

**City of San Leandro Planning Commission**

**RESOLUTION NO. 2018-001 RECOMMENDING CERTIFICATION OF THE  
ENVIRONMENTAL IMPACT REPORT FOR THE BAY FAIR TRANSIT-ORIENTED  
DEVELOPMENT (TOD) SPECIFIC PLAN**

**WHEREAS**, the California Government Code Section 65300 et. seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues; and

**WHEREAS**; in 2016, the City Council adopted the San Leandro 2035 General plan; and

**WHEREAS**, Government Code Section 65450 et seq. permits a city to adopt a specific plan for the implementation of the general plan for part of the area covered by the general plan; and

**WHEREAS**, the Bay Fair TOD Specific Plan Area encompasses 154 acres and is generally bound by East 14 Street to the northeast, Hesperian Boulevard to the west, and the border between the City and unincorporated Alameda County to the south and southwest (the "Specific Plan Area"); and

**WHEREAS**, the Bay Fair BART Station and parking lots, Bayfair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14<sup>th</sup> corridors are included within the Specific Plan Area; and

**WHEREAS**, the City initiated a process to develop a vision, policies, standards and implementation strategies for the Specific Plan Area through the Development of the Bay Fair TOD Specific Plan (the "Specific Plan"), in collaboration with Alameda County, BART, the owners of the Bayfair Center shopping mall Madison Marquette, and the public; and

**WHEREAS**, in 2015, the City selected Raimi & Associates to serve as lead consultant for the Specific Plan and related Environmental Impact Report; and

**WHEREAS**, the City determined that an Environmental Impact Report (EIR) would be prepared for the Project and circulated a Notice of Preparation (NOP) dated March 3, 2017 to public agencies and interested parties for consultation on the scope of the EIR; and

**WHEREAS**, based on the project description and responses to the NOP, the City prepared a Draft EIR dated September 28, 2017 (SCH No. 2017032016) which reflected the independent judgment of the City as to the potential environmental effects of the Specific Plan. The Draft EIR is attached as Exhibit A and incorporated herein by reference. The City circulated the Draft EIR for a 45-day public review period, from October 6, 2017 to November 20, 2017. The Draft EIR was distributed to local, regional, and State agencies. The public was advised of its availability. The Draft EIR was available for review on the City's website, at City Hall and at the San Leandro Main Library; and

**WHEREAS**, the City received comment letters from State, regional, and local agencies as well as interested individuals and organizations during the public review period. In accordance with CEQA, the City prepared written responses to all the written comments received during the public review period. The City prepared a Final EIR dated January 5, 2018, attached as Exhibit B, incorporated herein by reference. The Final EIR included an annotated copy of each comment letter identifying specific comments, responses to each specific comment, and clarifications and minor corrections to information presented in the Draft EIR. The responses to comments provide the City's good faith, reasoned analysis of the environmental issues raised by the comments; and

**WHEREAS**, information was generated in the course of preparing written responses for the Final EIR. The City carefully reviewed both the comments and the written responses to assess whether they constituted significant new information that would require recirculation of the Draft EIR under the standards in CEQA Guidelines section 15088.5. After its review, the City determined that the Final EIR, including the comments, clarifications and minor corrections to the Draft EIR, do not constitute significant new information requiring recirculation of the Draft EIR; and

**WHEREAS**, a staff report, dated January 18, 2018 and incorporated herein by reference, described and analyzed the Specific Plan and the related Draft and Final EIRs for the Planning Commission; and

**WHEREAS**, the Planning Commission reviewed the staff report, and the Draft and Final EIRs at a noticed public hearing on January 18, 2018 at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Draft and Final EIRs reflect the City's independent judgment and analysis on the potential for environmental impacts and constitute the Environmental Impact Report for the Bay Fair TOD Specific Plan; and

**WHEREAS**, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures. Approval of the Specific Plan by the City Council will therefore require adoption of findings on impacts and mitigations and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR identified significant and unavoidable environmental impacts of the Specific Plan. Approval of the Specific Plan by the City Council will therefore require adoption of Alternatives Findings and a Statement of Overriding Considerations; and

**WHEREAS**, the complete Bay Fair TOD Specific Plan EIR consists of the Draft EIR and the Final EIR together. The Draft and Final EIRs are available for review in the Community Development Department at City Hall and the Main Library during normal business hours. The location and custodian of the EIR and other documents that constitute the record of proceedings for the Specific Plan is the City of San Leandro Community Development Department, 835 East 14<sup>th</sup> Street, San Leandro, CA 94577.

**NOW, THEREFORE THE CITY OF SAN LEANDRO PLANNING COMMISSION RESOLVES THAT:**

- A. The foregoing recitals are true and correct and made a part of this resolution.
- B. The Planning Commission independently reviewed and considered the information contained in the EIR, including the written and oral comments received on the Draft EIR and written responses to the comments, prior to making a recommendation on the Specific Plan.
- C. The EIR reflects the City's independent judgment and analysis on the potential environmental impacts of the Specific Plan, and provides information to the decision-makers and the public on the environmental consequences of approving the Specific Plan.
- D. The EIR adequately describes the Specific Plan, its significant environmental impacts, mitigation measures, and a reasonable range of alternatives to the Specific Plan.

**BE IT FURTHER RESOLVED THAT:** The Planning Commission hereby recommends to the City of San Leandro City Council that, prior to the approval of the Specific Plan, the City Council certify the Environmental Impact Report as complete, adequate, and in compliance with CEQA and the CEQA Guidelines. The Planning Commission further recommends that the City Council make all required mitigation and alternatives findings, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program, all in compliance with the requirements of CEQA. The Planning Commission also recommends that the City Council receive and review the comments from Commissioners Tony Breslin and Richard Brennan (Exhibit C) related to the Final Bay Fair TOD Specific Plan EIR.

PASSED, APPROVED, AND ADOPTED this 18<sup>TH</sup> day of January, 2018 by the following vote:

AYES: 6 (ABERO, BAKER, BRENNAN, BRESLIN, COLLIER, PON,)

NOES:

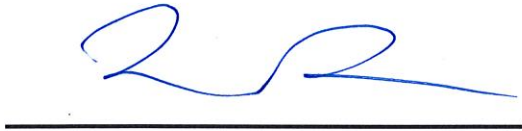
ABSENT: 1 (HUSSEY)

ABSTAIN:



Ken Pon  
Planning Commission Chairperson

**ATTEST:**



Tom Liao  
Secretary to the Planning  
Commission

## EXHIBIT C

### Recommended Changes to the Bay Fair Transit Oriented Development Specific Plan and Final Environmental Impact Report from Planning Commissioner Tony Breslin during the January 18, 2018 Planning Commission Public Hearing

1. In the *Bay Fair TOD Specific Plan EIR*, Table 35 (for reference see page 24 of Bay Fair TOD EIR dated September 2017), and in the Bay Fair TOD Final EIR (FEIR), add new mitigation measures under *Impact T-1* (Intersections Levels of Service F) and *Impact T-3* (Bus delays due to lane reductions and increased traffic ):

- Under Mitigation Measure (s) column for Impact T-1 add:

*MM-T-3: Additional Street Right-of-Way*

*The City of San Leandro shall study costs and benefits of purchasing additional private property land for street right(s)-of-way adjacent to Hesperian Boulevard, E. 14<sup>th</sup>, and Fairmont Drive to improve intersection Level(s) of Service (LOS), and shall include in all future traffic studies benefits of additional lanes as Mitigation Measure MM T-3. The improvement shall occur if traffic impacts studies show significant improvement in forecast LOS, and if the City of San Leandro can acquire right-of-way(s) through purchase or as condition of development of future TOD projects.*

- Under Mitigation Measure (s) column for Impact T-3 add:

*MM-T-4: Additional Street Right-of-Way*

*The City of San Leandro shall study costs and benefits of purchasing additional private property land for street right(s)-of-way adjacent to Hesperian Boulevard, E. 14th, and Fairmont Drive to improve bus operations, and include in all future transportation studies benefits of additional lanes as Mitigation Measure MM T-4. The improvement shall occur if bus operations studies show significant improvement in forecast bus operations, and if the City of San Leandro can acquire right-of-way(s) through purchase or as condition of development of future TOD projects.*

2. In the *Bay Fair TOD Specific Plan*, Chapter 7 – Implementation Table 7.1 *Implementation Actions and Programs* (for reference see current Page 121 of Specific Plan dated September 28, 2017), modify Table 7.1 *Medium Term Actions* to include the following:

- Under column 1 *Implementation Action* add: ***Ashland Residential Area Parking Program.***
- Under column 2 *Description* add: ***Create Inter-Agency Parking Committee managed by San Leandro and consisting of San Leandro, Alameda County, and BART, and begin Ashland Area Resident Parking Program to implement and enforce street parking time limits for non-residents.***
- Under column 3 *Parties Involved* add: ***Inter-Agency Committee consisting of San Leandro, Alameda County, and BART. Future parking enforcement by Alameda County.***

3. In Planning Commission *Resolution 2018-001 Recommending Certification of the Environmental Impact Report for the Bay Fair Transit-Oriented Development (TOD) Specific Plan*, include the following language (note that this item requires Item 1 (MM T-3 and MM T-4) above to be completed):
  - *WHEREAS, the City of San Leandro commits to oversee a Bay Fair Inter-Agency Board to create a Memorandum of Understanding between BART, Alameda County, and the City of San Leandro, to guide the provision of policing, parking enforcement, maintenance, and other ongoing services necessary for the ongoing functioning of the Bay Fair area, and commits to implement Mitigation Measures as described in the Bay Fair TOD Draft and Final Environmental Impact Reports; and...*
4. In Planning Commission *Resolution 2018-002 Recommending that the City Council Adopt the Bay Fair Transit-Oriented Development (TOD) Specific Plan*, include the following language. (Some of language taken directly from Specific Plan Table 7.1):
  - *WHEREAS, the City of San Leandro commits to oversee a Bay Fair Inter-Agency Board to create a Memorandum of Understanding between BART, Alameda County, and the City of San Leandro, to guide the provision of policing, parking enforcement, maintenance, and other ongoing services necessary for the ongoing functioning of the Bay Fair area, and, of which, the Bay Fair Inter-Agency Board will commit to plan and implement, through Alameda County, a residential parking restriction program in Ashland and effected spillover parking areas to minimize Bay Fair TOD and Bay Fair BART spill-over parking; and...*
5. In future *Statement of Overriding Conditions* required for Bay Fair TOD “Significant and Unavoidable” Impacts T-1 (Intersections Levels of Service) and T-3 (Bus Delays) (See Bay Fair TOD Specific Plan Page 24 for reference), include:
  - *City of San Leandro will modify Bay Fair Traffic Impacts Study to determine what improvements are possible in intersection Level of Service in the study area with additional travel lanes which right-of-ways could be acquired through land purchases from current owners.*

**Recommended Changes to the Bay Fair Transit Oriented Development Specific Plan and Final Environmental Impact Report from Planning Commissioner Richard Brennan during the January 18, 2018 Planning Commission Public Hearing**

**1. Halcyon Corridor**

In late 2017, towards the end of the review process for the Bay Fair TOD Specific Plan, a significant development was announced on Halcyon Drive, just west of the core TOD study area. Located on the former Kraft Foods site at Halcyon Drive and Washington Avenue. Trammel Crow announced development of the San Leandro Business Center, which includes over 550,000 square feet of Class A industrial space in three buildings. Each building is designed to accommodate up to three tenants, and the site has the potential to employ over 500 people. The project will also include widening and improvements to Halcyon Drive. This re-vitalization and upgrade of a key mixed office/industrial site,

represents an opportunity to include the potential commute and business hour traffic flows to and from Bayfair BART, and the interactions with any development within the TOD. The proposed vision for the Fairmont-Halcyon corridors appear to suit the desired transportation modes in and out of the TOD study area well.

- I would like to see an extended Halcyon corridor mentioned in the TOD as a note or annex, and the associated diagrams updated accordingly.

## **2. AC Transit BRT - Extension from San Leandro BART to Bayfair**

The AC Transit East Bay BRT project, as currently envisioned, runs from Downtown Oakland to a southern terminus at the San Leandro BART station. This system will use hybrid-electric buses with onboard technology for automatic signal activation. An opportunity exists to couple the vision of the Bay Fair TOD to the existing San Leandro Downtown TOD, by linking the San Leandro and Bayfair BART stations using BRT. While the majority of the East Bay BRT runs down East 14<sup>th</sup> Street, continuing this route would result in heavy congestion in the narrow sections of East 14<sup>th</sup> south of Davis Street in San Leandro. The current BRT route design turns west on Davis Street, and terminates on San Leandro Avenue at the San Leandro BART. This puts the BRT within a few feet of the proposed East Bay Greenway, proposed for construction on the dormant Union Pacific (formerly Western Pacific) Oakland Subdivision right-of-way, which passes adjacent to BOTH the San Leandro and Bayfair BART stations.

- I would like the TOD vision to consider the possibility that in a rail-to-trail scenario, a single-lane, bi-directional BRT path could be constructed on the eastern portion of the Greenway, with a short double-lane passing area near 139<sup>th</sup> Ave.
- A further opportunity might be to include a full BRT station with the passing lanes at 139<sup>th</sup> Ave., providing an additional transit opportunity to this mixed industrial/residential area.

The single lane BRT could be planned for maximum separation and buffering from bicycle and pedestrian traffic on the Greenway, but the width of the railroad right-of-way in this area should allow ample space. Operationally, the distance of the BRT lane on the Greenway would be about 2.5 miles, and using in-bus electronic controls, buses could be scheduled to leave simultaneously from Bayfair and San Leandro BART, and hold at 139<sup>th</sup> Ave. for a synchronized meet and pass. The use of GPS location, V2I (Vehicle to Infrastructure) communication and PTC-type (Positive Transit/Train Control) technologies would assure operational safety.