed Planned Development Project will provide superior urban design in comparison with development under the base district zoning regulations; and

**WHEREAS**, the proposed Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of existing and planned systems; and

**WHEREAS**, the proposed Planned Development Project complies with the applicable regulations for planned development projects contained in Zoning Code Section 3.04.120; and

**WHEREAS**, the site plans for the Project consist of plans for the Hotel, Restaurant and Market portion of the Project (PLN21-0020), the Multi-Family Residential portion of the Project (PLN21-0021), and the Single-Family and Townhomes portion of the Project (PLN22-008); and

**WHEREAS**, the Project complies with the applicable development standards specified for the applicable Zoning Districts in the San Leandro Zoning Code; and

**WHEREAS**, the proposed Site Plan satisfies all of the applicable standards contained in Zoning Code Section 5.12.124; 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 Planned Development Project and Site Plan Review are both consistent with the San Leandro 2035 General Plan, including Goal LU-9, Policy LU-9.1, Policy LU-9.3 and Policy LU-9.4; and

**WHEREAS**, the Project complies with the City's Inclusionary Housing Ordinance through an Alternative Inclusionary Housing Plan, as allowed under San Leandro Zoning Code Section 6.04.132; and

**WHEREAS**, the Project will include dedicated on-site workforce and moderate income inclusionary housing units in the single-family and townhome development that will help the

City address the shortfall of above moderate income housing per the City's regional housing needs allocation; and

**WHEREAS**, the Project will also make housing in-lieu fee payments totaling over \$2,000,000.00 for the multi-family residential portion of the project, which will significantly increase the City's Affordable Housing Trust Fund such that the City will be able to leverage such funding for future affordable housing projects; and

**WHEREAS**, approval of the Planned Development Project and Site Plan Review will allow the City to lease and sell portions of the Property as required by the DDA and allow Applicant to commence development of the Project; and

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

**WHEREAS**, the City Council approved an addendum to the San Leandro Shoreline Development Project EIR on February 24, 2020 (the "First Addendum"); 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 California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, and the State CEQA Guidelines Section 15162 require that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

**WHEREAS**, the City prepared a third addendum to the certified EIR documenting that the proposed planning entitlements for the Project will not have any significant new impacts or substantially increase previously identified significant impacts, and further documenting 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 14<sup>th</sup> Street, San Leandro, CA (the “Third Addendum”); and

**WHEREAS**, the Third Addendum is attached hereto as Exhibit B and incorporated herein by reference; and

**WHEREAS**, on June 2, 2022 the City of San Leandro Planning Commission held a duly noticed public hearing, at which time all interested parties had the opportunity to be heard, and thereafter adopted a resolution recommending that the City Council approve the Planned Development Project and Site Plan Review, and the related Third Addendum to the EIR; and

**WHEREAS**, a staff report dated June 21, 2022 and incorporated herein by reference, described and analyzed the proposed Planned Development Project and Site Plan Review, and the related Third Addendum to the EIR, for the City Council; and

**WHEREAS**, on June 21, 2022 the City Council reviewed the staff report and the draft Third Addendum to the EIR at a public hearing on the proposed Planned Development Project and Site Plan Review, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City Council has determined that the proposed Project does satisfy the requisite findings of fact necessary for approval; and

**WHEREAS**, the City Council desires to approve the proposed Planned Development Project and Site Plan Review; 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 CITY OF SAN LEANDRO CITY COUNCIL HEREBY RESOLVES THAT:** The above recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED THAT:** The City of San Leandro City Council finds that all environmental impacts of the proposed Project were addressed within the EIR, the First Addendum, the Second Addendum, and Third Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required as further explained in the staff report and findings of fact and determination for approval as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**BE IT FURTHER RESOLVED THAT:** The City Council does hereby make the necessary findings and determinations required by Sections 3.04.136, 5.08.124, and 5.12.124 of the San Leandro Zoning Code to approve the Planned Development Project and Site Plan Review for the Monarch Bay Shoreline Development Project, as further explained in the staff report and findings of fact and determination for approval as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**BE IT FURTHER RESOLVED THAT:** The City Council hereby approves the Planned Development Project and Site Plan Review for:

1. The Hotel, Restaurant and Market portion of the Project (PLN21-0020), as attached hereto as Exhibit C and incorporated herein by this reference;
2. The Multi-Family Residential portion of the Project (PLN21-0021), as attached hereto as Exhibit D and incorporated herein by this reference; and
3. Single-Family and Townhomes portion of the Project (PLN22-008), as attached hereto as Exhibit E and incorporated herein by this reference.

**BE IT FURTHER RESOLVED THAT:** The City Council hereby conditions the approval of the Planned Development Project and Site Plan Review for the Project on the Conditions of Approval attached hereto as Exhibit F.

Introduced by \_\_\_\_\_ and passed and adopted this XX<sup>th</sup> day of XXXX 2022, by the following vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST: \_\_\_\_\_  
Leticia I. Miguel, City Clerk