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Staff Report on Certification of the San Leandro 2035 General Plan Environmental Impact Report and Adoption of the 2035 General Plan

### SUMMARY AND RECOMMENDATION

The City of San Leandro released a Draft Environmental Impact Report (DEIR) and Draft 2035 General Plan (Draft Plan) for public review on June 1, 2016. The public comment period on the DEIR closed on July 15, 2016. In accordance with the California Environmental Quality Act (CEQA), the City prepared a Final Environmental Impact Report (FEIR), including responses to comments on the DEIR, and edits to the DEIR. The City also prepared a General Plan Addendum (Addendum), including edits to the June 1 Draft General Plan to respond to written and oral comments. On August 25, 2016, the Planning Commission unanimously passed Resolution 2016-02, recommending City Council certification of the EIR, and Resolution 2016-03, recommending adoption of the General Plan (including the Addendum).

The Council's vote on the General Plan resolution has been segmented to comply with Fair Political Practices Commission rules regarding conflicts of interest for Council members with personal or business interests near areas where land use designation changes are proposed on the General Plan Map.

Staff recommends that the City Council certify the 2035 General Plan Environmental Impact Report (EIR) and adopt the 2035 General Plan.

### BACKGROUND

Every city and county in California is required to prepare a general plan guiding its future growth. State law requires that general plans include the following seven elements:

- Land Use
- Transportation
- Housing
- Open Space
- Conservation
- Safety
- Noise

San Leandro has merged the state-mandated Open Space and Conservation Elements into a single chapter called “Open Space, Parks, and Conservation” and has merged the Safety and Noise Elements into a single chapter called “Environmental Hazards.” The City also has incorporated the following “optional” elements in its Plan:

- Economic Development
- Historic Preservation and Community Design
- Community Services and Facilities.

The Housing Element of the General Plan stands alone as a separate document, and is subject to review and certification by the State. It must be updated every eight years, according to a schedule approved by the Legislature. Because Housing Elements for 2015-2023 were due to the State in January 2015, San Leandro prioritized completion of the Housing Element and made this the first task of the 2035 General Plan Update process. The remaining elements are not subject to State certification, although periodic updates are recommended to ensure that the Plan complies with new legislation and best practices, and continues to be relevant and useful.

The City retained a consultant team (led by Placeworks and Barry Miller Consulting) to undertake the General Plan Update in March 2014. The project was characterized as a General Plan *Update*, and not a brand new General Plan, as was prepared in 1998-2002. Rather than starting “from scratch,” the focus was on updating factual information in the 2002 Plan and revisiting the existing policies and actions to reflect current issues, objectives, laws, and community perspectives. The Draft 2035 General Plan document is Exhibit A of the City Council Resolution Adopting the 2035 Plan (see “Attachments” section below).

Much of the work completed during early 2015 consisted of an “audit” of the policies in the existing plan and a discussion of which policies should be deleted, carried forward, or edited. The work also included an update to the General Plan Map to reflect development since 2002, new development

opportunities, and ongoing plans and projects (such as the Downtown TOD Strategy).

Extensive public outreach occurred during the General Plan update planning process since 2014. See “Summary of Public Outreach Efforts” for a more detailed description of public outreach.

Concurrently with General Plan adoption, the City proposes amendments to the San Leandro Zoning Code, including text and map changes. The zoning changes are a separate action and are covered by separate resolutions, a staff report and ordinances for consideration following the City Council's action on the 2035 General Plan.

## **Analysis**

The City Council should review the July 5, 2016 City Council staff report for an overview of the General Plan Environmental Impact Report, the 2035 General Plan contents, and the proposed General Plan Map changes. Such information is not repeated here, because the focus of this report is on updating the EIR review and proposed changes to the General Plan in response to public comment.

The July 5, 2016 staff report, which may be found at <https://sanleandro.legistar.com/Calendar.aspx>, included:

- A description of the EIR's purpose and organization, and disclosure of its major findings
- A summary of the demographic and economic forecasts in the 2035 General Plan
- An explanation of the General Plan's major themes
- A high-level description of each of the Plan's 11 chapters, including highlights of new policies and action programs
- An overview of the General Plan Map, focusing on changes to the land use categories and new Map designations.

## **Summary of Public Comments**

The following section summarizes comments received on the General Plan. It is divided into two parts: the first part identifies comments received prior to August 19, which was the date the General Plan Addendum was published. The second part identifies comments received on or after August 19, including comments made at the August 25 Planning Commission hearing on the Plan. Comments on the Environmental Impact Report are covered in a later section of this staff report, and comments on proposed zoning changes are covered in a separate staff report as part of the zoning amendment agenda item.

### ***Comments Received on the General Plan Prior to August 19, 2016***

Written comments on the General Plan were received from Bike East Bay, Public Health Advocates, the Board of Forestry, Westlake Properties, and residents Erin Ouburg and Bruce Guntrum. In addition, oral testimony on the General Plan was provided at the June 16 Planning Commission

meeting, and at the July 5 and July 25 meetings of the City Council. The June 16 meeting included remarks from Erin Ouburg (a local historic preservation advocate) and Danny Coloste (Bike East Bay). The July 5 Council meeting included remarks from Stephen Cassidy and the July 25 Council meeting included remarks from Richard Brennan. Planning Commissioners and City Council members also commented on the Plan at these meetings.

*Comments Received on the General Plan on or After August 19, 2016*

After the publication of the General Plan Addendum (August 19), the following written comments were received:

- The Rental Housing Owners Association of Southern Alameda County requested that the City allow the larger multi-family opportunity sites listed in the San Leandro Housing Element to be developed at the maximum feasible density in order to address local housing needs.
- Richard Brennan (resident) asked how the Bay Fair TOD Plan would be reflected in the General Plan, inquired about the future of the former Kraft plant and adjacent Halcyon/Washington intersection, suggested that high-speed internet be not treated merely as a business amenity but as a basic utility, and further raised questions about how emerging technologies would be reflected in the General Plan after its adoption. Mr. Brennan again raised these concerns in oral testimony at the August 25 Planning Commission meeting.
- Terry and Lynn Kirby (residents) expressed concern about plans for higher density housing in the Downtown Area. Mr. Kirby also raised these concerns in oral testimony at the August 25 Planning Commission meeting.

During the August 25 Planning Commission meeting, the Commissioners raised the following points related to the General Plan:

- Commissioner Jim Hussey suggested: (1) adding an action item to update the Master Plan of City Streets; (2) modifying the Action item on traffic calming to add a timetable, and to suggest that the requirements for approving traffic calming measures be revisited; and (3) modifying one or more of the Actions on the San Leandro Creek Trail to engage state and federal regulatory agencies in decisions that would eventually require their approval.
- Commissioner Ed Hernandez raised the possibility of future discussions regarding the response time standards for police and fire emergency calls. He also inquired about the future of the former San Leandro Rock Quarry.
- Commissioner Tony Breslin suggested that improvements to the Union Pacific Railroad crossings in the Washington/ Halcyon vicinity be addressed by the General Plan

In addition, a member of the public expressed objection to the East Bay Greenway. Public testimony also addressed the future of the Marina Boulevard corridor, and the importance of citywide internet connectivity, including high speed fiber or gigabit wireless service to the City's neighborhoods. At the conclusion of public testimony, the Commission voted unanimously to recommend adoption of the

General Plan by the City Council.

### Addendum Highlights

An Addendum to the General Plan has been prepared identifying line edits to the June 2016 Draft. The Addendum responds to comments on the General Plan received in writing and in oral testimony. The Addendum was initially published on August 19. A few changes were made in response to feedback from the August 25 Planning Commission hearing (which is Exhibit B of the City Council Resolution Adopting the 2035 General Plan, see “Attachments” section below). These are noted in **green Arial font** in the Addendum. If the City Council adopts the 2035 General Plan, the Addendum will be integrated into the June 1 version of the Draft General Plan to create a “Final” General Plan in the coming weeks.

Highlights of the Addendum are presented below:

- Based on feedback from the City Council, “smart city” principles were integrated into the General Plan. Text revisions emphasize that San Leandro will leverage its fiber optics network to improve transportation, utilities, education, safety, environmental quality, and City service delivery. Smart cities language was added to the Vision Statement, described as a “major planning concept” in the Land Use Element, and emphasized through additional narrative in several of the elements. In addition, several independent actions under Policy ED-3.4 were merged into a new action to prepare a “Smart City Action Strategy” that updates San Leandro’s Commercial Broadband Strategy, addresses marketing strategies and future applications for Lit San Leandro, and guides future expansion of the fiber optic system.
- In Table 3-2, which notes the zoning districts that are compatible with each General Plan designation, the “P” (professional office) zoning district is now listed as compatible with the “Downtown Mixed Use” General Plan category.
- The Land Use Element now notes that preparation of a Plan for the northern section of East 14<sup>th</sup> as well as the northern MacArthur and Bancroft corridors is a very high priority.
- The Transportation Element was edited to reflect written and oral testimony from Bike East Bay. The Element now suggests exploring a stronger and more consistent role for the Bicycle and Pedestrian Advisory Committee, a commitment to citizen participation in transportation planning, and adoption of complete streets design guidelines. The Element also expresses that bicycle and pedestrian safety is a priority, notes the importance of cross-town bike routes, and strongly supports the development of buffered bike lanes. The word “accident” was replaced with “collision” in a number of places, as recommended.
- A description of noise issues associated with implementation of the Metroplex air traffic control system was added, and Action EH-9.1.A (Noise Management Forum) was expanded to note that the City will work with the FAA and other entities to mitigate noise impacts associated with new air

traffic patterns.

- Actions on historic preservation (CD-1.4.A, CD-1.5.A, CD-2.3.B) were edited in response to comments from resident Erin Ouburg, a historic preservation professional. The edits clarify the process for establishing the boundaries of a possible historic district, and the way design guidelines may be used to further historic preservation objectives.
- Several photos in the June 1 draft will be replaced with new photos.
- The CEQA Mitigation Monitoring and Reporting Program (MMRP) will be included as an appendix to the General Plan. The MMRP is Exhibit F to the City Council Resolution Certifying the EIR (see “Attachments” section below).

### Conflict of Interest/Segmentation of Voting

Because the General Plan affects so many different properties and businesses throughout San Leandro, some of the City Councilmembers have a conflict of interest in their property or business preventing them from participating in portions of the proposed General Plan update. In order to accommodate the City Council’s decision-making authority while complying with the disclosure and recusal requirements of California’s Fair Political Practices Commission (FPPC) Conflict of Interest Regulations, the resolutions approving the General Plan land use map will be considered in multiple segmented approvals. Before each segment is considered, City Council members that have a conflict of interest in certain portions of the proposed 2035 General Plan will recuse themselves consistent with Fair Political Practices Commission Conflict of Interest Regulations while permitting the Council to take action on the proposed amendments contained in those segments without the recused Councilmember.

Regarding the City Council Resolution certifying the 2035 San Leandro General Plan Environmental Impact Report (see “Attachments” section below), all Council members present will be asked to vote on this resolution.

Regarding the City Council Resolution adopting the 2035 San Leandro General Plan (see “Attachments” section below), the following segmented motions are summarized below.

### *Segment 1*

Segment 1 would change the designation of approximately 25 parcels along the west edge of the East 14<sup>th</sup> Street corridor (between West Broadmoor Boulevard and Stoakes Avenue) from High Density Residential (up to 29 units per acre) to High Density Residential (up to 50 units per acre). The parcels are already developed with multi-family buildings, with most buildings in the 30-50 unit/acre range and several existing buildings exceeding 50 units per acre. The proposed designation more accurately reflects the existing use and is not expected to result in a change in use.

The Segment 1 map is Exhibit C to the City Council Resolution Adopting the 2035 General Plan (see the “Attachments” section below). *Councilmember Lopez has an economic interest in real property within 500 feet of this area and will recuse herself from this vote.*

### *Segment 2*

Segment 2 would apply a “Parks and Open Space” designation to Floresta Park along Monterey Boulevard. The site was designated as “Public/ Institutional” in the last General Plan, because that Plan did not differentiate between the portion of the site used as Monroe School, and the portion used as a City park. The proposed designation more accurately reflects the existing use and is not expected to result in a change in use. The Segment 2 map is Exhibit D to the City Council Resolution Adopting the 2035 General Plan (see the “Attachments” section below). *Councilmember Thomas has an economic interest in real property that is within 500 feet of this parcel and will recuse himself from this vote.*

### *Segment 3*

Segment 3 covers the General Plan Map changes for all areas of the City outside Segments 1 through 2. All members of the Council may vote on this item. Segment 3 also includes the text of the General Plan, consisting of the June 1 Draft General Plan document and the Addendum. The Segment 3 map is Exhibit E to the City Council Resolution Adopting the 2035 General Plan (see the “Attachments” section below).

Public comment may be received on the EIR Certification Resolution and on the motions for any of the segments of the 2035 General Plan Resolution prior to the motion on each segment. Public comments on the General Plan text would generally be heard under Segment 3.

### **Previous Actions**

- On March 3, 2014, the City Council approved a contractual services agreement (CSA) with Planning Center | DC&E (now PlaceWorks) to prepare the General Plan Update, Housing Element Update and related environmental impact report (EIR) required under the California Environmental Quality Act (CEQA).
- On January 20, 2015, the City Council adopted the Initial Study/Negative Declaration and 2015-2023 Housing Element Update. The State Housing and Community Development (HCD) certified the City’s Housing Element Update in February 2015.

### **Applicable General Plan Policies/General Plan Conformance**

The 2035 General Plan updates and replaces the 2002 General Plan for the City.

### **Environmental Review**

Concurrently with the Plan Update, the City prepared a Draft Environmental Impact Report (EIR) for the General Plan Update, as required by the California Environmental Quality Act. The document is a “program-level” EIR, meaning that it addresses the general environmental effects of additional population and employment in the City over an approximately 20-year period rather than the effects of a particular development project on a particular site. The “project” for purposes of the EIR is the June 1 Draft General Plan and related zoning text and map amendments. The EIR includes a project description, and discussions of the existing setting, potential environmental impacts, and recommended mitigation measures for 14 resource topics. These topics are aesthetics; air quality; biological resources; cultural resources; geology, soils, and seismicity; greenhouse gas emissions; hydrology and water quality; land use and planning; noise; population and housing; public services and recreation; transportation and traffic; and utilities and service systems. The EIR also considers alternatives to the proposed project.

The Draft EIR was released on June 1, 2016 at the same time as the Draft 2035 General Plan. The EIR was filed with the State Clearinghouse, and interested parties were notified by email of the 45-day public review period for submitting written/e-mailed comments. The Planning Commission held a meeting on the Draft Plan and Draft EIR on June 16, 2016, providing an opportunity for public comment while the EIR comment period was still open. The City Council held a similar meeting on July 5, 2016.

The EIR comment period ended on July 15, 2016. Comments on the EIR were received from five government agencies: Caltrans, East Bay Municipal Utility District (EBMUD), East Bay Regional Park District (EBRPD), Alameda County Transportation Commission (Alameda CTC), and the Bay Conservation and Development Commission (BCDC). In addition, comments were received from three individuals (Christine Gordon, Kathy Wolff, Virginia Madsen), and Planning Commissioner Ed Hernandez. The staff/consultant team subsequently prepared a Final EIR with written responses to public comments on the Draft EIR, as required by CEQA. The Draft EIR is a separately bound document and is Exhibit A to the City Council Resolution certifying the EIR and the Final EIR is Exhibit B to the 2035 General Plan Resolution (see “Attachments” section below). The Draft and Final EIRs may be found on the project website at <http://www.sanleandro2035.org/documents/>. Copies may also be reviewed at the San Leandro Main Library (located at 300 Estudillo Avenue) and the City’s Community Development Department in City Hall at 835 E. 14<sup>th</sup> Street during normal business hours.

Staff notes that the City received many public comments during the public review period, but most of them were not on the Draft EIR or its analysis and conclusions. Instead, most of the comments were on the proposed zoning changes, particularly in the Bancroft/Estudillo area. CEQA does not require responses to comments on the merits of the project itself. However, since many non-CEQA comments were received, the FEIR identified them and included the comments in an appendix to acknowledge that they were received and forwarded to the Planning Commission and City Council.

### August 25, 2016 Hearing on EIR



The Planning Commission considered whether to recommend certification of the FEIR on August 25, 2016. One member of the public testified, inquiring about the EIR's conclusions related to the long-term availability of water. Prior to taking action on the EIR Resolution, the Commissioners discussed the document's conclusions about school impacts and mitigation fees, the need for downtown parks, traffic congestion and level of service at key intersections, and the available capacity at the Water Pollution Control Plant. The Commissioners also discussed state mandates to plan for housing, and the effects of the Regional Housing Needs Allocation (RHNA) on the City's policies and map changes. No changes to the EIR documents were requested. At the conclusion of the discussion, the Planning Commission unanimously recommended that the City Council certify the 2035 San Leandro General Plan EIR.

### Certification of the EIR

Under CEQA, the City Council would "approve" the EIR by certifying to its adequacy. CEQA further requires that the City Council consider the potential environmental effects of the General Plan update project before taking action on the project. Therefore, the first Council action must be to consider certifying the EIR by resolution (which is Attachment 1 to this staff report, see "Attachments" section below). CEQA also requires various findings in conjunction with a project approval; the findings are set forth in Exhibits C-F of the City Council Resolution Certifying the EIR. Exhibit C contains findings explaining how the significant impacts identified in the EIR will be mitigated. Because some of the impacts will not be mitigated, Exhibit D addresses the infeasibility of EIR project alternatives, and Exhibit E contains a statement of overriding considerations explaining how the benefits of the project outweigh its unavoidable impacts. Finally, Exhibit F contains a Mitigation Monitoring and Reporting Program (MMRP) to show how the EIR mitigation measures will be implemented. The MMRP will also be included as an appendix in the updated General Plan to further insure that the mitigations are implemented.

### Board/Commission Review and Actions

- On December 18, 2014, the Planning Commission recommended City Council adoption of the Initial Study/Negative Declaration and 2015-2023 Housing Element Update.
- On August 25, 2016, the Planning Commission unanimously recommended that the City Council certify the Environmental Impact Report (EIR) and adopt the 2035 General Plan. Here is a link on the City website to the full audio recording of the August 25<sup>th</sup> Planning Commission meeting: <https://sanleandro.legistar.com/Calendar.aspx>.

### Summary of Public Outreach Efforts

The City widely solicited community input throughout the General Plan Update process. There were ten Planning Commission study sessions, and separate study sessions with the Board of Zoning Adjustments, the Recreation and Parks Commission, the Human Services Commission, Library-Historical Commission, the Rent Review Board, the Youth Advisory Commission, the Senior Commission, and the Bicycle and Pedestrian Advisory Committee. Several study sessions of the City Council also were convened. Presentations and work sessions were held with various

neighborhood and community groups, business groups, housing advocates, and local interest groups. In addition, five community workshops were held, including one focused on housing (July 30, 2014), two focused on a Citywide vision (October 23 and 28, 2014), one focused on policy options (April 30, 2015), and one focused on Draft policies and the General Plan Map (January 12, 2016). A General Plan website ([www.sanleandro2035.org](http://www.sanleandro2035.org) <<http://www.sanleandro2035.org>>) was created and regularly updated throughout the project. In all, about 70 public and stakeholder meetings were held over the course of the two-year period between March 2014 and May 2016. The City also maintained an email distribution list during this period of over 475 individuals reflecting City residents, business and property owners, public agencies, community organizations, etc.

### **Legal Analysis**

The City Attorney's Office reviewed and analyzed the 2035 General Plan and EIR and found them to be in conformance with applicable State and local law.

### **Fiscal Impacts**

The City Council approved a contractual services agreement with PlaceWorks (formerly Planning Center | DC & E) to lead and implement the General Plan and Housing Element Update planning process on March 3, 2014 for an amount not to exceed \$690,668. The City also approved \$29,500 in additional funding for the General Plan Update to increase the total project budget to \$720,168: \$20,000 for the new Economic Development Element in April 2015 and \$9,500 for additional work related to the Zoning Update 2016 in conformance with the 2035 General Plan).

## **ATTACHMENT(S)**

### **Attachments to Staff Report**

None

**Attachments to City Council Resolution No. 2016-\_\_\_\_ (Legistar File 16-456) Certifying the Environmental Impact Report for the San Leandro 2035 General Plan, with the following exhibits incorporated by reference.**

- Exhibit A - Draft EIR dated June 1, 2016. Due to its large size, the DEIR is a separately bound document and is not attached to the resolution.
- Exhibit B - Final EIR dated August 19, 2016.
- Exhibit C - Findings Concerning Significant Impacts and Mitigation Measures
- Exhibit D - Findings Concerning Infeasibility of Alternatives
- Exhibit E - Statement of Overriding Considerations
- Exhibit F - Mitigation Monitoring and Reporting Program

**Attachments to City Council Resolution No. 2016-\_\_\_\_ (Legistar File 16-457) Recommending that the City Council Adopt the San Leandro 2035 General Plan with the following exhibits incorporated by reference.**

- Exhibit A - Draft 2035 General Plan, dated June 1, 2016. Due to its large size, the Draft Plan is a separately bound document, incorporated by reference but not attached.

- Exhibit B - General Plan Addendum (amended August 26, 2016)
- Exhibit C - Segment 1
- Exhibit D - Segment 2
- Exhibit E - Segment 3 (Note: The full size map is on file at City Hall or at the 2035 General Plan webpage at <http://www.sanleandro2035.org/documents/>)

(For more details on Segments 1 - 2, please see the "Conflict of Interest/Segmentation of Voting" section in the staff report above.)

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