



Legislation Text

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RESOLUTION of the City of San Leandro City Council approving a General Plan Text Amendment and General Plan Map Amendment and adopting an Addendum to the previously certified San Leandro Shoreline Development Project Environmental Impact Report (SCH # 2013072011) for the proposed 75-acre Shoreline Development Project initiated by Monarch Bay LLC, as applicant, and the City of San Leandro, as property owner (PLN19-0074).

WHEREAS, the City owns certain real property consisting of approximately seventy-five (75) acres located within the City limits in the Shoreline area (the "Property"); and

WHEREAS, the Property is located along both sides of Monarch Bay Drive between Marina Boulevard and Fairway Drive. The Property includes Mulford Point to the north, Pescador Point to the south, the boat harbor, the 9-hole Marina Golf Course, and the Mulford-Marina Branch public library; and

WHEREAS, the Property includes approximately 75 acres of City-owned property identified as Assessor's Parcel Numbers: 080G 0900 001 08, 080G 0900 004 01, 079A 0475 009 04, 079A 0590 001 05, 079A 0590 001 07, 079A 0590 002 00, 079A 0590 003 00, and 079A 0590 004 00; and

WHEREAS, the City and Cal Coast Companies LLC, Inc., a Delaware corporation doing business in California as Cal Coast Developer, Inc. (Cal-Coast), entered into an Exclusive Negotiating Rights Agreement dated April 2, 2012 regarding development of the Property, as such agreement has been amended and extended (the "ENRA"); and

WHEREAS, the City desires to facilitate the development of the Shoreline-Marina area to create new housing units, lodging and restaurants, new facilities to foster economic growth, and new recreational opportunities for the public, as well as promoting the productive use of property and encouraging quality development and economic growth, thereby enhancing employment and recreation opportunities for residents and expanding the City's tax base; and

WHEREAS, from 2008 to 2015, Cal-Coast worked with City staff and various City resident advisory committees to develop a Shoreline Development Concept Plan for the Property that would meet the stated objectives; and

WHEREAS, in July 2015, the City Council adopted Resolution 2015-126 and Ordinance 2015-008 approving a General Plan Map Amendment and Zoning Map Amendment (PLN2012-00040) for the 2015 Shoreline Development Concept Plan that included a 150,000 square-foot office campus, 200-room hotel, 15,000 square-foot conference center, 354 housing units, three restaurants totaling approximately 21,000 square feet, a new Mulford-Marina Branch library, a three-story parking structure, a redesigned nine-hole golf course, and related site improvements; and

WHEREAS, the development described above, and related applications are collectively known

as the "2015 Project"; and

WHEREAS, in 2017, the Shoreline Development Concept Plan was updated as a result of feedback from the San Francisco Bay Conservation and Development Commission (BCDC) and changes in market conditions; and

WHEREAS, the updated Shoreline Development Concept Plan now proposes to redevelop the Shoreline area with up to 485 housing units, a 220-room hotel with attached restaurant, a 15,000 square foot two-story restaurant /banquet facility, a 3,000 square foot market/café, a redesigned nine-hole golf course, a new Mulford-Marina Branch library, a nine-acre community park, and related site improvements, including publicly accessible trails, landscaped areas, access drives, and parking lots; and

WHEREAS, the submittal includes applications for a General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment; and

WHEREAS, the proposed General Plan Text Amendment would update the Land Use Element, including Land Use Goal LU-9, and Action LU-9.4.A, to reflect the updated Shoreline Development Concept Plan as shown in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the proposed General Plan Amendment would reduce the General Commercial (CG) area west of Monarch Bay Drive from 31 acres to 16 acres, increase the Parks and Recreation (PR) designation west of Monarch Bay Drive from 7.2 acres to 15.5 acres, re-designate approximately 6.8 acres from CG to High Density Residential (RH), reduce the 30.7-acre PR area east of Monarch Bay Drive from 30.7 to 24.4 acres, and increase the Medium Density Residential (RM) acreage east of Monarch Bay Drive from 13.1 to 19.4 acres as shown in Exhibit B, attached hereto and incorporated herein by reference; and

WHEREAS, the development described above, and related applications are collectively known as the "Project"; and planning approvals for the Project are being processed in stages. The first processing stage considers the General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment; the subsequent processing stage(s) will consider the development permits at future hearings, including but not limited to a Planned Development Project, Tentative Map, Site Plan Review, Conditional Use Permit; and Development Agreement applications; and

WHEREAS, in July 2015, the City Council adopted Resolution No. 2015-125 certifying a Final Environmental Impact Report (EIR) entitled, "San Leandro Shoreline Development Project EIR (SCH # 2013072011)" and adopting a Mitigation Monitoring and Report Program (MMRP) for the 2015 Project; and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and the State CEQA Guidelines Section 15162 require that when an EIR is certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

1. Substantial changes are proposed in the project which will require major revisions of the

previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative; and

WHEREAS, staff reviewed the Project and analyzed it based upon the above provisions in Section 15162 of the CEQA Guidelines. Pursuant to CEQA and the CEQA Guidelines, the City of San Leandro completed an Addendum to the San Leandro Shoreline Development Project Final Environmental Impact Report (EIR) as shown in Exhibit C, attached hereto and incorporated herein by reference; and

WHEREAS, the Addendum includes an environmental analysis checklist, based on Appendix G of the CEQA Guidelines, which analyzed the changes to the 2015 Project and whether the environmental effects from the Project would be any different from those disclosed in the Certified EIR. The Addendum concluded that the Project would not result in any new significant impacts or substantially increase the severity of any significant impacts identified in the Certified EIR. No new information of substantial importance was identified and no new mitigation measures are necessary to reduce significant impacts. Applicable mitigation measures from the Certified EIR will be included as conditions of approval and will be required to be implemented as part of the Project when the Project is processed for planning approvals; and

WHEREAS, a publicly noticed community meeting to present the proposed Project and receive public comments was held at the Marina Community Center on January 28, 2020; and

WHEREAS, a staff report dated February 6, 2020, incorporated herein by reference, described and analyzed the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment for the Planning Commission; and

WHEREAS, the City of San Leandro Planning Commission did on the 6th day of February, 2020, hold a duly noticed Public Hearing for consideration of the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment and did consider all

information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, the Planning Commission recommended approval of the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment and adoption of an Addendum to the San Leandro Shoreline Development Project EIR (SCH # 2013072011) to the City Council on a 5-1 vote (one absence); and

WHEREAS, the Community Development Department provided notice of the proposed General Plan Text Amendment, General Plan Map Amendment, Zoning Map Amendment and EIR Addendum public hearing by the City Council by publishing a public hearing notice in the East Bay Times' Daily Review newspaper on February 14, 2020; and

WHEREAS, a staff report dated February 24, 2020, incorporated herein by reference, described and analyzed the proposed General Plan Text Amendment, General Plan Map Amendment, Zoning Map Amendment for the City Council; and

WHEREAS, the City of San Leandro City Council did on the 24th day of February, 2020, hold a duly noticed Public Hearing for consideration of the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment and did consider all information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, the City's General Plan, Zoning Code, Municipal Code and Administrative Code are incorporated herein by reference and are available for review at City Hall during normal business hours.

NOW, THEREFORE, the City Council of the City of San Leandro does hereby **RESOLVE** that the foregoing recitals are true and correct and made part of this resolution.

BE IT FURTHER RESOLVED THAT, the City Council of the City of San Leandro does hereby make the following findings and determinations regarding the proposed General Plan Amendment and hereby approves the General Plan Text Amendments shown in the attached Exhibit A, the General Plan Map Amendments shown in the attached Exhibit B, and Adopts the Addendum in attached Exhibit C based on the following findings and considering the staff report and the whole of the record related to the Project:

1. Pursuant to CEQA and the CEQA Guidelines, the City finds, on the basis of substantial evidence set forth in the record, including but not limited to, the Certified FEIR, the Addendum, and all related information presented to the City Council, that the environmental effects of the Project were sufficiently analyzed and that an Addendum to the Certified FEIR is the appropriate environmental document for the Project.

The City Council further finds that none of the circumstances described in the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR exist because the Project:

- a. will not result in substantial changes in the project which will require major revisions

- of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - b. will not result in substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - c. does not present new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time of the Certified EIR was certified showing any of the following:
 - I. that the proposed project would have one or more significant effects not discussed in the previous EIR;
 - II. that significant effects previously examined would be substantially more severe than shown in the previous EIR;
 - III. that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the project proponents declined to adopt the mitigation measure or alternative; and
 - IV. that mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives; and
2. Having considered the Addendum, the administrative record, the Shoreline Development Project FEIR and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the Project were addressed within the Shoreline Development Project FEIR and the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the Shoreline Development Project FEIR. The City Council finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City Council.
3. That the proposed General Plan Text Amendment and General Plan Map Amendments for the Shoreline Area are in the public interest because they will ensure internal consistency within the General Plan and lay the groundwork for future development of the San Leandro Shoreline as a vibrant, self-sustaining mixed-use destination with complementary land uses that benefit San Leandro residents.