

Responses to Comments on the Draft IS-MND

This document includes comments received during the circulation of the Draft Initial Study – Mitigated Negative Declaration (IS-MND) prepared for the 903 Manor Boulevard Residential Project (“proposed project” or “project”), and responses to those comments relevant to the environmental analysis.

The Draft IS-MND was circulated for a public review period that began on May 15, 2020 and ended June 4, 2020, for a total public review period of 20 days. In accordance with *CEQA Guidelines* Section 15074 (b), the City of San Leandro’s decision makers must consider the Draft IS-MND together with comments received during the public review process prior to approving the project. The City of San Leandro received 22 individual comment letters during the public comment period. The commenters and the dates the comments were received are summarized in the table below.

Letter No. and Commenter	Date received
1 Kenneth Jeong	May 18, 2020
2 pandagurl@gmail.com	May 26, 2020
3 Nima Gabbay	May 29, 2020
4 Karen Kline	May 29, 2020
5 Anh Nguyen	May 31, 2020
6 Michael Condon	June 2, 2020
7 William & Barbara Holmes	June 2, 2020
8 Jack Cai	June 3, 2020
9 Ken Akerly	June 3, 2020
10 Jacquelynn Hauser	June 4, 2020
11 Randy Chastain	June 4, 2020
12 Carolina Garcia	June 4, 2020
13 Ronni Schenk	June 4, 2020
14 Stanley O’Young	June 4, 2020
15 Wai Wai	June 4, 2020
16 Shao Chu Gong	June 4, 2020
17 David Nguyen	June 4, 2020
18 Je Jui	June 4, 2020
19 Jennifer Hsu	June 4, 2020
20 Unnamed (Devonshire Ave, Cul-de-sac)	June 4, 2020
21 Larry & Jolene Smith	June 4, 2020

Letter No. and Commenter	Date received
22 Trinny	June 4, 2020

The comment letters and responses follow. Comments received that are relevant to the CEQA process or the analysis and conclusions presented in the Draft IS-MND have been summarized by environmental resource area and responded to in the discussion below.

General Comments

Response GEN-1

Commenters expressed opposition to the project.

Comments expressing opposition to the project are noted. Although these comments do not relate to the analysis or conclusions of the Draft IS-MND, they will be forwarded to the City’s decision makers for their consideration.

Response GEN-2

Commenters expressed support for the project, or for a project alternative that would involve construction of housing on the project site.

Comments expressing support for the project or preference for a different type of project are noted. Although these comments do not relate to the analysis or conclusions of the Draft IS-MND, they will be forwarded to the City’s decision makers for their consideration.

Response GEN-3

One commenter requested that meetings be placed on hold during the COVID-19 pandemic.

Although this comment does not relate to the analysis or conclusions of the Draft IS-MND, it will be forwarded to the City’s decision makers for their consideration.

Response GEN-4

Several commenters expressed concerns related to the potential for increased crime as a result of the project. One commenter expressed concern for the safety of their property.

The project would involve demolition of a commercial building from the project site and the construction of residential townhomes. The commenter does not provide information or analysis to support the contention that this change in land use would increase crime. It should also be noted that crime is not an environmental topic per CEQA; therefore, this comment does not relate to the adequacy of the Draft IS-MND. Please see Section 15 of the Draft IS-MND for a discussion of potential impacts to public services, including those related to police facilities. As discussed therein, impacts would be less than significant.

Response GEN-5

One commenter stated that residents within 0.5 mile of the site should have been notified of the project.

Although this comment does not relate to the analysis or conclusions of the Draft IS-MND, it will be forwarded to the City's decision makers for their consideration.

Response GEN-6

Several commenters expressed concern for the property values of surrounding residences.

Changes in property values is not an environmental topic per CEQA (refer to *CEQA Guidelines* Section 15131[a] regarding economic effects); therefore, this comment does not relate to the adequacy of the Draft IS-MND. Nevertheless, it will be forwarded to the City's decision makers for their consideration.

Project Description

Response PD-1

One commenter suggested increasing trees planted as part of the project and adding a playground as part of the project design.

As shown in Figure 4 of the Draft IS-MND, the project would include new trees along the perimeter and within the project site, with approximately 110 total trees replacing the existing five trees on the site. The project also includes a private common area with bistro tables and chairs for residents to use. An existing public park is located north of the site; therefore, public recreational areas are present within the vicinity of the site. Because this comment does not relate to the analysis or conclusions of the Draft IS-MND, further response is not required in this Response to Comments document.

Response PD-2

One commenter requested clarification if the project would serve low-income residents.

Please refer to Section 8, *Project Description*, of the Draft IS-MND. As stated therein, the project includes six below market rate units of the 39 total units proposed.

Aesthetics

Response AES-1

Several commenters expressed concern regarding the height of the proposed buildings, suggesting that the proposed height is inconsistent with surrounding residential uses. One commenter requested the height be restricted to two stories.

Page 16 of the Draft IS-MND describes the height of the proposed project as well as the surrounding residences as follows:

The applicant proposes to develop three-story townhouse-condominium buildings up to 37.5 feet in height.... The proposed project would be roughly two stories taller than surrounding existing buildings...

As stated in Section 2.08.312 of the City of San Leandro Zoning Code, the maximum allowable height in the Commercial Community District (which includes the project site) is 50 feet for both residential

and non-residential structures. The proposed buildings are 12.5 feet below the maximum allowable height for the project site. Therefore, the project would meet the zoning requirements for the site (refer to the Draft IS-MND Section 1, *Aesthetics*, checklist question c).

Response AES-2

Several commenters expressed concern about privacy at adjacent residences, specifically Norton Street and Devonshire Avenue residents' backyard privacy.

Privacy is not an environmental topic per CEQA; therefore, this comment does not relate to the adequacy of the Draft IS-MND.

Regarding private views, Section 1, *Aesthetics*, checklist question a, of the Draft IS-MND provides a discussion of views affected by the proposed project. As noted therein, the proposed project would be roughly two stories taller than surrounding existing buildings, and the height of the new buildings would block partial views of the eastern foothills; however, existing views of the foothills are limited, and the elimination of this view from Manor Boulevard along the project site frontage would not cause a substantial change in overall views of the foothills within the project vicinity. Impacts were determined to be less than significant.

There are two important considerations to factor into the determination of the level of impacts to private views from the proposed project. First, it should be noted that the project is within the height limits and lot coverage allowed by right by the City of San Leandro's Zoning Code, as described in Response AES-1, above. The project is designed within the parameters of the Commercial Community District for residential structures. Second, CEQA typically does not typically consider impacts to private views as significant unless the number of properties significantly affected is relatively high. As noted by the California Court of Appeal in *Ocean View Homeowners Assn., Inc. v. Montecito Water District* (116 Cal. App. 4th 396), "[t]hat a project affects only a few private views may be a factor in determining whether the impact is significant." Therefore, although the City acknowledges that some homeowners may experience adverse interference with a portion of their private views, the impact would not be significant for purposes of the CEQA analysis.

Response AES-3

Several commenters stated an opinion that the project would be inconsistent with the character of the surrounding residential community, which is mainly single-family residences constructed more than 35 years ago.

As discussed in the Draft IS-MND (see Section 1, *Aesthetics*, checklist question c), the proposed project would be consistent with applicable regulations governing scenic quality. The project would be compliant with the Commercial Community (CC) zoning of the site, and impacts to existing visual character were determined to be less than significant. Additionally, the Draft IS-MND notes on Page 16 that the site is surrounded by single-family residences to the north, south, and east; a two-story multi-family development to the southeast; and a commercial development and three-story multi-family apartment complex to the west. While single-family residences dominate the surrounding uses, two- and three-story buildings are also located adjacent to the project site.

Air Quality

Response AQ-1

Several commenters requested that dust and particulate matter emissions are controlled during construction.

The Draft IS-MND (see Section 3, *Air Quality*) analyzes air pollutant emissions during construction using guidance published by the Bay Area Air Quality Management District (BAAQMD). Because the size of the project (39 dwelling units) is below the BAAQMD screening criteria for townhomes (240 dwelling units), impacts from construction emissions would be less than significant, per the BAAQMD CEQA Air Quality Guidelines.

Additionally, construction would be required to comply with BAAQMD rules and regulations, which include best management practices to control dust and particulate matter emissions (in particular, refer to Regulation 6, Rules 1 and 6, which includes rules for visible particles, suspended particulates, and fugitive dust).¹ BAAQMD Rules are enforced through their permit and inspection programs. Construction conditions for the proposed project address dust control procedures and construction equipment filters to reduce dust, dirt, mud and PM emissions during construction.

Response AQ-2

One commenter stated an opinion that increased traffic would cause increased air pollution.

The Draft IS-MND (see Section 17, *Transportation*) analyzes traffic impacts and determined that the project would result in a net decrease in vehicle trips compared to existing conditions (normal, pre-COVID-19 operation of Manor Bowl). Therefore, a similar decrease in vehicle trip air quality emissions would occur.

Noise

Response NOI-1

Several commenters stated an opinion that the project would increase noise. One commenter asks for the height of the wall surrounding the project.

The Draft IS-MND (see Section 13, *Noise*), analyzed increased noise from the project. As stated therein, project-generated traffic would not generate a perceptible increase in roadway noise, and both mechanical equipment and parking located on site would not significantly increase ambient noise levels. The construction of a noise wall surrounding the site would not be necessary to reduce operational noise to a less than significant level. The existing fence surrounding the site ranges from 6 to 8 feet in height, and would be replaced by a solid wood 8-foot fence.

¹ BAAQMD current rules and regulations can be viewed here: <https://www.baaqmd.gov/rules-and-compliance/current-rules>.

Public Services

Response PS-1

Several commenters stated an opinion that schools would be more crowded if the project is constructed, and that no after-school programs exist.

The Draft IS-MND (see Section 15, *Public Services*, checklist question a.3) addresses the potential impact to schools. As stated therein, the applicant would be required to pay school development fees, which constitutes full mitigation of impacts to schools per Government Code Section 65996(3)(h). Impacts would be less than significant under CEQA.

Response PS-2

One commenter stated an opinion that the demand for public services, including parks and libraries, would increase with the project.

The Draft IS-MND (see Section 15, *Public Services*, checklist questions a.4 and a.5, and Section 16, *Recreation*, checklist question a) addresses the potential impact to parks and libraries. As stated therein, the project would slightly increase the use of existing recreation facilities, and the applicant would be required to comply with City requirements for park land dedication and/or payment of a park land acquisition fee, and a park improvement fee, which the City considers adequate mitigation of development impacts on recreation facilities including parks. Additionally, the number of residents introduced by the project represents less than one percent of the growth anticipated in the 2035 General Plan EIR, and the General Plan EIR plans for an expansion of library hours to serve the additional residents anticipated with this buildout. Impacts would be less than significant.

Recreation

Response REC-1

One commenter stated an opinion that the Manor Bowl is a favorite recreational facility in the community and serves surrounding communities and cities. The commenter added that traveling to a farther away facility would be inconvenient.

The Draft IS-MND (see Section 16, *Recreation*) addresses impacts to recreational facilities. Manor Bowl is considered a private recreational facility, and as stated therein, the removal of the bowling alley has the potential to slightly increase the use of other existing recreation facilities. However, as described in the Draft IS-MND and in Response PS-2, above, the applicant would be required to comply with City requirements for park land dedication and/or payment of a park land acquisition fee, and a park improvement fee, which the City considers adequate mitigation of development impacts on recreation facilities. Although not directly relevant to the analysis or conclusions of the Draft IS-MND, this comment on the project will be forwarded to the City's decision makers for their consideration.

Transportation

Response TRA-1

Several commenters stated an opinion that the trip generation estimates did not take into account the hours Manor Bowl is open (starting at 9-10 a.m.) and no existing trips occur during the AM Peak Hour (7-9 a.m. per the ITE Trip Generation Manual).

Prior to the global COVID-19 pandemic and the state's shelter in place order, when traffic counts were conducted, the bowling alley was open to bowlers most days at 9 a.m. (8 a.m. on Sundays). Therefore, at that time, employees and deliveries would arrive before 9 a.m., which was during the morning peak commute period. The morning commute period is typically defined as 7 to 9 a.m. although some areas experience busy commute traffic until 10 a.m. Additionally, some bowlers arrive before 9 a.m. to enter the facility as soon as it opens. The trip generation estimates were prepared using rates from the ITE Trip Generation Manual, which is a compendium of trip generation studies for various types of land uses, including bowling alleys and townhomes like the proposed project. The ITE manual is the most widely used source of trip generation estimates within the transportation engineering industry. Therefore, the methodology used to analyze compare project trips to existing trips provides a reasonable estimate of existing and proposed trips. As discussed in the Draft IS-MND in Section 17, *Transportation*, impacts related to traffic would be less than significant.

Response TRA-2

Several commenters stated an opinion that households in the area typically have 3-4 cars each while the project is only providing 95 parking spaces (2.44 spaces per unit). Commenters expressed concern over the increase in cars and parking scarcity in the vicinity. Commenters requested that more parking spaces be added to the proposed project.

The City's parking requirement (Zoning Code Section 4.08.108) for the proposed project requires 78 covered parking spaces and 16.5 uncovered parking spaces. The proposed project includes 78 garage parking spaces and 17 on-site uncovered guest parking spaces, which meets the City's parking requirement. Also, two parking spaces are proposed to be provided on Manor Boulevard. A total of 95 onsite parking spaces or 97 parking spaces with the street parking are proposed for the project. The project would satisfy the City's parking requirement, and the provision of additional parking on the project site would not be required. It should also be noted that parking is not an environmental topic per CEQA; therefore, this comment does not relate to the adequacy of the Draft IS-MND.

Response TRA-3

Several commenters stated an opinion that Manor Boulevard is already a busy and congested roadway. One commenter suggested that development of the site would exacerbate this issue. Several commenters expressed concerns for pedestrian safety due to heavy traffic. One commenter stated an opinion that construction would increase truck traffic and materials deliveries to the site.

The Draft IS-MND (see Section 17, *Transportation*) addresses transportation impacts. As stated therein, the project would result in 72 fewer daily trips compared to existing conditions, which would improve the congestion on Manor Boulevard rather than worsen the existing congestion. This would also improve the safety of pedestrians traveling along this roadway, as fewer vehicles would

use Manor Boulevard. As stated on Page 82 of the Draft IS-MND, the project would not impede the development of planned pedestrian facilities in the project vicinity.

Construction traffic would be temporary, with the highest number of construction trips (per Appendix AQ of the Draft IS-MND) occurring during the 3-day site preparation period (approximately 216 daily trips for workers and hauling trips). The remainder of the construction period would result in between 6 and 28 daily trips, which is less than both the existing trips to the site or the anticipated operational trips to the site. Operational traffic impacts are described in Section 17, *Transportation*, of the Draft IS-MND, and impacts were found to be less than significant. Because construction trips would be temporary and generally lower than both the existing and operational trips, impacts would be similarly less than significant.

Response TRA-4

Several commenters requested traffic calming measures such as widening sidewalks, implementing speed limit restrictions, installing speed bumps, or installing traffic lights. Several commenters stated an opinion that Manor Boulevard pavement is in need of resurfacing. One commenter requested that Manor Boulevard be ground down and resurfaced from Farnsworth Street to Beatrice Street and that traffic controls are installed.

As described in the Draft IS-MND (Section 17, *Transportation*), the project would decrease total daily trips to the project site; therefore, the transportation improvement measures recommended by commenters would not be required to alleviate project-related traffic impacts, which would be less than significant.

Response TRA-5

One commenter suggested the entrance driveway be relocated to align with Flemming Street and incorporate a roundabout into the design.

As stated in the Draft IS-MND (Section 17, *Transportation*, checklist questions c and d), the proposed driveway would meet the SLMC Section 3-10-515 width requirement and the City's minimum driveway visibility requirements (San Leandro Zoning Code Section 4-1728). Additionally, the project would decrease total daily trips to the project site; therefore, relocation of the project driveway and installation of a roundabout, as recommended by the commenter, would not be required to alleviate project-related traffic impacts, which would be less than significant.

Utilities and Service Systems

Response UTIL-1

One commenter stated that garbage from the site will end up on their property.

The trash collection plan prepared as part of the combined submittal package to the City indicates that trash collection would occur outside each proposed townhome, similar to nearby residential developments. Therefore, garbage would be contained to the individual trash bins, kept inside the garages of each unit (per the building floor plans), and would not be likely to end up on adjacent properties, similar to adjacent residential uses.

Response UTIL-2

One commenter stated an opinion that construction would cause water, electricity, or gas service interruptions.

Temporary construction impacts may result from the connection of utilities to the project site. However, construction that may impact utility services is typically conducted in a manner that minimizes service disruptions by limiting the duration of interrupted service, re-routing existing service to maintain the full provision of utilities during construction activities, or notifying customers of planned service interruptions. Such temporary impacts on the modest scale at which they could occur for the proposed project are not significant environmental impacts pursuant to CEQA.