



Legislation Text

File #: 20-313, Version: 1

RESOLUTION of the City of San Leandro City Council Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 1388 Bancroft Apartments (PLN18-0046)

WHEREAS, on June 14, 2018, Tom Silva of Eden Realty (“Applicant”) submitted an application for a Planned Development and Site Plan Review (PLN18-0046) proposing to redevelop a 1.27 acre property located at 1388 Bancroft Avenue consisting of two medical and professional office buildings, to be demolished and replaced with a 45 unit multifamily residential Planned Development Project, later revised to consist of 42 multifamily residential units (“Project”); and

WHEREAS, the application was evaluated and deemed complete on October 12, 2018 and an initial study was prepared shortly thereafter; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), an Initial Study and Mitigated Negative Declaration (collectively, “Mitigated Negative Declaration” or “MND”), dated November 30, 2018, attached hereto as “Exhibit A” and incorporated herein by reference, was prepared for the Project by Michael Baker International (MBI) on behalf of the City. The purpose of the Initial Study and Mitigated Negative Declaration was to ascertain whether the 1388 Bancroft Project would have significant effects on the environment, and to identify and impose appropriate Project changes and mitigation measures to avoid any such impacts or reduce such impacts to a less than significant level; and

WHEREAS, the Mitigated Negative Declaration analyzed the environmental effects of the Project and concluded that the Project, with the incorporation of the mitigation measures contained in the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program (“Mitigated Monitoring and Report Program” or “MMRP”) identified in Section 4.0 of the MND, would not have a significant adverse effect on the environment; and

WHEREAS, the Initial Study examined all of the environmental issues associated with the Project and concluded that, with the incorporation of identified mitigation measures, the Project would not have a significant effect on the environment. A Notice of Intent to Adopt a Mitigated Negative Declaration, along with the Mitigation Monitoring and Reporting Program identified in Section 4.0, was prepared and circulated for review beginning on November 30, 2018; and

WHEREAS, the Applicant agreed and the Project is conditioned to incorporate into the Project all applicable mitigation measures identified in the MND and MMRP, to reduce environmental impacts to less than a significant level; and

WHEREAS, on December 20, 2018, the Planning Commission, after consideration of all pertinent plans, documents, and testimony, recommended approval and adoption of the MND and the proposed Project to the City Council by a 4-2 decision; and

WHEREAS, the City Council, after giving all public notices required by State law and the San Leandro Zoning Code, held a duly noticed public hearing on February 4, 2019, to consider the Project with 45 units and the draft Initial Study and Mitigated Negative Declaration for the Project; and

WHEREAS, following receipt and consideration of written and verbal comments on the proposed project and Mitigated Negative Declaration at the February 4, 2019 hearing, the City Council directed the applicant to reduce the Project's density and number of units; and

WHEREAS, the applicant prepared and submitted revisions to the Project on February 4, 2020, reducing the total number of units from 45 to 42, removing the rooftop patio, and replacing the footprint of the removed units with a widened sport lawn area; and

WHEREAS, the revised Project was reviewed and evaluated in accord with CEQA Guidelines section 15073.5 and it was determined that the changes, including the reduction of three dwelling units, removal of the rooftop deck and widening of the sport lawn area, constitute minor revisions to the Project that do not result in any new or significant additional effects; and

WHEREAS, the revised Project compensates for the removal of rooftop common open space by relocating the open space amenity to the location of the three removed dwelling units and replaces their footprint with a widened sport lawn area, providing additional pervious surface area for stormwater pollution control; and

WHEREAS, the Project revisions do not trigger Recirculation of the Mitigated Negative Declaration because the changes are minor and were made in response to written or verbal comments on the Project's effects identified in the Mitigated Negative Declaration at the City Council hearing held on February 4, 2020 and do not result in any new or avoidable significant effects, in accord with CEQA Guidelines, Section 15073.5(c)(2); and

WHEREAS, the City Council, after giving all public notices required by State law and the San Leandro Zoning Code, held a duly noticed public hearing on September 21, 2020 on the the draft Initial Study and Mitigated Negative Declaration for the Project; and

WHEREAS, at said public hearing the City Council again considered all oral and written information, testimony, and comments received during the public review process, the testimony and information received at the public hearing, the oral report from City staff, the written report from City staff, exhibits presented, pertinent plans and documents, the recommendation of the Planning Commission, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, the application of all mitigating measures, and all other materials and information contained in the record of proceedings relating to the Project, which are maintained at the City of San Leandro Community Development Department (collectively, "Environmental Information").

NOW, THEREFORE the City Council of the City of San Leandro does **RESOLVE** as follows:

Section 1. That the City of San Leandro City Council hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibit A), based upon the following findings:

1. The forgoing recitals are true and correct and made part of this Resolution.
2. A Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program is the appropriate environmental document for this Project.
3. The environmental documents for the Project were prepared, published, circulated, and reviewed in accordance with CEQA.
4. The City Council reviewed, considered, and evaluated all of the Environmental Information and all other pertinent plans, documents and testimony.
5. The Initial Study and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City of San Leandro as the lead agency for the Project.
6. The mitigation measures described in the Initial Study and Mitigated Negative Declaration are within the jurisdiction of the City of San Leandro to adopt, and will in fact be implemented by the applicant.
7. The City Council hereby finds and determines that there is no substantial evidence in light of the whole record before the City Council that the Project, with the incorporation of the Mitigation Monitoring and Reporting Program, would have a significant effect on the environment.
8. All feasible mitigation measures for the Project identified in the Mitigation Monitoring and Reporting Program and accompanying studies are hereby incorporated into this Resolution.

Section 2. This resolution shall become effective immediately upon its passage and adoption.