



Legislation Details (With Text)

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**Title:** PLANNING COMMISSION RESOLUTION NO. 2020-012 RECOMMENDING THAT THE CITY COUNCIL ADOPT CHAPTER 2.10, BAY FAIR TRANSIT-ORIENTED DEVELOPMENT (B-TOD) DISTRICT, OF THE SAN LEANDRO ZONING CODE, AMEND THE BAY FAIR TOD SPECIFIC PLAN, AMEND THE SAN LEANDRO GENERAL PLAN, AMEND THE SAN LEANDRO ZONING MAP, AND ADOPT MISCELLANEOUS RELATED AMENDMENTS TO THE SAN LEANDRO ZONING CODE, AND ADOPT THE ADDENDUM TO THE CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE 2018 BAY FAIR TOD SPECIFIC PLAN

**Sponsors:** Tom Liao

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Clean Zoning Code Amendments, 2. Exhibit B - Zoning Map Amendments (clean), 3. Exhibit C - Bay Fair TOD Specific Plan\_10 20 2020, 4. Exhibit D - General Plan Text Amendments (clean), 5. Exhibit E - General Plan Land Use Map Amendments (clean), 6. Exhibit F - Addendum\_Bay Fair TOD\_10.23.2020

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

**PLANNING COMMISSION RESOLUTION NO. 2020-012 RECOMMENDING THAT THE CITY COUNCIL ADOPT CHAPTER 2.10, BAY FAIR TRANSIT-ORIENTED DEVELOPMENT (B-TOD) DISTRICT, OF THE SAN LEANDRO ZONING CODE, AMEND THE BAY FAIR TOD SPECIFIC PLAN, AMEND THE SAN LEANDRO GENERAL PLAN, AMEND THE SAN LEANDRO ZONING MAP, AND ADOPT MISCELLANEOUS RELATED AMENDMENTS TO THE SAN LEANDRO ZONING CODE, AND ADOPT THE ADDENDUM TO THE CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE 2018 BAY FAIR TOD SPECIFIC PLAN**

**WHEREAS**, California Government Code Section 65300 *et seq.* requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

**WHEREAS**; in 2016, the City Council adopted the San Leandro 2035 General Plan; and

**WHEREAS**, Government Code Section 65450 *et seq.* permits a city to adopt a specific plan for the implementation of the general plan for part of the area covered by the general plan; and

**WHEREAS**, on February 20, 2018, the City Council adopted the Bay Fair Transit Oriented Development (TOD) Specific Plan (the "Specific Plan"); and

**WHEREAS**, the Bay Fair TOD Specific Plan Area encompasses 154 acres and is generally bound by East 14 Street to the northeast, Hesperian Boulevard to the west, and the border between the City and unincorporated Alameda County to the south and southwest (the “Specific Plan Area”); and

**WHEREAS**, the Bay Fair BART Station and parking lots, Bayfair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14<sup>th</sup> corridors are included within the Specific Plan Area; and

**WHEREAS**, the Specific Plan implements the City’s General Plan, which identifies the Specific Plan Area as one of the City’s most significant areas of potential changes, and envisions the area as a dynamic, walkable, transit-oriented area with a mix of uses; and

**WHEREAS**, the Specific Plan provides a vision for a sustainable, vibrant, and safe transit-oriented village with a diversity of land uses serving local and regional populations; and

**WHEREAS**, the Specific Plan includes goals and policies related to land use, transportation/traffic, infrastructure, and design to fulfill the vision for the Specific Plan Area, and establishes uses and development standards for the Specific Plan Area; and

**WHEREAS**, the Specific Plan includes text and diagrams specifying the distribution, location, and extent of the uses of land within the area covered by the plan, as well as the location, and extent and intensity of major components of public and private transportation and other essential facilities located within the Specific Plan Area; and

**WHEREAS**, the Specific Plan identifies standards and criteria by which development will proceed; and

**WHEREAS**, the City desires to update the San Leandro Zoning Code, by adding Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD) District, to implement the Specific Plan and more specifically identify the standards for development within the Specific Plan Area; and

**WHEREAS**, the City also desires to amend the San Leandro Zoning Map by applying the Bay Fair Transit-Oriented Development (B-TOD) District to all parcels within the Specific Plan Area, to implement the Specific Plan; and

**WHEREAS**, the proposed changes to the Zoning Code will enable the development of a mixed-use urban village that supports housing, retail, office, entertainment, and civic uses with safe pedestrian and bicycle connections to public transit, services and employers; and

**WHEREAS**, the City also desires to update the Specific Plan’s standards and requirements for both publicly accessible and private open space, and implement these standards through the Zoning Code; and

**WHEREAS**, new residential and non-residential uses in the Specific Plan Area will be required to provide certain minimum amounts of publicly accessible open space, as further specified in the Specific Plan and Zoning Code Chapter 2.10; and

**WHEREAS**, parks, green space, plazas, and other public open space encourage pedestrian activity, which is an important element of creating a sustainable, vibrant, and safe transit-oriented village; and

**WHEREAS**, Land Use Policy 11 of the TOD Specific Plan is to allow a variety of public open spaces, pedestrian oriented streetscapes, and gathering spaces to meet the needs of new and existing residents, visitors, workers and businesses; and

**WHEREAS**, Chapter 5 of the Specific Plan contains standards and guidelines for both public and private open space in the Specific Plan Area; and

**WHEREAS**, the City currently provides parks, recreational facilities, and open space to the community, and both the General Plan and Specific Plan have stated goals and policies related to the creation and maintenance of parks, recreational facilities, and open space; and

**WHEREAS**, development of new residential and non-residential projects encourages new residents to move to the City, as well as new non-residents to come to the City for work, shopping, and recreations. These new residents and visitors create increased demand for parks, recreational facilities, and open space suitable for a variety of ages and uses; and

**WHEREAS**, this demand is not created solely by residents, but also by employees of, and visitors to, non-residential spaces, who use parks, recreational facilities, and open space before and after work, during lunch and other breaks, and after visiting non-residential establishments; and

**WHEREAS**, if publicly accessible parks, recreational facilities, and open space are not provided in the Specific Plan Area, the demand created by new development in the Specific Plan Area will be directed elsewhere, and will overburden such facilities in surrounding areas, increase crowding, and decrease access; and

**WHEREAS**, the publicly accessible open space requirements are necessary to assist the City in meeting its stated goals for parks, recreational facilities and open space in the General Plan and Specific Plan and accommodate the demand for such open space created by the new residential and non-residential development in the plan area; and

**WHEREAS**, a conservative and reasonable estimate of build-out associated with the proposed Specific Plan through 2035 would include development of up to 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; and

**WHEREAS**, as population and densities within the Specific Plan Area increase, publicly accessible open space becomes an essential neighborhood amenity and a counterbalance in the built environment; and

**WHEREAS**, the publicly accessible open space requirements for residential and non-residential development adopted by the Specific Plan and Zoning Code Chapter 2.10 are roughly proportionate to the demand for such open space created by new residential and non-residential development, and there is a reasonable relationship between the amount of the publicly accessible open space requirement and the need for such open space; and

**WHEREAS**, the San Leandro Municipal Code currently requires certain types of developments to dedicate park land or pay the Park Facilities Development Impact Fee, the purpose of both of which is to create or finance the creation of park facilities to reduce the impacts caused by new development; and

**WHEREAS**, publicly accessible open space required by the Specific Plan and Zoning Code Chapter 2.10 will count toward the parkland dedication requirements of Municipal Code Chapter 7-1 and/or be a credit toward payment of the Park Facilities Development Impact Fee required by Municipal Code Chapter 7-13; and

**WHEREAS**, in addition, the City desires to amend minor portions of the Specific Plan for consistency with the proposed Zoning Code amendments; and

**WHEREAS**, the City also desires to make related amendments to the General Plan to reflect the addition of the B-TOD Zoning District and the removal of the C-RM (Commercial-Regional Mall) District; and

**WHEREAS**, the City also desires to amend the General Plan Land Use Map to apply the B-TOD Land Use Designation consistently throughout the Specific Plan Area and align the B-TOD Land Use boundary with the B-TOD Zoning District boundary; and

**WHEREAS**, the City also desires to make certain related amendments to the City's Zoning Code to ensure consistency with the General Plan and Specific Plan, and related to the creation of the B-TOD Zoning District and elimination of the C-RM District; and

**WHEREAS**, the City also desires to add Chapter 5.14, Development Plan Approval, to the San Leandro Zoning Code to govern the processing and approval of development plans, which shall be required for sites over 5 acres; and

**WHEREAS**, the City released the proposed text of Zoning Code Chapter 2.10 for a two week public review on August 21, 2020 and held a virtual public community meeting to solicit feedback on the zoning update on September 1, 2020; and

**WHEREAS**, public input was further solicited through a dedicated project website, an in-person Community Meeting on November 20, 2019, and through a work session by the Planning Commission on July 2, 2020; and

**WHEREAS**, the proposed adoption of San Leandro Zoning Code Chapter 2.10 and other amendments to the San Leandro Zoning Code, the proposed amendments to the Bay Fair TOD Specific Plan, the proposed amendments to the San Leandro General Plan, and the proposed amendments to the San Leandro Municipal Code are collectively referred to as the "Project"; and

**WHEREAS**, the City prepared an Environmental Impact Report ("EIR") to identify the potential environmental impacts of the Bay Fair TOD Specific Plan; and

**WHEREAS**, on February 20, 2018, the City Council adopted Resolution No. 2018-008 certifying a Final Environment Impact Report (the "EIR") entitled, "Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016 and adopting a Mitigation Monitoring and Report Program for the Specific Plan; 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 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 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;
  - 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.

**WHEREAS**, the City retained Rincon Consultants, Inc. to study the potential environmental impacts caused by the Project; and

**WHEREAS**, the City prepared an addendum to the certified EIR documenting that the Project consists of only minor technical changes or additions and will not have any significant new impacts or substantially increase previously identified significant impacts; and

**WHEREAS**, the Addendum to the EIR is dated October 2020 and is attached as Exhibit F and incorporated herein by reference, and is also on file with the Community Development Department at San Leandro City Hall located at 835 East 14<sup>th</sup> Street and is incorporated herein by reference; and

**WHEREAS**, a staff report dated November 5, 2020 and incorporated herein by reference, described and analyzed the Project and the related Addendum to the EIR for the Planning Commission; and

**WHEREAS**, on November 5, 2020, the Planning Commission reviewed the staff report and the draft Addendum to the EIR at a duly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City's General Plan, Zoning Code, and Municipal Code, as well as the Specific Plan, are incorporated herein by reference, and are available for review on the City's website.

**NOW, THEREFORE IT IS RESOLVED THAT:** The above recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED THAT**, the Planning Commission of the City of San Leandro does hereby make the following findings and determinations regarding the proposed adoption of San Leandro Zoning Code Chapter 2.10 and related amendments to the Zoning Code Text, as shown in attached Exhibit A and incorporated herein by reference, the proposed amendments to the Zoning Map, as shown in attached Exhibit B and incorporated herein by reference, the proposed amendments to the Bay Fair TOD Specific Plan, as shown in attached Exhibit C and incorporated herein by reference, the proposed amendments to the San Leandro General Plan Text, as shown in attached Exhibit D and incorporated herein by reference, and the proposed amendments to the General Plan Land Use Map, as shown in the attached Exhibit E and incorporated herein by reference, based on the following findings and considering the staff report, the Addendum and the whole of the record related to the Project:

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

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

- will not result in substantial changes in the Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- will not result in substantial changes with respect to the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- 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 EIR was certified showing any of the following:
  - a. that the proposed Project would have one or more significant effects not discussed in the previous EIR;

- b. that significant effects previously examined would be substantially more severe than shown in the previous EIR;
  - c. 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
  - d. that mitigation measures or alternatives considerably different from those analyzed in the 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 EIR and all written and oral evidence presented to the Planning Commission, the Planning Commission finds that all environmental impacts of the Project were addressed within the EIR and the Addendum. The Planning Commission finds that no new or additional mitigation measures or alternatives are required. The Planning Commission 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 EIR. The Planning Commission 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 Planning Commission.

**BE IT FURTHER RESOLVED THAT:** The Planning Commission hereby recommends that the City Council adopt the following:

1. San Leandro Zoning Code Chapter 2.10, Bay Fair Transit Oriented Development (B-TOD) District, and related amendments to the San Leandro Zoning Code, as shown in attached Exhibit A and incorporated herein by reference;
2. Proposed Zoning Map Amendments as shown in attached Exhibit B and incorporated herein by reference;
3. Proposed amendments to the Bay Fair TOD Specific Plan, as shown in attached Exhibit C and incorporated herein by reference;
4. Proposed General Plan Text Amendments, as shown in attached Exhibit D and incorporated herein by reference; and
5. Proposed General Plan Map Amendment, as shown in Exhibit E and incorporated herein by reference.

**BE IT FURTHER RESOLVED THAT:** The recommendation of the Planning Commission is based on the following findings and considering the staff report and the whole of the record:

1. The proposed Zoning Code and Zoning Map Amendments are consistent with the General Plan, Bay Fair TOD Specific Plan, as amended, and the purposes of the Zoning

Code as described in Zoning Code Section 1.04.108.

2. The proposed Bay Fair TOD Specific Plan and General Plan Amendments are necessary, in the public interest, and establish appropriate goals, policies, and programs to address land use, transportation, housing, economic development, parks, safety, noise, historic preservation, urban design, and community services and facilities.
3. The proposed Zoning Code, Zoning Map, Specific Plan, and General Plan Amendments will not be detrimental to the public interest, health, safety, or welfare of the City.
4. The proposed Amendments are internally consistent, and are consistent with the City's General Plan, as amended.
5. The Bay Fair TOD Specific Plan, as amended, conforms to the relevant and applicable provisions of the California Government Code for specific plans in that it systematically implements the General Plan for the Specific Plan Area, and adequately addresses all of the statutorily required components and content.