



## Legislation Details (With Text)

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<b>Title:</b>	Consideration of a Recommendation to City Council Regarding Adopting Chapter 2.10, Bay Fair Transit Oriented Development (B-TOD), to the San Leandro Zoning Code and Related Amendments to the Zoning Code, Zoning Map, Bay Fair Transit-Oriented Development (TOD) Specific Plan, and General Plan; and Consideration of the Addendum to the Certified Final Environmental Impact Report Prepared for the 2018 Bay Fair TOD Specific Plan.				
<b>Sponsors:</b>	Andrew Mogensen, Tom Liao				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachment 1 - Redlined Zoning Code Amendments, 2. Attachment 2 - Zoning Map Amendments, 3. Attachment 3 - Redlined Draft Bay Fair TOD Specific Plan Amendments, PC Public Hearing, November 5, 2020, 4. Attachment 4 - Redlined General Plan Text Amendments, 5. Attachment 5 - General Plan Land Use Map Amendments				

Date	Ver.	Action By	Action	Result
11/5/2020	1	Planning Commission and Board of Zoning Adjustments		

Consideration of a Recommendation to City Council Regarding Adopting Chapter 2.10, Bay Fair Transit Oriented Development (B-TOD), to the San Leandro Zoning Code and Related Amendments to the Zoning Code, Zoning Map, Bay Fair Transit-Oriented Development (TOD) Specific Plan, and General Plan; and Consideration of the Addendum to the Certified Final Environmental Impact Report Prepared for the 2018 Bay Fair TOD Specific Plan.

### SUMMARY AND RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending that the City Council 1) adopt Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD), to the San Leandro Zoning Code and related amendments to the Zoning Code, Zoning Map, Bay Fair Transit-Oriented Development (TOD) Specific Plan, and General Plan; and 2) determine that the proposed project was adequately analyzed pursuant to the California Environmental Quality Act (CEQA) by the Addendum to the Certified Bay Fair TOD Specific Plan EIR (SCH#2017032016).

### BACKGROUND

In 2014, the City of San Leandro received a highly competitive \$440,000 Priority Development Area (PDA) planning grant from the Metropolitan Transportation Commission (MTC) to prepare the Bay Fair TOD Specific Plan (Specific Plan) and related Environmental Impact Report (EIR). The City also contributed local funds and in-kind contributions along with contributions from BART, Madison Marquette (the owner of the Bayfair Center), and Alameda County.

The Specific Plan Area covers 154 acres primarily comprised of commercial uses with a mix of office, light industrial, and residential uses. The area includes the Bay Fair BART Station, Bayfair Center, Fashion Faire Place, and Fairmont Square Shopping Center, which are divided by East 14th Street and Hesperian Boulevard.

The Specific Plan was created to promote the long-term sustainability and vibrancy of the Bay Fair BART Station area and to establish it as a regional Priority Development Area (PDA) in order to:

- Provide greater access to public funding targeted to TOD areas;
- Incentivize/streamline the regulatory process for future TOD developments;
- Continue City and private investments in South San Leandro; and
- Add the final planning piece to the City's East 14th Street corridor, following the East 14th South Area Strategy (2004) and the Downtown TOD Strategy (2007), all in compliance with MTC's regional Plan Bay Area 2040.

Throughout the multi-year Specific Plan development process, the City implemented a broad public outreach effort, which included:

- A 21-member Community Advisory Committee (CAC);
- A 10-member Technical Advisory Committee (TAC);
- Presentations with numerous City Boards, Commissions, Committees, and interest groups;
- A Bay Fair TOD Plan webpage on the City's website;
- Information pop-up stations in the Bay Fair BART Station and Bayfair Center;
- Two widely publicized community workshops;
- Email distribution list of over 450 individuals composed of residents, businesses, property owners, community organizations, and public agencies; and
- Press releases, weekly updates to City Council, and online postings on the City blog, SL Next, and Nextdoor.

On February 20, 2018, the City Council certified the Specific Plan EIR and adopted the Bay Fair TOD Specific Plan. The Specific Plan establishes a long-term vision for a sustainable, vibrant, walkable, and safe transit-oriented village with a diversity of land uses serving residents, workers, and visitors. The following strategies are integrated throughout the Specific Plan and provide a "big-picture" planning framework for the Bay Fair area:

1. *Improve Mobility for all Modes along Existing Major Streets:* The Specific Plan outlines a series of multi-modal improvements such as adding bicycle lanes, reducing vehicle travel lanes, and creating a new circulation network to improve connectivity throughout the Plan Area;
2. *Strengthen New Connections to BART:* Establish connectivity to the BART station for all modes of travel, with priority for pedestrians and bicyclists;
3. *Create a Grid of Smaller Blocks:* Create smaller blocks and promote the publicly desired "village" and "neighborhood" scale and character for the Plan Area;
4. *Create Special, Memorable Public Places and Open Spaces:* Create attractive public spaces that are accessible to people in various life stages (including households with kids, teens, seniors, and persons with physical disabilities);
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. Future development will be dictated by market forces,

landowner decisions, and the capacity for necessary infrastructure improvements.

Since the Specific Plan's adoption, the state legislature has further regulated how local governments process development applications in favor of streamlined (non-discretionary) reviews based only on objective development standards (SB35, SB330). As such, development and design standards in the B-TOD District will be objective as opposed to design guidelines that could be interpreted differently by different parties. The B-TOD District has also been drafted for consistency with AB 2923, which requires certain zoning minimums on BART-owned property in order to support transit-oriented development.

On July 2, 2020, the Planning Commission held a work session on the Bay Fair Zoning project, at which time the Commissioners asked clarifying questions of staff and provided initial feedback on the proposed Zoning standards.

On August 21, 2020, a public review draft of Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD) District, was released for public review. An online Community Meeting was held on September 1, 2020 to provide an overview of the project and receive public input. Participants asked questions that touched on recent events affecting Bayfair Center and surrounding commercial properties, potential impacts of new development on parking, and the effect of COVID-19 on development trends and transit ridership.

Additionally, staff received one written comment letter from Madison Marquette, owners of the Bayfair Center, requesting several modifications to accommodate a wider range of uses and greater flexibility in development standards. Staff incorporated many of Madison Marquette's suggestions into the public hearing draft; however, requests to accommodate lower density housing and lower minimum height limits were not incorporated in an effort to maintain and implement the Specific Plan's key principles.

## **PROPOSED AMENDMENTS**

The City-sponsored Bay Fair TOD amendments are a critical next step in implementing the Specific Plan. The proposed amendments include Zoning Code and Zoning Map Amendments to establish a new B-TOD District as well as Specific Plan and General Plan amendments for consistency with the new Zoning standards. Related Municipal Code amendments pertaining to requirements for publicly accessible open space in the B-TOD District will also be forwarded to the City Council.

### **Zoning Code Amendment**

The proposed Zoning Code Amendments would add Chapter 2.10, Bay Fair Transit-Oriented Development District, and Chapter 5.14, Development Plan Approval, to the San Leandro Zoning Code. The proposed Zoning Code Amendments also encompass related amendments to Chapters 1.12, 4.04, 4.08, and 4.12. In addition to the specific revisions described below, the proposed Zoning Code changes would replace all C-RM references with B-TOD references throughout the Zoning Code. The proposed amendments are included as Exhibit A to the attached resolution. Redlined amendments are shown in Attachment 1.

The proposed development standards serve to implement the Specific Plan by establishing clear development and design criteria for projects in the Bay Fair Transit-Oriented Development District;

however, as discussed at the Planning Commission Work Session on July 2, staff has also proposed new standards for minimum residential densities, publicly accessible open space, and parking maximums to further the goals and vision of the Specific Plan for a compact, vibrant, multi-modal transit-village.

#### *New Chapter 2.10*

Chapter 2.10, Bay Fair Transit-Oriented Development District, would establish the Bay Fair Transit-Oriented Development (B-TOD) Zoning District to further implement the Specific Plan and General Plan. The B TOD District standards adhere to the Specific Plan with minor clarifications and additions necessary for zoning implementation, such as clarification of parking requirements, open space requirements, and approval processes. Chapter 2.10-establishes the following requirements:

- Sub-areas with height overlays;
- Permitted uses, conditionally permitted uses, uses requiring Administrative Review, and temporary uses requiring Administrative Review;
- Minimum lot areas, widths, yard sizes, and setbacks;
- Height restrictions (minimums and maximums);
- Minimum density of residential developments;
- Lot coverage percentage;
- Minimum open space requirement;
- Site design requirements, including pedestrian access, frontage improvements, ground floor height, required openings, entrances, articulation, balconies, and parking design;
- Required amenities for multi-family and mixed-use residential developments;
- Parking access and design requirements;
- Minimum site landscaping; and
- Administrative regulations, including Development Plan Review, Site Plan Review, and Administrative Exceptions.

#### *New Chapter 5.14*

Chapter 5.14, Development Plan Approval, would establish a new approval process applicable to B-TOD District sites greater than five acres. The Board of Zoning Adjustments would serve as the review and approval authority for Development Plan applications and Development Plan review would focus primarily on proposed land uses, intensities, densities, and phasing as well as integration into the area-wide open space and circulation network. Following Development Plan approval, specific development proposals could be eligible for administrative (staff-level) approvals.

#### *Revisions to Chapter 1.08 and Chapter 1.12*

The proposed amendments to Chapter 1.08 *Organization, Applicability, and Interpretation* would delete references to the C-RM District and add the B-TOD District to the Base Zoning District Table. New definitions for “Facade” and “Research and Development Services” are proposed to be added to the definitions found in Chapter 1.12, Definitions. Modified definitions for “Frontage,” “Height,” “Setback Line” and “Street,” and clarifications to the definitions for “Open Space, Common” and “Open Space, Private” are also proposed.

#### *Revisions to Chapter 2.08*

All references to the C-RM District are proposed to be removed from Chapter 2.08, Commercial and Professional Districts, and Section 2.08.336 is proposed to be amended to include private open space and common open space requirements, in addition to the existing basic required open space.

### *Revisions to Chapters 4.04, 4.08, and 4.12*

The proposed amendments to Chapter 4.04, Development Regulations; Chapter 4.08, Off-Street Parking and Loading Regulations; and Chapter 4.12, Signs, would delete all references to the C-RM District, add references to the B-TOD District, implement the Specific Plan, and establish consistency with Chapter 2.10, Bay Fair Transit-Oriented Development District. The proposed amendments would also clarify allowed exceptions to height limits and implement fencing, parking, and signage standards for the B-TOD District.

### **Zoning Map Amendment**

The proposed Zoning Map Amendment would apply the B-TOD Zoning District to all parcels within the Specific Plan Area boundaries. The proposed Zoning Map revisions are shown as Attachment B to the attached resolution. Attachment 2 contains the existing and proposed Zoning Maps.

### **Bay Fair TOD Specific Plan Amendment**

Minor amendments are proposed to the Specific Plan to provide clarifications and revisions consistent with the proposed changes to the City's Zoning Code, as shown in Attachment 3 and as summarized below. A copy of the Specific Plan incorporating the proposed amendments is included as Exhibit C to the attached resolution. Additionally, several references to "should" are proposed to be changed to "shall" to create conformance with the proposed objective zoning standards.

- Page 35: Create a Grid of Smaller Blocks. Amend the stated block length preference. The 440-foot maximum standard provided on Page 90 of the Specific Plan would remain unchanged.
- Page 48: Figure 3.1. Delete note from bottom of figure that states "The location of new streets and connections is approximate and could be adjusted based on future conditions."
- Page 70: Use Regulations. Delete reference to list of uses on pages 72-73.
- Pages 72-73: Allowed Uses. Remove detailed list of uses from Specific Plan, to be contained in Section 2.10.200 of the proposed Zoning Code Chapter.
- Page 79: Active Frontages. Revise Bullet 1 to clarify that standards for active ground-floors apply to all publicly accessible streets and pathways. Currently, the Specific Plan only specifically calls out new streets, East 14<sup>th</sup> Street, and public parks and plazas. Clarify standards for occupied building area encroaching into setbacks above ground floor.
- Pages 81-85, 92, 93. Revise the following Specific Plan guidelines from "should" to "shall" to provide objective standards and be more consistent with standard language in the Zoning Code, including for the following topics:
  - Commercial tenant space depth (page 81)
  - Ground-floor facades (selected components of pages 81-85),
  - Single-story non-residential height (page 86),
  - Design of utilities (page 91)
  - Massing breaks and articulation (page 92),
  - Nighttime visibility (page 93),
  - Parking and loading design (pages 94-95),
  - Monument signs (page 104),
  - Fencing (page 105).
- Page 90: Maximum FAR. Amend the statement in Bullet 1 to reference General Plan FAR limit for the Bay Fair TOD Plan area.

- Page 94: Parking and Loading Design. Minor corrections.
- Page 99: Public Open Space Standards. Clarify requirements for publicly accessible open space.
- Page 101: Private Open Space Standards. Reduce the required minimum square footage of private open space in Bullet 2 and clarify requirements for private open space.
- Page 131: Table 7.6. For consistency with Figure 3.5, add East 14<sup>th</sup> Street to the list of public street projects with medium-term timing, similar to the Fairmont and Hesperian Road Diet. Please refer to Appendix A for the full text of the proposed Specific Plan revisions. The revisions and clarifications to the Specific Plan would not add intensity, density, or height to allowable future developments in the Plan Area and would not change allowed land uses or their locations.

## General Plan Amendment

The B-TOD land use designation was established in 2016 by the 2035 General Plan and was applied to the majority of the Specific Plan area ahead of its completion in 2018. The proposed amendments include a General Plan Land Use Map amendment to align the B-TOD land use designation with the Specific Plan Area and B-TOD Zoning District, as shown in Attachment E to the attached resolution. The existing and proposed Land Use Maps are shown in Attachment 5.

A General Plan Text Amendment is also proposed to strategically update the Land Use Element text, including Table 3-2 Correspondence Between Land Use Diagram and Zoning Designations, to reflect the new B-TOD Zoning District. The proposed text amendments are shown in Exhibit D to the attached resolution. Redlined versions of the amendments are also included as Attachment 4.

## ANALYSIS

### Zoning Amendments

Zoning Code Section 5.16.116 states that the Planning Commission shall make findings regarding consistency with the General Plan and purposes of the Zoning Code when making recommendations to the City Council on proposed Zoning Code and Zoning Map Amendments.

The proposed Zoning Code and Zoning Map Amendments are consistent with the General Plan and relevant General Plan policies related to the Bay Fair TOD area, including:

*Policy LU-8.10 Bay Fair Area.* Transform the area around the Bay Fair BART station, including Bayfair Center, other shopping centers, and properties along Hesperian, East 14th, 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.

The proposed Zoning Code and Zoning Map Amendments are also consistent with the purposes of the Zoning Code contained in Section 1.04.108, including but not limited to:

- Providing a precise guide for the physical development of the City in accord with the policies of the General Plan and any adopted Specific Plan in order to:
  - Preserve the character and quality of residential neighborhoods and commercial and industrial areas consistent with the character of the development districts of the City;
  - Foster convenient, harmonious, and workable relationships among land uses; and
  - Achieve progressively the land development described in the General Plan.
- Promote the economic stability of existing land uses that are consistent with the development policies of the General Plan and protect them from intrusions by inharmonious or harmful land uses.
- Prevent excessive population densities and overcrowding of land or buildings.
- Ensure the provision of adequate open space for light, air, and fire safety.
- Improve the design and aesthetic quality of new and existing development.

## Specific Plan Amendment

Government Code Section 65453 states that a specific plan shall be amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. The proposed Specific Plan Amendments are necessary and are in the public interest because they achieve consistency with the General Plan and Zoning Code and establish objective standards in alignment with the requirements of state law.

## General Plan Amendments

Pursuant to Government Code Sections 65353 and 65354, the Planning Commission is responsible for holding a public hearing and making recommendations on General Plan Amendments to the City Council. Pursuant to Government Code Section 65358, the City Council may amend the General Plan if such amendments are deemed to be in the public interest.

The proposed General Plan Text Amendment clarifies language related to the Bay Fair Specific Plan and conforms to the proposed Zoning Code and Specific Plan amendments. The amendments are necessary and in the public interest because they ensure internal consistency between the General Plan Land Use Element and Land Use map as well as facilitating development of the Bay Fair TOD Area as called for in the General Plan.

The proposed General Plan Map Amendments are in the public interest as they would align the General Plan Land Use designation for the Bay Fair TOD area with the Bay Fair Specific Plan boundaries and B-TOD Zoning District boundaries.

## Conclusion

As discussed above, the proposed amendments are the culmination of a multi-year, public planning effort to lay the groundwork to transform the area surrounding the Bay Fair BART Station into a vibrant transit village. The Zoning Code, Zoning Map, Specific Plan, and General Plan amendments implement the community's vision as articulated in the Bay Fair TOD Specific Plan and establish appropriate development and design standards for this major growth area in the City. The amendments respond to recent trends in state law by establishing objective criteria; however, they also include opportunities for flexibility and a wide range of land uses to better align with future economic and development trends while keeping with the spirit of the Specific Plan.

## ENVIRONMENTAL REVIEW

On February 20, 2018, the City Council adopted Resolution No. 2018-008 certifying an EIR entitled, "Bay Fair Transit Oriented Development (TOD) Specific Plan Environmental Impact Report" (SCH # 2017032016)." In conjunction with the certification of the Certified EIR, a Mitigation Monitoring and Report Program (MMRP) was adopted for the Project.

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 has been 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 to 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.

Staff has reviewed the proposed project and analyzed it based upon Section 15162 of the CEQA Guidelines. Pursuant to CEQA and the CEQA Guidelines, the City of San Leandro completed an Addendum (Exhibit F to the draft Resolution) to the Bay Fair Transit Oriented Development (TOD) Specific Plan Final Environmental Impact Report (EIR). The Addendum includes an analysis of the proposed project, based on Appendix G of the CEQA Guidelines, and whether the environmental effects from the proposed project would be any different from those disclosed in the Certified EIR. The Addendum concluded that the proposed 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 would be necessary to reduce significant impacts. Applicable mitigation measures from the Certified EIR will be included as conditions of approval when future projects are processed for planning approvals.

## **PUBLIC OUTREACH**

Following up on the broad-based outreach on the Specific Plan, the Zoning Amendment process has included the following public engagement components:

- City Council Update (October 21, 2019);
- Community Meeting 1 (November 20, 2019);
- Outreach to key stakeholders, including property owners and key partners such as BART, AC Transit, Alameda County (ongoing);
- Planning Commission Work Session (July 2, 2020);
- Web Posting and Electronic Distribution of Bay Fair Zoning Public Review Draft (Summer 2020);
- Community Meeting 2 (September 1, 2020);
- Planning Commission Public Hearing (November 5, 2020); and
- City Council Public Hearing (tentatively scheduled for December 7, 2020).

## **RECOMMENDATION**

Staff recommends that the Planning Commission make necessary findings and determinations and adopt the attached Resolution:

1. Recommending that the City Council adopt:
  - a. San Leandro Zoning Code Chapter 2.10 and related Zoning Code amendments as shown in attached Exhibit A;
  - b. Zoning Map amendments as shown in attached Exhibit B;
  - c. Amendments to the Bay Fair TOD Specific Plan, as shown in attached Exhibit C;
  - d. General Plan 2035 Text Amendments as shown in attached Exhibit D; and
  - e. General Plan Map Amendments, as shown in attached Exhibit E.

Recommending that the City Council determine that the proposed project was adequately analyzed pursuant to the California Environmental Quality Act (CEQA) by the Addendum to the Certified Bay Fair TOD Specific Plan EIR (SCH#2017032016).

## **ATTACHMENTS**

### Attachments to Staff Report

1. Zoning Code Amendments (redlined)
2. Zoning Map Amendments (redlined)
3. Specific Plan Amendments (redlined)
4. General Plan Text Amendments (redlined)
5. General Plan Land Use Map Amendments (redlined)



Attachments to Planning Commission Resolution

Exhibit A - Zoning Code Amendments (clean)

Exhibit B - Zoning Map Amendments (clean)

Exhibit C - Specific Plan Amendments (clean)

Exhibit D - General Plan Text Amendments (clean)

Exhibit E - General Plan Land Use Map Amendments (clean)

Exhibit F - CEQA Addendum

PREPARED BY:

Avalon Schultz, AICP

Principal Planner