

## 4.9 LAND USE AND PLANNING

This chapter describes the regulatory framework and existing conditions related to land use in the vicinity of the Project site, and the potential plan consistency impacts that could result from development of the proposed Project.

### 4.9.1 ENVIRONMENTAL SETTING

#### 4.9.1.1 REGULATORY FRAMEWORK

This section describes land use plans and policies relevant to the proposed Project.

#### Regional Plans

##### *Plan Bay Area, Strategy for a Sustainable Region*

The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) *Plan Bay Area* is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS). The draft *Plan Bay Area* was adopted July 18, 2013.<sup>1</sup> The SCS sets a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. The *Plan Bay Area* meets a 16 percent<sup>2</sup> per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

In 2008, MTC and ABAG initiated a regional effort (FOCUS) to link local planned development with regional land use and transportation planning objectives. Through this initiative, local governments identified Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). PDAs and PCAs form the implementing framework for *Plan Bay Area*.

- **PDAs** are transit-oriented infill development opportunity areas within existing communities that are expected to host the majority of future development.
- **PCAs** are regionally significant open spaces for which there exists broad consensus for long-term protection but nearer-term development pressure.

Overall, well over two-thirds of all regional growth, in the Bay Area, by 2040 is allocated within PDAs. PDAs are expected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs.<sup>3</sup> There are three PDAs in San Leandro identified in *Plan Bay Area*:<sup>4</sup>

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<sup>1</sup> It should be noted that the Bay Area Citizens filed a lawsuit on MTC's and ABAG's adoption of *Plan Bay Area*.

<sup>2</sup> It should be noted that the California Air Resources Board (CARB) set a target reduction of 15 percent and the MTC/ABAG set a regional target reduction of 16 percent.

<sup>3</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2013. *Plan Bay Area, Strategy for a Sustainable Region*.

<sup>4</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2013. *Plan Bay Area*. <http://geocommons.com/maps/141979>.

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- **San Leandro: East 14<sup>th</sup> Street:** Future plans include pedestrian, sidewalk, and streetscape improvements and transformation of what currently exists as a relatively unbroken strip of commercial land uses into a series of mixed-use districts, each with a different character and focus. These districts will include a mix of local-serving retail, restaurants, and services, and will be linked by residential areas with high quality, multi-family housing.

The changes envisioned for the East 14<sup>th</sup> Street corridor would transform a major transportation route in San Leandro from an auto-oriented commercial strip into an attractive boulevard, lined with higher-density housing between activity nodes that offer a mix of uses, including shops, restaurants, offices, and services. These proposed changes, when accompanied by planned streetscape improvements, would make the corridor more pedestrian-, bicycle-, and transit-friendly. As a result, residents will have a wider range of housing choices and will be able to take care of their daily needs without relying on a car.<sup>5</sup>

- **San Leandro: Downtown Transit Oriented Development:** In the future, retail mixed-use development, with pedestrian-oriented retail on the ground floor and housing above, will rise around San Leandro's existing retail downtown core along East 14<sup>th</sup> Street and Washington Avenue. Residential densities in these areas range from medium to high with a minimum height of two stories for buildings along East 14<sup>th</sup> Street. The growth calls for mixed-use office development near Davis Street and San Leandro Boulevard to complement existing office buildings in the area. Transit-oriented development (TOD) is particularly encouraged in the areas around BART and between the BART station and downtown core. Development to the east of the BART station, closest to downtown, will include a mix of uses with residential densities.<sup>6</sup>
- **San Leandro: Bay Fair BART Transit Village:** Plans for the area include creating a place that is attractive and safe; improving connections to jobs, services, and transit; providing a range of housing options; fostering fiscal and economic growth that favors the creation of a higher-density; and mixed-use district that promotes walking, biking, and transit use. Strategies to achieve these urban design goals include; circulation and access for pedestrians, bicyclists, drivers, and transit users; parking management; market and financial feasibility; and design guidelines for higher-density development and ensuring appropriate transitions to existing neighborhoods. In particular, these strategies focus on adding more housing in the area while improving the circulation network between the BART site, Bayfair Center, and surrounding areas.<sup>7</sup>

Per the One Bay Area Grant (OBAG) requirements, Congestion Management Agencies (CMAs) will develop a PDA Investment and Growth Strategy for their respective counties; this will be used to guide future transportation investments that are supportive of PDA-focused development.

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<sup>5</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2012, May. Visions for Priority Development Areas- Jobs housing Connection Strategy.

<sup>6</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2012, May. Visions for Priority Development Areas- Jobs housing Connection Strategy.

<sup>7</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2012, May. Visions for Priority Development Areas- Jobs housing Connection Strategy.

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### *San Francisco Bay Plan*

The San Francisco Bay Plan was completed and adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in 1968 and was transmitted to the California Legislature and the Governor in 1969. This comprehensive plan is concentrated on the conservation of the San Francisco Bay and pertains to all development at the Bay's shoreline.

In the maps prepared for the Bay Plan, the Project site does not have a priority use identified but the map does identify Monarch Bay Drive as a "scenic drive."<sup>8</sup> None of the policies listed in the Bay Plan's maps apply exclusively to the Project site but there is a Commission suggestion for a possible extension of the scenic drive (Monarch Bay Drive).

The McAteer-Petris Act designated BCDC as the permanent agency for carrying out the Bay Plan and directs BCDC to exercise its authority to issue or deny permit applications for placing fill, extracting materials, or changing the use of any land, water, or structure within the area of its jurisdiction. The portions of the Project site within 100 feet of the Bay's shoreline, as shown in Figure 4.9-1, are within the area of jurisdiction identified in the Bay Plan. The findings and policies of the Bay Plan are not applicable to the areas of the Project site that are outside of the 100-foot shoreline band. The provisions of the Bay Plan pertaining to areas outside of the 100-foot shoreline band are advisory. Given the scope of the proposed Project, a "major permit" would need to be approved by BCDC in order to carry out the proposed Project. Major permits from BCDC include the requirement for a public hearing as well as the opportunity for written comments from the public. The review necessary for the major permit will analyze the proposed Project for consistency with the objectives and policies described below.

In accordance with Objective 2 of the Bay Plan, which calls for developing the Bay and its shoreline to their highest potential, Section 3(a)(2) on page 7 of the Bay Plan would apply. This section states that all shoreline areas which do not have a priority use area identified should be used in a manner that would not adversely affect enjoyment of the Bay and shoreline by residents, employees, and visitors. Additionally, the Bay Plan contains policies which call for review with respect to the effects of climate change on projects in BCDC's jurisdiction including the requirement that a risk assessment be prepared to assure that the risk of flooding from sea level rise is acceptable.<sup>9</sup> With respect to recreation, Policy 1 on page 61 of the Bay Plan calls for "diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers," to meet the needs of a growing and diversifying population. Finally, the Bay Plan also contains policies related to the aesthetics of development around the Bay including calling for projects to conform with the Public Access Design Guidelines. Precise language regarding permit requirements can be found in Title 7.2 of the California Government Code and Title 14, Division 5 of the California Code of Regulations.

BCDC has the authority to approve projects with conditions which must be carried out as a part of the authorized project. According to the BCDC's website, typical permit conditions include requirements to construct, guarantee, and maintain public access to the Bay, plan review requirements that must be met before construction can begin, and mitigation requirements to offset the adverse environmental impacts of proposed projects.

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<sup>8</sup> San Francisco Bay Conservation and Development Commission, 2008, San Francisco Bay Plan, Plan map 5, Central Bay.

<sup>9</sup> San Francisco Bay Conservation and Development Commission, 2008, San Francisco Bay Plan, page 36.

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Source: PlaceWorks, 2014

**Key**

-  Project Site
-  BCDC Jurisdiction

FIGURE 4.9-1  
APPROXIMATE BCDC JURISDICTION

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### *Bay Conservation and Development Commission Public Access Design Guidelines*

As mentioned above, BCDC has jurisdiction within 100 feet of the Bay's shoreline. As such, proposed development within that jurisdiction are subject to BCDC Public Access Design Guidelines, which are intended to ensure that maximum feasible public access is provided, consistent with proposed projects. BCDC defines "public access" as including physical public access to and along the shoreline of the Bay and visual public access to the Bay from other public spaces.<sup>10</sup> Physical improvements, as defined by BCDC, may include waterfront promenades, trails, plazas, play areas, overlooks, parking spaces, landscaping, site furnishings, and connections from public streets to the water's edge.<sup>11</sup> Given that development varies along the San Francisco Bay Shoreline, the amount and quality of public access will likely vary with each development depending on the type, location, and extent of development.

In general, the Public Access Design Guidelines provide recommendations for improving and maximizing public access; however, they do not establish a specific set of design requirements, recognizing that development and character differs from location to location.

### *Association of Bay Area Governments Bay Trail Plan*

The Bay Trail Plan proposes development of a continuous regional hiking and bicycling trail around the perimeter of the San Francisco and San Pablo Bays. Implementation of the Bay Trail is coordinated by the San Francisco Bay Trail Project; a nonprofit organization created by the Association of Bay Area Governments (ABAG) and is housed in its offices. A proposed trail routes goes through the Project site near Monarch Bay Drive and currently continues to the south as a Class I bicycle and pedestrian path.

### *San Francisco Bay Area Water Trail*

The San Francisco Bay Area Water Trail is an ongoing effort to create a network of launch and landing sites to accommodate non-motorized boats and sail craft throughout the San Francisco Bay,<sup>12</sup> and is intended to promote recreational water access opportunities. The Water Trail is a regional trail linking nine counties in the Bay Area and joins three other regional trail systems, including the San Francisco Bay Trail, Bay Area Ridge Trail, and the California Coastal Trail. The nearest designated Water Trail site to the Project area is within Alameda County at the Tidewater Boating Center in Oakland, which is approximately 7 miles north of the Project site. The Water Trail program is implemented by the Coastal Conservancy in collaboration with the ABAG, BCDC, and the Department of Boating and Waterways.

### *Oakland Airport Land Use Compatibility Plan*

The Airport Land Use Compatibility Plan (Land Use Plan) for Oakland International Airport (OAK) presents the criteria, maps, and policies to be utilized by the Alameda County Airport Land Use Commission (Land Use Commission) and other local jurisdictions. These policies apply when reviewing proposals for land use development within the airport influence area for its compatibility with airport operations. The area of

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<sup>10</sup> San Francisco Bay Conservation and Development Commission, 2005, Public Access Design Guidelines for the San Francisco Bay, page 3.

<sup>11</sup> San Francisco Bay Conservation and Development Commission, 2005, Public Access Design Guidelines for the San Francisco Bay, page 3.

<sup>12</sup> San Francisco Bay Area Water Trail, <http://sfbaywatertrail.org/>, accessed on September 25, 2014.

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influence was defined based on political boundaries, noise contours and flight tracks. The Project site is within the airport influence area. Additionally, the Land Use Plan establishes Safety Compatibility Zones which depict the relative risk of aircraft accidents. The Project site is not located within any of the designated Safety Compatibility Zones.

General Plan amendments like the one necessary for the proposed Project are subject to review by the Land Use Commission. The Commission must find that the proposed General Plan amendment is consistent with the Land Use Plan, unless the ALUC Commission chooses not to review the amendment or the local jurisdiction, in this case the City of San Leandro, were to overrule the Land Use Commission by a two-thirds vote. Once the Commission has reviewed, elected not to review, or the local jurisdiction has overruled the Land Use Commission, the Commission would no longer have the authority to review individual projects permitted as a result of the proposed Project unless the Commission and the local jurisdiction determine that the Commission should continue to review individual projects in an advisory capacity.

Prior to taking action on a proposed amendment to a General Plan, local jurisdictions must submit a draft of the proposal to the Land Use Commission for review and approval in accordance with Section 21676(b) of the Public Utilities Code. General Plan amendments in the airport influence area must be found to be consistent with the Land Use Plan, consistent with conditions or modifications, or the Land Use Commission may find that the proposed General Plan amendment is inconsistent with the policies of the Land Use Plan.

The policies of the Land Use Plan related to land use compatibility are contained in Section 3 of the Land Use Plan and are related to topic areas including noise, safety, airspace protection, and overflight. Each of the sections of the Land Use Plan describing policies related to these topic areas include specific compatibility review criteria. For noise, the criteria are shown on a noise contour map and table which specify the maximum allowable interior and exterior noise levels that can be experienced by adjacent uses. For safety, the location of potential projects in relation to runways would be evaluated and among other factors, whether or not a project site is included in a Safety Compatibility Zones factors into this determination. Regarding airspace protection, the Land Use Commission has adopted FAR part 77, *Objects Affecting Navigable Air Space*, which defines areas where height restrictions may be necessary to minimize impacts to airport operations. As such, policies in the Land Use Plan rely on Federal Aviation Administration (FAA) regulation. Proponents of a project that may exceed the elevation of a FAR part 77 surface must notify the FAA as required by FAR Part 77, Subpart B, by the State Aeronautics Act, and by Public Utilities Code Sections 21658 and 21659. Finally, with respect to overflight, unlike the other topic areas, overflight policies do not control how land can be developed but rather contain notification requirements for potential residents which would be impacted by overflight noise.

The Land Use Commission review criteria would ensure that upon approval there are no direct conflicts between the Land Use Plan and a proposed General Plan amendment. In order to provide an adequate basis for the evaluation of consistency between a proposed General Plan amendment and the Land Use Plan local jurisdictions have a few options on how to satisfy these requirements: The General Plan amendment must contain sufficient detail (with the compatibility criteria specified in the Land Use Plan identified), the Land Use Plan can be adopted by reference, or the General Plan amendment must indicate that all major land use actions, as listed in Section 2.6.2 of the Land Use Plan, or otherwise agreed to by



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the Land Use Commission, shall be referred to the Land Use Commission for review in accordance with the policies of Section 2.7.5 of the Land Use Plan.

### Local Plans and Ordinances

#### *San Leandro General Plan*

The City of San Leandro General Plan was adopted in 2002 and contains a vision for San Leandro through the year 2015 including policies and actions to help achieve that vision. The San Leandro General Plan identifies the Project site as a Focus Area and refers to the Marina as the “crown jewel” of the City’s park system. Additionally, the Plan envisions the Marina as a community focal point, a place for family gatherings and celebrations, as well as a haven for business travelers. Goal 9 of the Land Use Element calls for the City to recognize and take advantage of the unique business amenities offered by the San Leandro Marina area.<sup>13</sup>

A full list of San Leandro General Plan goals and policies relevant to the proposed Project are listed in Table 4.9-1. A consistency analysis is also provided in the table.

#### *Climate Action Plan*

The San Leandro Climate Action Plan (CAP) was adopted in 2009. The Plan includes a series of goals and policies intended to help the City meet the greenhouse gas (GHG) reduction target of 25 percent below 2005 emissions levels by 2020.<sup>14</sup>

#### *Bicycle and Pedestrian Master Plan*

The Bicycle and Pedestrian Master Plan, updated in 2010, contains goals and policies which are intended guide the development of the bicycle and pedestrian network. These policies include those that encourage natural and man-made corridors including shorelines to be used for the alignment of future multi-use trails. A description of the Bicycle and Pedestrian Master Plan, including the existing bicycle and pedestrian facilities, can be found in the Traffic Impact Analysis prepared for the proposed Project, included as Appendix H of this Draft EIR.

#### *City of San Leandro Municipal Code*

The City of San Leandro Municipal Code Zoning Code implements the land use goals and policies established in the San Leandro General Plan. The Zoning Ordinance identifies specific zoning districts within the city and describes the development standards that apply to each district.

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<sup>13</sup> City of San Leandro, *San Leandro General Plan*, Land Use Element, Chapter 3.3, Business and Industry, Focus Areas.

<sup>14</sup> City of San Leandro, *Climate Action Plan*, 2009.

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TABLE 4.9-1 POLICY CONSISTENCY – SAN LEANDRO GENERAL PLAN GOALS AND POLICIES

Goal or Policy No.	Goals and Policies	Determination of Project Consistency
<b>Land Use Element</b>		
Policy 1.08	Maintain and enforce high standards of maintenance and property upkeep after multi-family housing projects are completed and occupied.	Consistent. The Project would include a development agreement between the City and the Project applicant, that once the residential component of the Project is completed and occupied, high standards of maintenance and property upkeep are required through Covenants, Conditions and Restrictions (CC&Rs).
Policy 1.11	Protect residential neighborhoods from the encroachment of incompatible non-residential uses and disruptive traffic, to the extent possible. Zoning and design review should ensure that compatibility issues are fully addressed when non-residential development is proposed near or within residential areas.	Consistent. The Project would include non-residential development in proximity to existing residential uses, however: the non-residential development would be complementary to the existing and new residential land uses. Zoning and design review would serve to ensure that compatibility issues are adequately addressed.
Goal 2	Neighborhood Character- Preserve and enhance the distinct identities of San Leandro neighborhoods.	Consistent. To ensure the proposed development reflects the desires of the community at large, a 35- member Shoreline Development Citizens Advisory Committee (CAC) was established following an application process. Over 50 public meetings occurred, including Town Hall Meetings and Council work sessions to encourage public input. This opportunity for public input in addition to the public input allowed by the process of this EIR would serve to adequately preserve and enhance the surrounding neighborhood identities.
Policy 2.03	Promote improvements that make San Leandro neighborhoods more friendly to pedestrians and bicyclists, such as bike lanes, street trees, and crosswalks.	Consistent. As discussed above a variety of public amenities would be provided as a part of the proposed Project. Many of these amenities are centered around improvements intended for pedestrians and bicyclists including pedestrian piers, approximately 2 miles of public promenade, a natural shoreline element, a boardwalk/ lookout pier, and several dockside pedestrian lookout piers along the interior of the harbor.
Policy 2.05	Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.	Consistent. To ensure the proposed development reflects the desires of the community at large, a Shoreline Development Citizens Advisory Committee (CAC) was established following an application process. Over 50 public meetings occurred, including Town Hall Meetings and Council work sessions to encourage public input. This opportunity for public input in addition to the public input provided by the process of this EIR would serve to adequately ensure that the proposed project is compatible with the existing homes in the area. Additionally, the Site Plan Review would ensure that the proposed Project is held to the same standards as the surrounding development, which would serve to maintain aesthetically pleasing neighborhoods.



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**TABLE 4.9-1 POLICY CONSISTENCY – SAN LEANDRO GENERAL PLAN GOALS AND POLICIES**

Goal or Policy No.	Goals and Policies	Determination of Project Consistency
Policy 2.08	Encourage residential alterations, additions, and new homes to be designed in a manner that respects the privacy of nearby homes and preserves access to sunlight and views. Wherever feasible, new or altered structures should avoid the disruption of panoramic or scenic views.	Consistent. The site and design review process would be adequate to ensure that the proposed Project respects the privacy of nearby homes and preserves access to sunlight and public access to views.
Policy 2.09	Ensure that adequate off-street parking is provided for new residential uses. Parking should be conveniently located but its visual prominence should be minimized.	Consistent. The proposed Project would provide the requisite amount of parking for the uses on site. Many of the spaces would be contained within a parking structure and all of the parking spaces on site would be in conformance with the standards outlined in the San Leandro Zoning Code.
Policy 2.12	Require useable open spaces for community use in large new residential developments. Wherever feasible, such spaces should contain play equipment, children’s activity areas, and other amenities that draw people outdoors, create street life, and instill a sense of community.	Consistent. Given that the residential component of the proposed Project would be adjacent to the many usable open spaces in the vicinity of the Marina including, the pedestrian pier, approximately 2 miles of public promenade, a natural shoreline element, a boardwalk/ lookout pier, several dockside pedestrian lookout piers along the interior of the harbor. These Project components would be adequate to instill a sense of community, create street life, and draw people outdoors.
Policy 2.13	Require new development to be harmonious with its natural setting and to preserve natural features such as creeks, large trees, ridgelines, and rock outcroppings.	Consistent. The Project site has a long history of development and few natural features exist on the site. The Project includes an enhanced natural shoreline feature which would promote the harmony between the proposed Project and its natural setting.
Policy 2.14	Focus new housing development on underutilized or infill sites on the city’s flatter lands, rather than on previously undeveloped sites in the hills. Development on sites with significant geologic, hydrologic, or land stability constraints should be strongly discouraged.	Consistent. The Proposed Project includes housing development and the site is relatively flat and is currently underutilized.
Policy 3.01	Encourage a mix of residential development types in the City, including single family homes on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, and multi-family housing.	Consistent. The proposed Project includes single family homes, townhomes as well as multifamily apartment units which would serve to contribute to the mix of residential development types in the City.
Policy 3.04	Encourage infill development on vacant or underused sites within residential areas.	Consistent. As discussed above, the proposed Project is largely surrounded by residential uses and is currently underutilized .

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**TABLE 4.9-1 POLICY CONSISTENCY – SAN LEANDRO GENERAL PLAN GOALS AND POLICIES**

Goal or Policy No.	Goals and Policies	Determination of Project Consistency
Policy 3.10	<p>Encourage the development of new housing on underutilized commercial and industrial sites which meet the following criteria:</p> <ul style="list-style-type: none"> <li>■ Sites on the edges of commercial or industrial areas, adjacent to established residential areas.</li> <li>■ Sites where continued use with commercial or industrial activities could perpetuate existing land use conflicts.</li> <li>■ Sites with adequate infrastructure, access, and road capacity.</li> <li>■ Sites which are not constrained by external environmental factors, including freeway, railroad, and airport noise.</li> <li>■ Sites where conflicts with surrounding uses would not be created in the event of re-use.</li> <li>■ Sites which lack “prime” qualities for commercial or industrial development, such as direct freeway or rail access.</li> <li>■ Publicly owned land which is not being used to its fullest potential. Sites meeting the above criteria should also be considered for churches, libraries, parks, community facilities, and other uses that provide necessary services and advance the quality of life in the community.</li> </ul>	<p>Consistent. As discussed above, the Project site is currently designated as General Commercial on the western portion of the site and would contain a housing component. The proposed Project would be consistent with virtually all of the relevant criteria, especially as airport noise would not constrain the provision of new housing.</p>
Policy 4.02	<p>Require new residential development to pay its fair share of the cost of capital improvements needed to serve that development.</p>	<p>Consistent. The Developer will be responsible for funding all infrastructure needs. The Project is subject to established City developer impact fees that would be adequate to ensure that the Project pays its fair share of the cost of capital improvements.</p>
Policy 4.03	<p>Promote collaborative, creative solutions between the public and private sectors to develop additional schools, parks, and other public facilities in the City.</p>	<p>Consistent. The proposed Project does not include improvements to schools; however, Chapter 4.12, Public Services and Recreation, found less-than-significant impacts with regards to schools. Additionally, the proposed Project is a collaborative effort between the applicant and the City and would result in a revitalized public facility; the Marina, library, and associated facilities.</p>
Policy 5.03	<p>Encourage the participation of individuals as well as organizations in the planning process, since organizations may not always reflect individual needs and opinions.</p>	<p>Consistent. The participation of the CAC and past public meetings as well as the public comment opportunities which are a part of the CEQA process would serve to satisfy consistency with this policy.</p>
Goal 7	<p>Industrial and Office Districts- Continue to develop a strong and healthy industrial and office employment base in the community.</p>	<p>Consistent. The proposed Project’s contribution of a 150,000 square foot office campus and 15,000 square foot conference center would help to add to the office employment base in the City.</p>

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**TABLE 4.9-1 POLICY CONSISTENCY – SAN LEANDRO GENERAL PLAN GOALS AND POLICIES**

Goal or Policy No.	Goals and Policies	Determination of Project Consistency
Policy 7.06	Encourage private reinvestment in vacant or underutilized industrial and commercial real estate to adapt such property to changing economic needs, including the creation of flex/office space.	Consistent. The applicant has worked in partnership with the City to redevelop the Marina which is one of the primary underutilized commercial properties in the city and the proposed Project components include office and conference center space.
Policy 7.07	Encourage business development that improves the City’s ability to provide the public with high-quality services and which minimizes increases in the tax burden for existing businesses and residents.	Consistent. The proposed Project would allow for the improvement of the Marina without increasing the tax burden on the citizens of the city of San Leandro.
Policy 7.09	Build upon the locational strengths and transportation features of West San Leandro to support the area’s continued development as a major industrial, technology, and office employment center. In accordance with the West San Leandro Plan, limit the encroachment of incompatible residential and retail uses into the area, and promote additional development and redevelopment with manufacturing, technology, warehouse and distribution, office/flex, and similar uses.	Consistent. While the proposed Project does not include industrial development it does include a substantial office component. Moreover, Goal 9 and the policies under that goal call for the Marina area to take advantage of the unique business amenities offered by the area including making the site a destination for visitors, and promoting development that is compatible with the area’s scenic and recreational qualities.
Policy 8.08	Aggressively pursue the development of additional hotels, lodging, and conference facilities in the City.	Consistent. As described above, the Project would include a 200 room hotel as well as 15,000 square feet of conference facilities.
Goal 9	Marina and Shoreline- Recognize and take advantage of the unique business amenities offered by the San Leandro Marina area.	Consistent. The proposed Project would revitalize the currently underutilized San Leandro Marina.
Policy 9.01	Maintain an ongoing dialogue with residents of neighborhoods adjacent to the Marina to address traffic, noise, and other issues associated with Marina operations and future development. Early and frequent opportunities for neighborhood input should be provided in Marina development decisions.	Consistent. The participation of the CAC and numerous public meetings, including meetings with local Homeowners Associations and the public comment opportunities which are a part of the CEQA process would serve to satisfy consistency with this policy.
Policy 9.02	Enhance the San Leandro Marina area as a distinguished recreational shoreline, with complementary activities that boost its appeal as a destination for San Leandro residents and visitors.	Consistent. The proposed Project would include recreational and entertainment components which would improve its appeal as a destination for both residents and visitors.
Policy 9.03	Capitalize upon the Marina’s potential to attract and support water-oriented development. Future projects should be compatible with the area’s scenic and recreational qualities.	Consistent. It is intended that the future harbor basin would be accessible for non-motorized water craft. As such, a small boat launch is included as a Project component. Additionally, site and design review of the proposed Project would ensure the compatibility of the Project with its surroundings.

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**TABLE 4.9-1 POLICY CONSISTENCY – SAN LEANDRO GENERAL PLAN GOALS AND POLICIES**

Goal or Policy No.	Goals and Policies	Determination of Project Consistency
Policy 9.04	Encourage future uses and activities at the Marina which provide the revenue necessary to enable continued operation and maintenance of the boat berthing, basin, channel, landside, and other related facilities. These activities could include ferry service between San Leandro and other cities around the Bay.	Consistent. Part of the intent of the proposed Project is to allow for funding to redevelop the boat harbor basin. The proposed Project would remove the existing docks given existing operations of berthing are not sufficient to provide the revenue necessary to maintain the basin. However, the proposed Project would redevelop the San Leandro Shoreline to provide expanded and enhanced opportunities for landside activities as a result of new restaurants, hotel and conference center, and office space
Policy 9.06	Encourage “gateway” improvements which enhance the approach routes to the Marina while minimizing the impacts of increased traffic on area neighborhoods. Improvements could include new signage, streetscape enhancement along Marina Boulevard and Fairway Drive, entry monuments and landscaping at the Marina itself, and longer-term circulation changes.	Consistent. The Project would include landscaping and roadway improvements along Marina Boulevard signifying a gateway to the Marina. Improvements..
Policy 9.07	Encourage cohesive urban design and high-quality architecture at the Marina. Buildings should be oriented to maximize water views and shoreline access. Architecture, signage, lighting, street furniture, landscaping, and other amenities, should be coordinated to achieve an integrated design theme.	Consistent. Site and design review would adequately address views and design issues.
Policy 9.08	Promote improvements at the Marina which enhance pedestrian and bicycle circulation through the area, including public shoreline walkways and trail connections to adjacent regional parklands and neighborhoods.	Consistent. As discussed above, the proposed Project includes pedestrian piers, approximately 2 miles of public promenade, a natural shoreline element, a boardwalk/ lookout pier, and several dockside pedestrian lookouts in addition to the portion of the San Francisco Bay trail that goes through the Project site.
Goal 10	Land Use Compatibility- Ensure that commercial and industrial projects are attractively designed and are sensitive to surrounding areas.	Consistent. As discussed above in order to obtain Project approval, the proposed Project would be required to go through the site and design review process which would adequately account for compatibility issues.

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The Project site is zoned Commercial Recreation (CR) in the current zoning code. Uses allowed in this district without a conditional use permit include health and fitness centers, marine sales and services, retail sales, and travel services. Development regulations contained in the Zoning Code applicable to the CR zone include a maximum base Floor Area Ratio (FAR) of 0.3 and a maximum building height of 40 feet. The project proposes a rezoning to Community Commercial with a Planned Development overlay.

### 4.9.1.2 EXISTING CONDITIONS

As shown on Figure 4.9-2, the western portion of the site is designated as General Commercial (GC) while the eastern portion is designated for Parks and Recreation (PR). The Project site is zoned Commercial Recreation, as shown in Figure 4.9-3.

### Surrounding Land Uses and Context

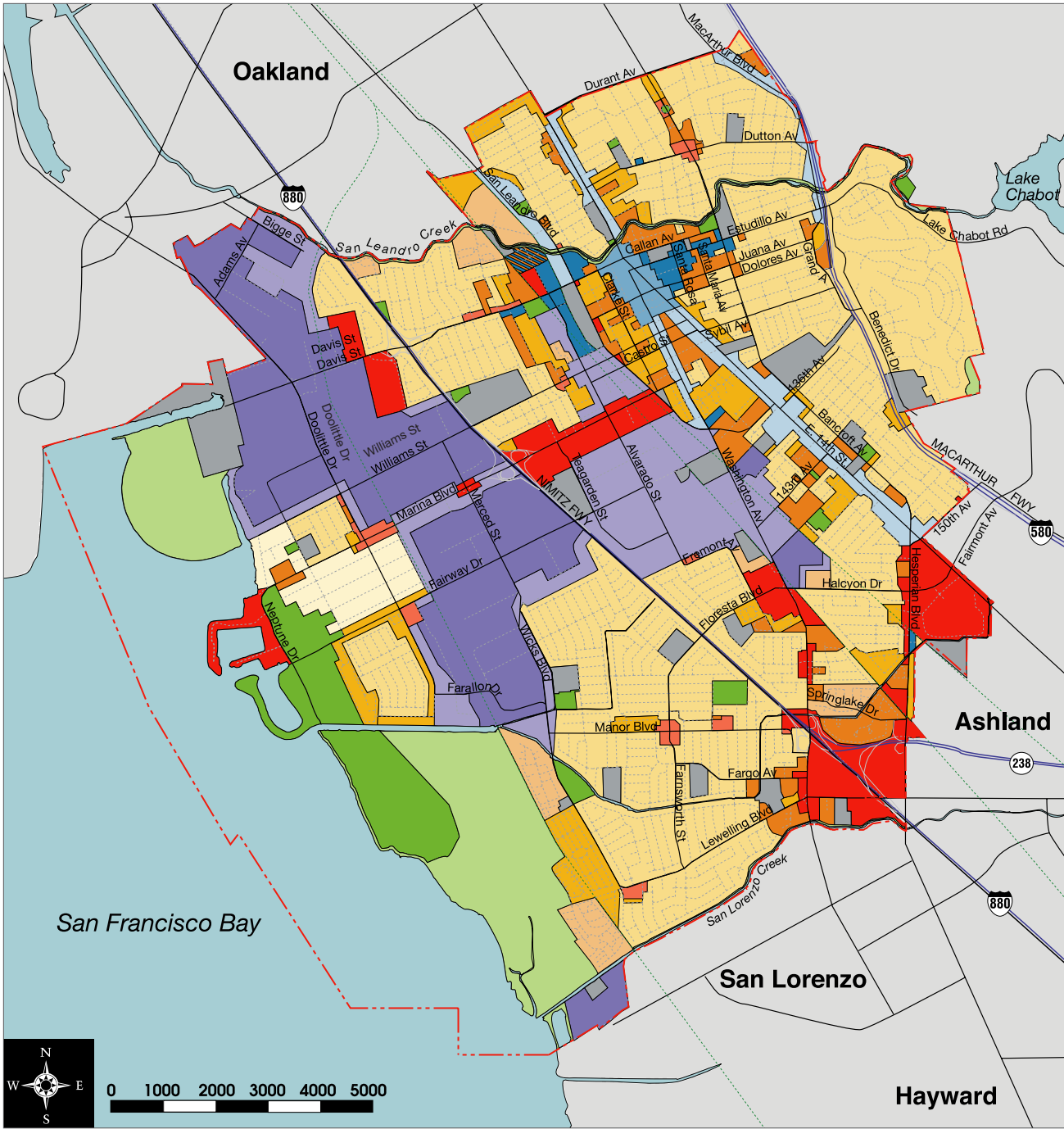
The Project site is directly bordered to the north and east by residential development, the majority of which is single- and two-family dwellings. The area further to the east includes industrial and commercial uses, including the new Kaiser Permanente San Leandro Medical Center. Further to the north are extensive industrial lands. The Oyster Bay Regional Shoreline is located approximately 0.3 miles to the northwest of the Project site. The Oakland International Airport is located less than 1 mile to the northwest of the Project site. Directly to the south lies the Tony Lema Golf Course which is also a part of the Monarch Bay Golf Club, and Marina Park. Marina Park includes a jetty, referred to as the Par Course, and a small boat lagoon that extends into the Bay, south of the Marina. Further to the south of the site lies 315 acres of restored marshland habitat and the Heron Bay residential development, and to the west, the San Francisco Bay.

### Existing Uses on the Project Site

The Project site currently contains various recreation and marine uses including a harbor master's office, a 462-slip public harbor, two yacht clubs, the nine-hole Marina Golf Course, and a small park area at the southwestern portion of the site. A public boat launch ramp and parking lot are located on the south side of Pescador Point Drive. Commercial uses on the site are the 131-room The Marina Inn on San Francisco Bay, and two restaurants: Horatio's Restaurant which was completed in 1978, and an El Torito which was originally opened as part of the Tia Maria chain in 1970. The foundation and deck piers of the former Blue Dolphin Restaurant remain on-site; however, the building structure has been previously removed. Finally, at the easternmost portion of the site there is the existing Mulford-Marina branch public library. To accommodate these uses there are approximately 1,950 parking spaces throughout the Project site.



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Source: San Leandro General Plan Update, 2002.

**Residential Categories**

- Garden Density
- Low Density
- Low-Medium Density
- Medium Density
- High Density

**Commercial Categories**

- Neighborhood Commercial
- General Commercial
- Office
- Downtown Mixed Use
- Corridor Mixed Use

**Industrial Categories**

- Light Industrial
- General Industrial

**Public/Open Space Categories**

- Public/Institutional
- Parks and Recreation
- Resource Conservation

Figure 4.9-2  
Land Use Map



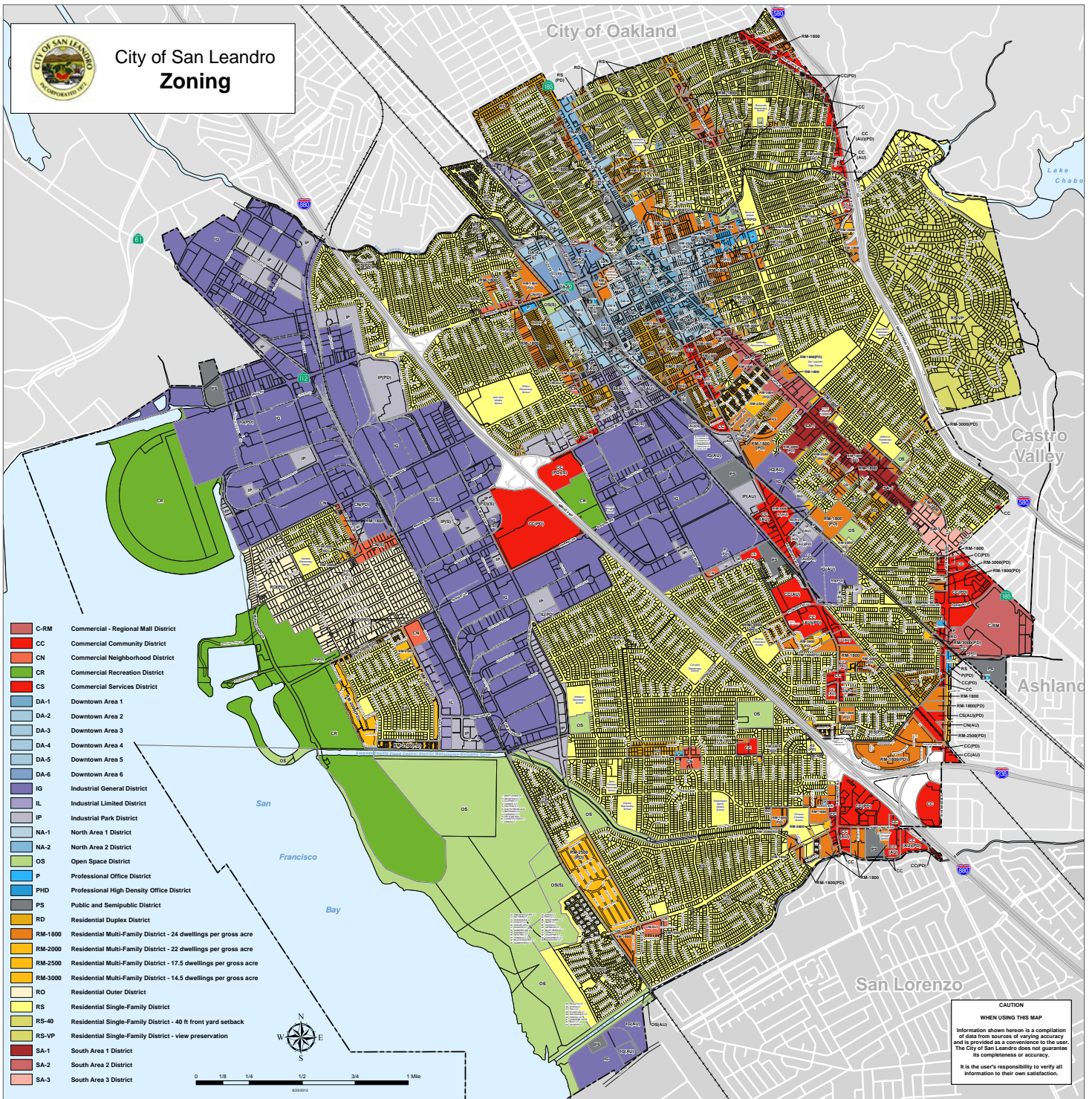


Figure 4.9-3  
Zoning Map



## LAND USE AND PLANNING

### 4.9.2 STANDARDS OF SIGNIFICANCE

In accordance with the thresholds in CEQA Guidelines Appendix G and the EIR preparers' professional judgment, the proposed Project would be considered to have a significant environmental impact with regard to land use if it would do any of the following:

1. Physically divide an established community.
2. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

In the context of criterion number 2, it should be noted that the proposed Project includes zoning and General Plan amendments, which are intended to eliminate conflicts with those governing regulations and policies. The proposed amendments are considered in light of other applicable regulations and policies.

### 4.9.3 IMPACT DISCUSSION

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#### **LAND-1                      The Project would not physically divide an established community.**

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The proposed Project would have a significant environmental impact if it would create a barrier between portions of an established community. Typically, projects with the potential to divide an established community include the construction of major highways or roadways, construction of storm channels, closing bridges or roadways, or construction of utility transmission lines. The addition of 354 housing units, with an associated average maximum population increase estimate of 970 residents,<sup>15</sup> would be new to the site and would have an impact on the circulation infrastructure in the vicinity. However, neither this nor any other aspect of the proposed Project would serve to create a barrier or spatially divide adjacent uses from one another. The extension of infrastructure and City services to this new development, in combination with the provision of new public amenities at the Marina and community-serving uses adequate to serve the magnitude of the increased intensity, would serve to seamlessly incorporate the proposed Project into the existing communities without dividing them. As it is, the communities that exist in the Marina are distinct yet form a well-defined community with shared concerns. The addition of the Project would be able to integrate into this framework and a *less-than-significant* impact would result.

#### **Applicable Regulations:**

- San Leandro General Plan
- San Leandro Municipal Code

**Significance Before Mitigation:** Less than significant.

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<sup>15</sup> This figure was calculated using the average household size reported in the 2010 Census. US Census Bureau, 2010 Census, Table DP-1

## LAND USE AND PLANNING

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**LAND-2      The proposed Project would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.**

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As mitigated, the proposed Project would not conflict with any applicable land use plan, policy, or regulation, adopted for the purpose of avoiding or mitigating an environmental effect. The San Leandro General Plan is the primary planning document intended to guide the development of the Project site, but there are also several other plans, policies and regulations that are applicable to the Project site including the San Leandro Municipal Code, The San Francisco Bay Plan, the Oakland Airport Land Use Compatibility Plan, and the Association of Bay Area Governments Bay Trail Plan.

### San Leandro General Plan

As discussed in Chapter 3, Project Description, the proposed Project would require a General Plan amendment to change the land use designation from existing where the western portion of the site is designated General Commercial and the eastern portion is designated as Parks and Recreation, to solely General Commercial for the entire site. The Parks and Recreation designation is intended for places used for active recreational purposes, including neighborhood, community, and regional parks, golf courses, and the recreational amenities at the San Leandro Marina.<sup>16</sup> The General Commercial designation is characterized by large shopping centers, shopping districts, and commercial uses providing a broad range of goods and services and serving a broad market.<sup>17</sup> Residential and recreational uses would be allowed under the General Commercial Land Use Category, with the corresponding zoning classification of CC Commercial Community.<sup>18</sup> Because portions of the existing Marina Golf Course would be occupied by housing, a General Plan amendment is necessary for conformance with the San Leandro General Plan land use map and text. This General Plan amendment is consistent with the spirit of the goals and policies that currently exist in the San Leandro General Plan. As listed above in the Environmental Setting portion of this chapter, Goal 9 of the Land Use Element calls for the City to take advantage of the unique business amenities offered by the San Leandro Marina area. Additionally, Policy 9.04 calls for the City to encourage future uses and activities at the Marina, which provide the revenue necessary to enable continued operation and maintenance of the boat berthing, basin, channel, landside, and other related facilities. Table 4.9-1 contains a listing of relevant San Leandro General Plan policies as well as analysis, evaluating whether or not the proposed Project is consistent with each policy.

### San Leandro Municipal Code

The proposed Project proposes a rezone from Commercial Recreation (CR) to Commercial Community (CC) with a Planned Development Overlay. This entitlement along with site plan and landscape plan review would be reviewed and deliberated by the Planning Commission, which is the recommending body, and the City Council, which is the decision making body, in accordance with the San Leandro Municipal Code. Section 3-1008 of the Zoning Code outlines the procedures for rezone approval. Upon Project approval, the proposed Project would not conflict with the San Leandro Municipal Code and Zoning Code.

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<sup>16</sup> City of San Leandro, *San Leandro General Plan*, Land Use Element, page 3-16.

<sup>17</sup> City of San Leandro, *San Leandro General Plan*, Land Use Element, page 3-11.

<sup>18</sup> City of San Leandro, *San Leandro General Plan*, Land Use Element, Table 3-2, page 3-16.

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### San Leandro Bicycle and Pedestrian Master Plan

As discussed in Section 4.13, Transportation and Traffic, the San Leandro Bicycle and Pedestrian Master Plan identifies proposed Class II bike lanes on Monarch Bay Drive, within the Project site. The Project would include the installation of Class II bicycle lanes on Monarch Drive between Neptune Drive and Fairway Drive; therefore, a *less-than-significant* impact would occur.

### San Francisco Bay Plan

The requirements of the major permit from BCDC are described above in Section 4.9.1.1, Regulatory Framework. Although BCDC's review process for this permit would determine the Project's consistency with the San Francisco Bay Plan at the time of their review, in general, the proposed Project would be consistent with the overall goals of the San Francisco Bay Plan. As mentioned above, Objective 2 of the Bay Plan calls for developing the San Francisco Bay shoreline to its highest potential and should be used in a manner that would not adversely affect enjoyment of the Bay and shoreline by residents, employees, and visitors. The proposed Project would be consistent with Objective 2 by enhancing and expanding recreational and commercial activities at the Project site with the addition of new restaurants, hotel and conference center, office space, and enhanced public spaces, such as pedestrian piers.

In addition, Policy 1 of the Bay Plan calls for accessible and diverse water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers. Given the proposed Project includes components, including pedestrian piers, dockside pedestrian lookouts, and non-motorized boat ramps, the proposed Project would be consistent with this policy.

Further, the Bay Plan includes policies related to the public access through the Public Access Design Guidelines, which is discussed below. Given the proposed Project would be consistent with overall objectives and policies of the San Francisco Bay Plan, impacts would be *less than significant*.

### Bay Conservation and Development Commission Public Access Design Guidelines

BCDC's Public Access Design Guidelines provides a general framework for projects within the BCDC jurisdiction to maximize public access to the extent feasible. Recognizing that projects and locations of projects widely vary, the Public Access Design Guidelines do not necessarily provide specific design requirements, but rather includes seven objectives which would maximize public access in the context of a given project. For example, Public Access Design Guidelines objectives focus on making public access usable, compatible with wildlife, and improving the quality of visual access.

The proposed Project would be consistent with the Public Access Design Guidelines with enhancements such as dockside pedestrian lookout piers, pedestrian piers, new non-motorized boat launches, and improving public spaces throughout the Project site. Given that enhancements proposed by the Project would result in increased public access, the proposed Project would be consistent with BCDC's Public Access Design Guidelines; therefore, a *less-than-significant* would occur.

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### San Francisco Bay Area Water Trail

As described above in Section 4.9.1.1, the San Francisco Bay Area Water Trail is an ongoing effort to promote recreational water access opportunities by improving connectivity of the San Francisco Bay throughout nine counties in the Bay Area, including Alameda County. In general, the Bay Area Water Trail program seeks to create a network of launch and landing sites for non-motorized boats and sail craft.

The Project would include the construction of new small boat/kayak launch on the interior of the marina, and include opportunities for additional water access from Pescador Point. In addition, improved water access would be provided by two docks along the outer marina at the southern end of the Project site. The existing boat ramp on the south side of Pescador point would not be modified as a result of this Project. Therefore, implementation of the Project would be consistent with the overall goal of the Bay Area Water Trail by providing a new non-motorized boat launch area and increasing connectivity to the San Francisco Bay. As such, a *less-than-significant* impact would occur.

### Oakland Airport Land Use Compatibility Plan

As described above in Section 4.9.1.1 Regulatory Framework, the Project area is within the airport influence area of the Oakland International Airport which is less than one mile to the north of the Project site. As specified in the Land Use Plan, the Land Use Commission is authorized to review the Project for noise and safety compatibility, airspace protection, and aircraft over-flights. Please refer to the Chapter 4.7, Hazards and Hazardous Materials, with respect to safety hazards and the Project's proximity to the Oakland International Airport, Chapter 4.10, Noise, with respect to airport-generated noise, and Section 4.13, Transportation and Traffic, with respect to airspace operations.

Because the Project site is not located within one of seven Safety Zones established by the Land Use Plan, the primary area that the Land Use Commission will examine is the Project's conformance with Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Air Space*. Development projects that lie within FAR Part 77 areas are subject to review by the FAA for their potential effects on aircraft safety. Specifically, FAA considers the Project's potential light and glare could potentially distract aircraft operators. This would include compliance with all policies pertinent to the project site's location in the airport influence area. Potential light and glare impacts are addressed in Section 4.1, Aesthetics; no conflicts with the Land Use Plan are anticipated for the Project. Project approval by FAA would ensure that the Project would not conflict with the Land Use Plan. Therefore, this is considered a *less-than-significant* impact.

### Association of Bay Area Governments Bay Trail Plan

Bay Trail policies and design guidelines are intended to complement, rather than supplant the adopted regulations and guidelines of local managing agencies, such as BCDC's Public Access Design Guidelines and/or City design and development guidelines. Enhancing connections of the Bay Trail and San Francisco Bay Area Water Trail would rely on the continued cooperation among shoreline property owners, the hundreds of local, regional, state, and federal agencies with jurisdiction over the trail alignment, the numerous trusts and foundations which operate in the region. The Bay Trail Plan contains policies concerning ensuring a feasible continuous trail around the Bay, minimizing impacts on and conflicts with sensitive environments, locating the trail close to the shoreline, providing a variety of views, as well as

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recognizing exceptional landscapes. The pedestrian improvements proposed as a part of the proposed Project, including the pedestrian promenade are consistent with the providing a continuous trail along the Bay. Therefore, this is a *less-than-significant* impact.

### Applicable Regulations:

- San Leandro General Plan
- City of San Leandro Municipal Code
- The San Francisco Bay Plan
- Bay Conservation and Development Commission Public Access Design Guidelines
- Oakland Airport Land Use Compatibility Plan
- Association of Bay Area Governments Bay Trail Plan

**Significance Before Mitigation:** Less than significant.

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<b>LAND-3</b>	<b>The Project would not conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan.</b>
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There is currently no existing applicable HCP or natural community conservation plan that covers land within the City of San Leandro. Therefore, *no impact* would result in this respect.

**Significance Before Mitigation:** No impact.

## 4.9.4 CUMULATIVE IMPACT DISCUSSION

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<b>LAND-4</b>	<b>The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to land use and planning.</b>
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This section analyzes potential impacts related to land use that could occur from a combination of the proposed Project with reasonably foreseeable growth in the surrounding area. Since the City of San Leandro is the government entity with jurisdiction over land use decisions within the city limits, the city limits of San Leandro are the extent of the area of cumulative effect for this analysis. Cumulative impacts would occur if development associated with the proposed Project together with cumulative growth would physically divide an existing community or conflict with applicable land use plans, policies, or regulations or with an adopted conservation plan. Table 4-1 in Chapter 4.0 of this Draft EIR contains the list of projects used to assess the impact of the proposed Project in combination with cumulative growth. The San Leandro General Plan and its implementing development procedures and standards provide a unifying, internally consistent program for development throughout the City. All development, including the Project and cumulative projects must be consistent with the General Plan; therefore, cumulative impacts would be *less than significant* regarding land use and planning.

While the Project would redevelop the San Leandro Shoreline, the Project would be required to maintain consistency with the goals and policies of the General Plan related to land use, as well as comply with applicable land use plans and/or regulations. As such, the Project impacts would result in a *less-than-significant* cumulative impact.

## LAND USE AND PLANNING

### Applicable Regulations:

- San Leandro General Plan
- City of San Leandro Municipal Code
- The San Francisco Bay Plan
- Bay Conservation and Development Commission Public Access Design Guidelines
- Oakland Airport Land Use Compatibility Plan
- Association of Bay Area Governments Bay Trail Plan

**Significance Before Mitigation:** Less than significant.

## **LAND USE AND PLANNING**

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