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Staff Report to Certify the Final Environmental Impact Report for the Bay Fair Transit-Oriented Development (TOD) Specific Plan and to Adopt the Bay Fair TOD Specific Plan

**SUMMARY AND RECOMMENDATIONS**

On January 18, 2018, the Planning Commission unanimously recommended the certification of the Bay Fair TOD Specific Plan Environmental Impact Report (EIR) and adoption of the Specific Plan (including the Addendum). The Planning Commission also recommended City Council receive and review comments from Commissioners Brennan and Breslin on both documents. See Exhibits A and B for the executed Planning Commission resolutions and the attached comments from both commissioners. See Exhibit C or the final Plan Area map and boundaries.

Staff recommends that the City Council certify the Bay Fair TOD Specific Plan EIR and adopt the Specific Plan.

**BACKGROUND**

In 2014, the City of San Leandro applied for and received a highly competitive \$440,000 Priority Development Area (PDA) planning grant from the Metropolitan Transportation Commission (MTC). The City also contributed local funds and in-kind contributions to match the grant along with contributions from BART, Madison Marquette (the owner of the Bayfair Center) and Alameda County. BART, Madison Marquette and Alameda County entered into a Memorandum of Understanding (MOU) with the City in 2014 to memorialize their roles as project partners in the creation of the Specific Plan and their funding and in-kind staff time commitments. In 2015, the City issued a Request for Proposals for qualified planning firms to serve as lead consultant for the Specific Plan. The City selected Berkeley-based Raimi + Associates.

In 2016, the City Council approved a diverse 21 member Community Advisory Committee (CAC), of which 4 members were from unincorporated Alameda County. The City also established a 10 member Technical Advisory Committee (TAC) consisting of staff from the City's Planning Services Division and Engineering/Transportation Department, AC Transit, Alameda County Planning & Flood Control, Alameda County Transportation Commission, Association of Bay Area Governments, BART, Caltrans, and Madison Marquette. Both the CAC and TAC were required to be established under the MTC planning grant.

In addition to promoting the long-term sustainability and vibrancy of the Bay Fair BART Station area, the importance of the City establishing a TOD (or Priority Development Area/PDA) Specific Plan include: 1) greater access to public funding targeted to TOD areas, 2) incentivizing/streamlining the regulatory process for future TOD developments, 3) continuing City and private investments in South San Leandro, and 4) adding the final planning piece to the City's East 14th Street corridor, following the East 14<sup>th</sup> South Area Strategy (2004) and the Downtown TOD Strategy (2007), all in compliance with MTC's regional Plan Bay Area 2040. MTC initially adopted the regional Plan Bay Area in 2013, and updated it in 2017, to address State mandated land use, transportation and greenhouse gas emissions goals and requirements under Senate Bill (SB) 375 (2008).

The 2035 General Plan, which the City adopted in September 2016, created a new land use (as well as land use map) designation, Bay Fair Transit-Oriented Development (B-TOD), in anticipation of the eventual completion of the Bay Fair TOD Specific Plan. The Specific Plan is intended to implement, and improve upon, the guidance provided in the City's 2035 General Plan.

## **Analysis**

The Bay Fair TOD Specific Plan Area ("Specific Plan Area") is at the southeastern edge of San Leandro, adjacent to unincorporated Alameda County. It includes Bay Fair BART Station, Bayfair Center, East 14th street and Hesperian Boulevard corridors, and a small number of residential uses. The Specific Plan Area is surrounded in most directions by single-family neighborhoods. Further beyond, the area is near three freeways (I-580, I-238, and I-880).

The Bay Fair TOD Specific Plan Area has a total acreage of 154 acres, with a majority of its land designated towards retail and commercial uses. The remaining portion contains a mix of uses including office, light industrial, and residential. The study area has different sub areas (such as Bay Fair BART Station, Bayfair Center, Fashion Faire Place, and Fairmont Square Shopping Center), which are divided by two intersecting corridors (East 14th Street and Hesperian Boulevard).

The Specific Plan (see Exhibits A and B to the City Council Resolution Adopting the Specific Plan) contains the following chapters:

- The **Introduction and Context** chapter (Chapter 1) describes the Specific Plan Area conditions and context, the purpose of the document, and the community engagement and plan development process.
- The **Vision and Planning Framework** chapter (Chapter 2) provides the long-term vision and desired outcomes for the Specific Plan Area.
- The **Mobility** chapter (Chapter 3) presents the circulation network and design concepts that are intended to improve connections and enhance walkability along and across

existing corridors. Parking is also addressed in this Chapter.

- The **Land Use and Housing** chapter (Chapter 4) provides policy direction for the range of future land uses envisioned for the Specific Plan Area. The chapter also includes more detailed policies for housing, affordable housing and anti-displacement.
- The **Development Standards and Guidelines** chapter (Chapter 5) provides development standards and guidelines that apply to all future private development projects and major rehabilitation projects in the Bay Fair TOD Specific Plan Area, as well as to new publicly funded improvements. The following topics are addressed: building frontages; height limits and transitions; building and site design; open space; fences and signs.
- The **Infrastructure and Services** chapter (Chapter 6) includes policies for the provision of wet and dry infrastructure as well as services such as police, fire, and waste collection.
- The **Implementation and Financing** chapter (Chapter 7) presents the programs and physical improvements to achieve the Specific Plan's vision. The chapter lists funding sources to implement the Plan's programs and improvements.

### Desired Outcomes

Chapter 2 of the Specific Plan includes the following desired outcomes:

1. **More Parks and Open Space.** Increase the amount of parks, green space, plazas, and other public space that encourages pedestrian activity, recreation, and access to nature.
2. **More Walkable Environment.** Improve the pedestrian experience, public space, aesthetics, and design quality throughout the Specific Plan Area to attract visitors, serve residents and promote walking.
3. **Better Mobility and Connectivity.** Improve pedestrian, bicycle, transit, and vehicle connections in the Specific Plan Area through the creation of an interconnected street grid, with a focus on better pedestrian connections between the Bay Fair BART station and the adjacent shopping areas.
4. **Improved Safety and Less Crime.** Improve safety in and around the Specific Plan Area through a range of strategies including increased pedestrian activity; more "eyes on the street;" enhanced and more coordinated policing; better lighting pathways; activation of vacant spaces; and an increased sense of ownership and stewardship by residents, workers, and visitors.
5. **Compatibility with Adjacent Neighborhoods.** Ensure compatibility with the residential neighborhoods adjacent to the Specific Plan Area - including those in unincorporated Alameda County as well as the City of San Leandro - and encourage sensitive design transitions, public amenities, and uses and services that benefit surrounding neighborhoods.
6. **Diversity of Uses.** Support a diverse, sustainable mix of uses including retail, housing, workplaces, and community spaces. Encourage a variety of essential goods and services such as grocery stores, pharmacies, banks, social services, restaurants, and other

businesses.

7. **Diverse and Affordable Housing.** Support both market rate and affordable housing, and seek to protect existing residents from involuntary displacement.
8. **Range of Educational Opportunities.** Provide a range of services to provide opportunities for higher education, business incubation, and vocational and employment training programs for all age groups.
9. **Community Facilities.** Provide community facilities necessary to support the level and type of additional growth, including schools, community and senior centers, child care centers, and public safety facilities.
10. **Efficient and Shared Parking.** Implement parking management solutions that most efficiently use parking resources, including sharing of public and private parking spaces between different uses and sharing between different use types such as residential, office, and commercial.
11. **BART and Bus Station Improvement.** Support and improve the Bay Fair BART and bus stations as integral amenities for the surrounding neighborhoods, the City, the County, and the region.
12. **Zoning Aligned with Community Vision.** Ensure future zoning is aligned with the community vision, while allowing flexibility to adjust to changing trends and land ownership.
13. **Local and Regional Destination.** Provide excellent public space, outdoor dining, and dynamic retail experiences to create central gathering places that serve local and regional populations.
14. **Infrastructure.** Improve and maintain basic infrastructure such as stormwater management facilities, flood control, and water, sewer, and gas service.
15. **Environmental Sustainability.** Create a sustainable urban environment that incorporates green building features, green infrastructure and ecology, sustainable energy systems, water efficiency and conservation, and sustainable transportation systems.

## Planning Framework

Per Chapter 2 of the Specific Plan, the following strategies are integrated throughout and provide a “big-picture” planning framework:

1. **Improve Mobility for all Modes along Existing Major Streets**
2. **Strengthen New Connections to BART**
3. **Create a Grid of Smaller Blocks**

#### 4. Create Special, Memorable Public Places and Open Spaces

#### 5. Enable Range of Future Scenarios

The Specific Plan illustrates three potential future development scenarios that could occur in the next 20 years under the Specific Plan's recommendations and guidelines. These scenarios are vision concepts, which may not occur exactly as shown because future development will be dictated by market forces, landowner decisions, and the capacity for needed infrastructure improvements:

- Scenario 1 (see Figure 2.7 - "Retail/Residential Potential Scenario") shows a future re-design and reconfiguration of the Bayfair Center and residential development primarily around its fringes.
- Scenario 2 [see Figure 2.8 - "Retail/Residential Potential Scenario (Higher Density)"] shows a higher density version of Scenario 1.
- Scenario 3 (see Figure 2.9 - "Residential/Office/Retail Potential Scenario") shows a flexible mix of residential, office, retail and open spaces.

### Chapter 3: Mobility

The "Local Street Network" section recommends new local street and bicycle/pedestrian connections. The "Local Bicycle Network" section shows bicycle connections through and beyond the Plan Area, including the anticipated regional East Bay Greenway, and identifies design standards and potential locations for bike lane classifications. The Local Transit Network section recommends a transit priority local street and includes bus accommodations/placement guidance and standards. This chapter also demonstrates proposed design guidelines for the key existing arterial and collector streets of East 14<sup>th</sup> Street, Fairmont Drive, and Hesperian Boulevard. There are also recommended standards and guidelines that emphasize activated and attractively designed and scaled sidewalks and public frontages.

Private and public parking standards are also discussed in this chapter. Key recommended private parking requirements include the following minimum parking standards:

- Office - minimum 1 space/1,000 square feet (with less than 5,000 SF offices to be exempt)
- Residential - minimum 0.5 space/unit and maximum 1 space/unit for studios and 1-bedrooms; minimum 0.75 spaces/unit and maximum 1.5 space/unit (for 2 or more bedrooms)

- Retail - minimum 2 spaces/1,000 SF (with less than 5,000 SF retail to be exempt)

#### Chapter 4: Land Use + Housing

One single B-TOD Zoning District is proposed in the Specific Plan for the entire Plan Area. The wide-ranging lists of recommended permitted, conditionally permitted, administratively permitted and temporarily permitted uses are in Chapter 4 of the Specific Plan. Land uses not allowed in the Plan Area include new single family residential, auto services/sales, drive-thru businesses, low intensity commercial (e.g., equipment service/sales, storage), and industrial (e.g., warehouses, trucking, recycling, hazardous materials)

#### Chapter 5: Development Standards + Guidelines

Two notable components of Chapter 5 of the Specific Plan are building heights and transitions to existing development. Building height ranges are classified within three areas of the Plan Area and range from a maximum of 50 feet to a maximum of 90 feet. The Specific Plan focuses the tallest buildings close to BART and away from residential neighborhoods.

For transitions to existing development, the Specific Plan proposes two different height transition overlay areas: Residential Transition and Corridor transition Overlays. The Residential Transition Overlay requires future development to step down toward single-family residential neighborhoods to protect privacy and solar exposure. The Corridor Transition Overlay requires a scaling down to both East 14<sup>th</sup> Street and Hesperian Boulevard to sensitively transition to existing nearby retail, office and/or residential uses.

#### Addendum (see Exhibit B to the City Council Resolution Adopting the Specific Plan)

An Addendum was prepared for public review on January 5, 2018 identifying line text edits to the Draft Specific Plan released on September 28, 2017. The Addendum, which was presented to the Planning Commission on January 18<sup>th</sup>, responded to comments on the Draft Specific Plan received internally (from City staff and/or Raimi + Associates) and from the public, local business community, City Council, Planning Commission, CAC, TAC, and public agencies. There were 21 written comments received since September 28, 2017 on the Draft Specific Plan, but the Addendum addressed the ones which were substantive and corrects errors and omissions.

In response to some of the comments from Commissioners Brennan and Breslin at the January 18<sup>th</sup> Planning Commission public hearing, the Addendum was revised and publicly posted on February 2, 2018. The revisions were:

- Chapter 3 (Mobility), Page 45 - Added a new policy to consider opportunities to extend the AC Transit East Bay Bus Rapid Transit (BRT) line into the Plan Area.
- Chapter 3 (Mobility), Page 55 - Consider exploring in the future additional right-of-way to widen intersections at the East 14<sup>th</sup>, Fairmont Drive and Hesperian Boulevard intersections if there is an overwhelming need for capacity and dependent on adjoining property owners, though the focus of the Plan Area should be to encourage walking/biking and reduce auto usage.
- Chapter 3 (Mobility), Page 60 - Explore opportunities in the future to extend the Fairmont Ave.

corridor street design to Halcyon Drive to add bike, pedestrian, and transit improvements to connect to the former Kraft site at Washington Ave and Halcyon Drive.

- Chapter 7 (Implementation), Page 121 - Change language under the short term action related to County Parking Enforcement to work with and encourage Alameda County to improve parking enforcement and management to mitigate the BART spillover parking on nearby unincorporated County residential streets.

### **Previous Actions**

The City Council has held 5 public meetings prior to tonight:

- December 1, 2014 - Approved execution of the MTC PDA Planning grant agreement and Memorandum of Understanding between the City, BART, Alameda County and Madison Marquette for the Bay Fair TOD Specific Plan
- May 18, 2015 - Approved Raimi + Associates contract
- February 1, 2016 - Certified 21 member Community Advisory Committee
- May 23, 2016 - Held work session on Draft Scenarios
- March 13, 2017 - Staff presented Draft Plan update

### **Committee Review and Actions**

There were four CAC and TAC meetings over the last 2 years. At its final meeting on October 23, 2017, the Bay Fair TOD Specific Plan Community Advisory Committee (CAC) reviewed the Draft Specific Plan and voted unanimously (with 7 members absent) to affirm its support of the Draft Plan and the Plan's comprehensiveness to the Planning Commission and City Council.

### **Applicable General Plan Policies**

#### **Policy LU-6.13 [Under Chapter 3, Land Use] Bay Fair Area.**

*Transform the area around the Bay Fair BART station, including Bayfair Center, other shopping centers, and properties along Hesperian, East 14<sup>th</sup>, and other major arterials, into a dynamic new transit oriented development area. Future development in this area should reposition Bayfair Center to reflect current trends in retailing; add a mix of higher-density residential, office, and other commercial uses; maximize the potential for BART use; and minimize dependence on autos for daily trips.*

#### **Action LU-8.10.A: Bay Fair Station Transit Village**

*Complete the Bay Fair BART Transit Village Specific Plan now underway. The Plan should outline a vision for the area's future development, include standards and guidelines for future development, and present a strategy for achieving desired end results. Following its adoption, undertake rezoning and capital improvements to facilitate implementation.*

#### **Action LU-8.10.B: East 14<sup>th</sup> Street Streetscape Improvements**

*Work collaboratively with Alameda County to improve East 14<sup>th</sup> Street in the Bay Fair area to make the area more attractive, distinctive, and friendly to pedestrians, bicyclists, and transit users.*

#### **Action LU-8.10C: Bay Fair BART Connections**

*Improve the pedestrian and bicycle connection between the Bay Fair BART Station, adjacent transit waiting areas, Bayfair Center, and nearby neighborhoods and shopping districts.*

### **Environmental Review**

The City prepared a Draft Environmental Impact Report (EIR) for the Specific Plan. The document is a “program level” EIR, which addresses the general effects of additional population and employment in the City over a 20 year period rather than the effects of a particular development project on a particular site. The DEIR includes a project description, discussions of the existing setting, potential environmental impacts, mitigation measures, and alternatives to the proposed Specific Plan. The 14 environmental issue areas that were analyzed include: aesthetics; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services, schools, and recreation; transportation and traffic; and utilities and service systems.

The Draft Specific Plan and Draft EIR (DEIR) were both publicly released on September 28, 2017. The Notice of Availability (NOA) of the DEIR was filed with the State Clearinghouse, and interested parties were notified by email of the 45-day public comment period (October 6 - November 20) for submitting written comments on the DEIR. The City also published the NOA in the Daily Review on October 6, emailed the NOA notice to over 450 people/organizations on the Bay Fair TOD Plan interested parties list, and mailed NOA notices to property owners within 1,000 feet of the Plan Area.

After the end of the 45-day public comment period a Final EIR (FEIR) was released on January 5, 2018. The FEIR includes Responses to Comments on the Draft EIR, DEIR text revisions, and the Mitigation Monitoring and Reporting Program (MMRP). Chapter 2 of the FEIR is the Responses to Comments chapter. Three public/quasi-public agencies provided written comments: BART, Alameda County Public Works, and Alameda County Transportation Commission. The remaining six came from Target (business/corporations), Friends of San Leandro Creek (community group), and the following individuals: Ben Ball, Charles Hintz, Hisako Hintz, and Sotera McKimmey.

The FEIR, in combination with the DEIR, constitute the Final Environmental Impact Report. Certification of the Final EIR must occur before the City Council may adopt the Bay Fair TOD Specific Plan.

### Potential Development Capacity and DEIR Project Description

The proposed project is adoption of the Bay Fair Transit Oriented Development (TOD) Specific Plan. The proposed Specific Plan includes policies and development standards to guide future development in the Specific Plan Area within the City of San Leandro. The proposed Specific Plan is intended to implement the guidance provided in the City’s 2035 General Plan. The 2035 General Plan envisions Bay Fair as a dynamic, walkable, transit-oriented area with a mix of uses - including retail, office, higher density housing, and open space - that leverage their prime location near BART.

A reasonable and conservative estimate of buildout associated with the General Plan through 2035 would include development of 2,540 housing units and 300,000 square feet of office space, as well as the removal of an estimated 161,000 square feet of retail space.

Table 1 on Page 5 of the DEIR (see Exhibit A of the City Council Resolution Certifying the Plan EIR) provides a Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts. The following is a brief summary of each environmental issue discussed in the DEIR.

### Aesthetics



The DEIR analyzes how the implementation of the Specific Plan would affect the visual environment. Overall, the impacts of the Plan were found to be less than significant without mitigation.

### Air Quality

The DEIR analyzes how implementation of the Specific Plan would create potential local and regional air quality impacts. Per Impact AQ-1 in Table 1 in the DEIR, buildout of the proposed Specific Plan would result in the temporary generation of air pollutants during construction, which would affect local air quality. Compliance with the BAAQMD Basic Construction Mitigation Measures would require future projects within the Specific Plan Area to implement measures to reduce construction emissions. Impacts would be significant but mitigable. All other impacts of the Plan were found to be less than significant without mitigation.

### Biological Resources

Implementation of the Specific Plan could impact existing biological resources, including animal and plant species, vegetation, and federally protected wetlands. These impacts would be less than significant but mitigable through mitigation measures, when applicable, including biological resources screening and assessment; special status plant species surveys, mitigation, and restoration/monitoring; endangered/threatened species habitat assessments and protocol surveys; a worker environmental awareness program; jurisdictional delineations, and native amphibian protection.

### Cultural Resources

None of the historic resources listed in the City's 2035 General Plan are in the Specific Plan Area. However, many of the existing developments in the Plan Area date back to the 1950s. The impacts on cultural, tribal cultural and paleontological resources would be less than significant with recommended mitigation measures, when applicable, such as retaining a historian or archaeologist to document/assess the historical built environment, archaeological resources, and paleontological resources.

### Geology and Soils

Impacts of the Specific Plan on exposure to seismic activity, substantial soil erosion/loss of topsoil, expansive soil, and septic tank/alternative wastewater systems were found to be less than significant without mitigation.

### Hazards and Hazardous Materials

While implementation of the Specific Plan does not include land uses that would emit harmful types or levels of emissions or handle hazardous materials (like those associated with industrial areas) especially near schools, it could result in the routine transport, use or disposal of hazardous materials in close proximity to residential development, commercial business or other population centers. However, adherence to existing regulations, programs and 2035 General Plan policies would ensure that impacts of the Specific Plan are less than significant without mitigation.

### Greenhouse Gas Emissions

The Specific Plan implementation would not generate GHG emissions that would directly or indirectly have a significant impact on the environment. Also, the Specific Plan is consistent with the City's Climate Action Plan and the regional Plan Bay Area 2040. Therefore, impacts related to GHG would be less than significant without mitigations.

### Hydrology and Water Quality

Implementation of the Specific Plan could potentially have impacts on hydrology and water quality, but compliance with required permits and existing regulations (such as C.3 provisions of the Alameda County Clean Water Program for on-site infiltration systems) reduces this potential to a less than significant without mitigation level.

### Land Use

The proposed Specific Plan would implement and be consistent with the goals and policies of the 2035 General Plan, therefore the impacts on land use would be less than significant without mitigation.

### Noise

Residents and businesses in the vicinity of development allowed by the proposed Specific Plan could be exposed to significant construction-related noise and vibration during the excavation and foundation work associated with projects that implement the Specific Plan. However, mitigation measures such as the City's implementation as Standard Conditions of Approval or Construction Development Standards for new construction in the City (e.g., limiting construction hours on weekdays and weekends, posting construction contact info on-site, limiting unnecessary engine idling, maintaining and tuning all equipment to minimize noise, and using low-emission equipment) would make the impacts less than significant. All other impacts on noise have been identified as less than significant without mitigation.

### Population and Housing

Implementation of the proposed Specific Plan may lead to growth within the Specific Plan Area that could add up to 2,540 residential units and an estimated 7,239 residents and 725 jobs to the Specific Plan Area by 2035. However, the proposed Specific Plan would not cause substantial population growth in the City. Also, implementation of the Specific Plan would not displace substantial numbers of existing housing units or people since it will likely result in increased housing. Impacts would be less than significant without mitigation.

### Public Services, Schools, and Recreation

Implementation of the proposed Specific Plan would introduce development intensity and population growth in the Specific Plan Area, generating additional need for fire and police services; however, compliance with the City's 2035 General Plan policies and actions would ensure impacts to fire and police protection services would be less than significant.

Implementation of the proposed Specific Plan would add an estimated 1,778 students to the Specific Plan Area. However, with payment of state-mandated school impact fees, impacts related to public school operating capacity would be less than significant.

Implementation of the proposed Specific Plan would add an estimated 2,540 residential units and an estimated 7,239 residents to the Specific Plan Area, which would increase use of recreational facilities and contribute to their physical deterioration. Payment of in-lieu public park fees and the establishment of new open space areas within the Specific Plan Area would reduce impacts to a less than significant level.

### Transportation and Traffic

Increases in traffic in the Specific Plan Area under cumulative (year 2035) conditions compared to growth anticipated under the existing 2035 General Plan would cause intersection operating conditions to exceed one or more significance thresholds at three signalized study area intersections. The following mitigation would reduce impacts at the Hesperian Boulevard/Halcyon Drive/Fairmont Drive and East 14th Street/Fairmont Drive intersections:

- **Mitigation Measure (MM) T-1: Hesperian Boulevard/Halcyon Drive/Fairmont Drive**  
*The City of San Leandro shall implement a signal timing improvement project within the coordinated signal group for the intersection of Hesperian Boulevard and Halcyon Drive. The improvement shall occur when the proposed road diet on Hesperian Boulevard is implemented.*
- **MM T-2: East 14th Street/Fairmont Drive**  
*The City of San Leandro shall coordinate with Caltrans to implement a signal timing improvement project within the coordinated signal group for the intersection of East 14th Street and Fairmont Drive by funding actual cost. This mitigation measure is to occur when new projects within the Specific Plan Area generate a cumulative total of approximately 350 AM peak hour trips.*

However, no feasible mitigation measures are available to reduce impacts at the Hesperian Boulevard/Thornally Drive intersection, and the East 14th Street/Fairmont Drive intersection because such intersections are within Caltrans control and the City cannot guarantee implementation of mitigations. Therefore, impacts at these intersections would be significant and unavoidable.

Development facilitated by the Specific Plan would increase traffic on Alameda CTC Congestion Management Program (CMP) freeways and arterial segments under cumulative (year 2040) conditions. No significant impacts would occur at CMP freeway segments. However, four arterial segments would exceed one or more CMP Thresholds, and there are no feasible improvements that could be implemented within the available right-of-way that would reduce the impacts. Therefore, impacts at these segments would be significant and unavoidable.

Additionally, the increase in vehicle delay at the intersection of Hesperian Boulevard and Thornally Drive referenced above would also cause significant operational delay for buses approaching the intersection. Therefore, impacts to bus operation would be significant and unavoidable.

#### Utilities and Infrastructure

Potential impacts will occur from the proposed Specific Plan on utilities and services including water, wastewater, stormwater and solid waste. Because existing water, wastewater and solid waste facilities have adequate capacity to handle the projected buildout of the Specific Plan Area, the impacts are less than significant without mitigation.

#### Alternatives

Chapter 6 of the DEIR analyzes alternatives to the proposed project. Three alternatives to the proposed project were considered:

- 1) Alternative 1: No Project/ 2035 General Plan Buildout
- 2) Alternative 2: Residential Focus Alternative
- 3) Alternative 3: Office Focus Alternative

The Office Focus Alternative (Alternative 3) would be considered the environmentally superior alternative, as it would reduce impacts related to traffic and utilities, due primarily to the reduction in housing units. However, this alternative would not eliminate the significant and unavoidable impact at the intersection of Hesperian Boulevard and Thornally Drive. No mitigation measures are available to reduce the impact in the available right-of-way without removal of bike lanes. Therefore, the impact to this intersection would remain significant and unavoidable under Alternative 3. In addition, the impact at Hesperian Boulevard south of East 14th Street would remain significant and unavoidable, similar to the proposed Specific Plan. Because of the significant traffic impacts, the significant impacts related to transit operations would also remain under this Alternative 3. This alternative would generally meet most of the project objectives, but would meet Objective 6 (to provide a diversity of uses) to a lesser degree than the proposed project.

#### **Board/Commission Review and Actions**

There have been 4 Planning Commission public meetings:

- August 20, 2015 - Overview of the Bay Fair TOD Plan process

- May 19, 2016 - Work Session on Draft Scenarios
- March 16, 2017 - Notice of Preparation for an EIR Scoping Meeting
- January 18, 2018 - Planning Commission unanimously recommended (with Commissioner Hussey absent) that the City Council certify the EIR and adopt the Bay Fair TOD Specific Plan, and receive and review comments from Commissioner Breslin and Brennan. The following 11 people made public comments:
  - 1) Susie Hufstader (Bike East Bay) - *Add bike lanes on East 14<sup>th</sup> Street and connect bike lanes from Hesperian Blvd to Bancroft Ave.*
  - 2) Gary Reyes (whose written comments were read by Gina Rushak on behalf of Target Corporation) - *raised concerns about how the Plan would impact Target's property, operations and guest experience and wanted its existing land use and property rights protected.*
  - 3) Anthony Varni (attorney for the King family) - *King family supports the proposed Plan.*
  - 4) Rick Kislingbury - *owns commercial property along Hesperian and noted the housing units projected are too high, the height limits too tall, and auto lanes should not be replaced by bike lanes.*
  - 5) Cesar Cruz - *recently purchased home in Olive Court and voiced concerns about his home becoming a park in a future scenario, and opposed bike lanes on Hesperian Blvd leading to worsened traffic and thousands of new housing units.*
  - 6) Tim Frank (Alameda County Building & Construction Trades Council) - *add language related to apprenticeship programs, local hiring and workforce development.*
  - 7) Ian Griffiths (BART) - *BART strongly supports the Plan.*
  - 8) Barbara Resendez - *don't reduce auto lanes.*
  - 9) Carl Dudley - *requested speed bumps for Donna Street.*
  - 10) Aracely McKimmey - *worried about traffic, BART parking, and building heights.*
  - 11) Rodrigo Rodriguez - *concerned school and BART parking impacts.*

Here is the link on the City website to the full audio recording of the January 18<sup>th</sup> Planning Commission meeting:

<https://sanleandro.legistar.com/Calendar.aspx>.

### **Summary of Public Outreach Efforts**

The City implemented a broad public outreach effort to solicit thorough community and public input throughout the Specific Plan planning process. As required under the MTC planning grant, the City created at the onset a Community Involvement Strategy that explained its proposed outreach process to ensure broader public engagement. The City also created a Bay Fair TOD Plan webpage on the City's website, which has been regularly updated: (

[https://www.sanleandro.org/depts/cd/project\\_updates/bftod/default.asp](https://www.sanleandro.org/depts/cd/project_updates/bftod/default.asp)).

There were also presentations with the following City Boards/Commissions: Bicycle and Pedestrian Advisory Committee, Board of Zoning Adjustments, Senior Commission and Youth Advisory Commission. Also, City staff also updated the City Council Facilities and Transportation Committee, San Leandro Chamber of Commerce, Washington Homeowners Association, Floresta Neighborhood Association, African American Business Council, Asian Business Council, and Alameda County Eden Area Livability Initiative Group. The City also conducted a roundtable meeting on October 27, 2016 with developers and realtors to better understand the current and future residential, commercial and retail market. There were also two information pop-up stations that the City set-up in the Bay Fair BART Station (November 8, 2016) and Bayfair Center (December 6, 2016) to survey users about the proposed Specific Plan.

There were also two widely publicized community workshops: the first one on September 21, 2016 provided an overview of the planning process to date and involved an interactive open house with topical and interactive stations to solicit public feedback on the proposed vision statement, desired outcomes, desired land uses, preliminary development scenarios, and preliminary street/intersection design improvements. The second workshop on October 18, 2017 presented notable content from the Draft Specific Plan and sought public input.

The City also maintained an interested party email distribution list of over 450 individuals composed of City and nearby Alameda County residents, businesses, property owners, and community organizations, as well as public agencies. Other means of outreach the City utilized during the planning process included press releases, Weekly Updates to City Council, and online postings on the City blog, SL Next, and the community network Nextdoor.

Notice of tonight's City Council public hearing was published in the Daily Review on February 2 and posted on the City website. Beginning in October 2017, the City also increased the mailing notification for the NOA, community workshop #2, and tonight's Planning Commission meeting from 500 feet to 1000 feet from the Plan Area to expand public outreach. The City also emailed notice of tonight's meeting to the Specific Plan interested party email list with over.

### **Legal Analysis**

The City Attorney's Office reviewed and analyzed the Bay Fair TOD Specific Plan and EIR and has found them to be in conformance with applicable State and local law.

### **Fiscal Impacts**

The total cost for the Bay Fair TOD Specific Plan and EIR was \$532,000:

- \$440,000 from MTC Priority Development Planning Grant (awarded in 2014)
- \$50,000 from City of San Leandro: \$40,000 cash match from City General Fund and \$10,000 of City in-kind staff match.
- \$15,000 cash match from BART
- \$15,000 cash match from Madison Marquette
- \$12,000 in-kind staff match from Alameda County

## **ATTACHMENTS**

### **Attachments to Staff Report**

- Exhibit A - Planning Commission Resolution 2018-001 Recommending Certification of the Bay Fair TOD FEIR

- Exhibit B - Planning Commission Resolution 2018-002 Recommending Adoption of the Bay Fair TOD Specific Plan
- Exhibit C - Bay Fair TOD Specific Plan Area Final Map

**Attachments to City Council Resolution No. 2018-\_\_\_\_\_ (Legistar File 18-065) Certifying the Environmental Impact Report for the Bay Fair TOD Specific Plan, with the following exhibits incorporated by reference.**

- Exhibit A - Draft EIR for the Bay Fair TOD Specific Plan (publicly released on September 28, 2017) *(Note: Exhibit A comes in two parts: Draft EIR & Appendices)*
- Exhibit B - Final EIR for the Bay Fair TOD Specific Plan (publicly released on January 5, 2018)
- Exhibit C - Findings Concerning Significant Impacts and Mitigation Measures
- Exhibit D - Findings Concerning Infeasibility of Alternatives
- Exhibit E - Statement of Overriding Considerations

**Attachments to City Council Resolution No. 2018-\_\_\_\_\_ Recommending Adoption of the Bay Fair TOD Specific Plan (Legistar File 18-066), with the following exhibits incorporated by reference.**

- Exhibit A - Draft Bay Fair TOD Specific Plan (publicly released on September 28, 2017)
- Exhibit B - Bay Fair TOD Specific Plan Addendum (Amended on February 2, 2018) *(Note: Upon final adoption of the Specific Plan by the City Council, the Addendum will be integrated into the Final Specific Plan document for public and City use.)*

PREPARED BY: Tom Liao, Deputy Community Development Director