



Legislation Text

File #: 15-414, **Version:** 1

General Plan Map Amendment and Rezoning for Future Development of the San Leandro Shoreline Development Project that Includes a 150,000 Square-Foot Office Campus, a 200-Room Hotel, a 15,000 Square-Foot Conference Center, 354 Housing Units, Three Restaurants Totaling Approximately 21,000 Square Feet and a New Parking Structure. This is a Public/private Partnership with the City on 52 Acres of City-Owned Shoreline. Applicant: Cal-Coast Development, LLC; Property Owner: City of San Leandro. Alameda County Assessor's Parcel Numbers Include: 80G-900-1-8, 80G-900-4-1, 79A-475-9-4, 79A-590-1-5, 79A-590-1-7, 79A-590-2, 79A-590-3, 79A-590-4, 79A-590-5, and 79A-590-6. Existing Zoning: CR Commercial Recreation District.

SUMMARY AND RECOMMENDATIONS

On June 18, 2015 the Planning Commission conducted a formal public hearing regarding the Shoreline Development Final EIR (FEIR) and initial entitlements which include a General Plan Map Amendment and Rezoning for the Shoreline Development Project and recommended certification of the EIR and approval of the initial entitlements. The City Council is considering both actions on July 20, 2015. The staff report for the FEIR is under separate cover. This staff report focuses on amending the General Plan Map and the rezoning for the project.

The amendment to the General Plan Map involve changing land use designations to Medium Density Residential from Parks and Recreation for approximately 12 acres along the east edge of Monarch Bay Drive and the interior of the nine-hole golf course which would conform to the proposed townhomes, and mix of small lot single-family homes and townhomes, respectively. The remaining area of the nine-hole course would remain Parks and Recreation designation. The existing land mass encompassing the boat harbor, designated General Commercial, would also be maintained and allows for the office campus, hotel, conference center, multi-family residential housing, restaurants and parking structure in the proposed development plan.

The rezoning (Zoning Map change) includes changing the approximately 40-acre land mass encompassing the boat harbor from CR Commercial Recreation District to CC(PD) Community Commercial, Planned Development Overlay District, and the proposed approximately 12 acres of residential development areas in the nine-hole golf course from CR Commercial Recreation District to RM-2000(PD) Residential Multi-Family, Planned Development Overlay District. The area remaining for the nine-hole course will remain CR Commercial Recreation District and the existing Mulford Branch Library will remain CR(PD) Commercial Recreation, Planned Development Overlay District.

The Planning Commission and staff recommend that the City Council approve the Planning Commission recommendation on the General Plan and zoning amendments and accordingly, approve the following:

1. A Resolution amending the General Plan Land Use Map as described above; and
2. An Ordinance to adopt the rezoning as described above.

BACKGROUND

For details about the proposed plans, please see the staff report for the Final EIR which contains a comprehensive summary of the proposed project's location, development components, and its expected phasing. See Exhibit A - Conceptual Shoreline Development Image.

The proposed amendments to the General Plan Land Use Map designate areas on the map to reflect anticipated future residential development and uses reflected on the concept plan. The zoning map amendments are consistent with the proposed General Plan amendments, and consistent with the existing General Plan map as to the areas not subject to the General Plan amendment. The two actions amending the General Plan Map and rezoning provides the City and the developer the procedural groundwork to prepare the future development plans with a more precise and specific planning and design scope.

Analysis

General Plan

The General Plan for San Leandro presents a vision for the City's future and a strategy to make that vision a reality. The General Plan already has the necessary goals, policies and actions for the future development plan of the Shoreline Area. They are as follows:

Goal 9 Marina and Shoreline

Recognize and take advantage of the unique business amenities offered by the San Leandro Marina area.

Policy 9.02 GENERAL ENHANCEMENT

Enhance the San Leandro Marina area as a distinguished recreational shoreline, with complementary activities that boost its appeal as a destination for San Leandro residents and visitors.

Action 9.02-A: Marina Development Opportunities

Pursue the development of a new hotel at the Marina, along with complementary uses such as restaurants and ancillary retail, office, and conference facilities. These uses should be limited to the area designated as "Commercial" on the General Plan map and should be developed in a manner which mitigates impacts on traffic and community services, and minimizes impacts on the surrounding neighborhoods and park areas.

Action 9.02-B: Long-Range Planning for the Marina Area

Prepare long-range plans for the Marina area, including the park, lagoon, golf course, and surrounding shoreline neighborhoods and open spaces. Plans for the Park area should consider new recreational uses that complement existing uses, such as windsurfing, a swimming beach and paddle boat rental.

Policy 9.03 WATER-ORIENTED DEVELOPMENT

Capitalize upon the Marina's potential to attract and support water-oriented development. Future projects should be compatible with the area's scenic and recreational qualities.

Policy 9.05 MARKETING AND PUBLIC RELATIONS

Promote the scenic, recreational, and locational assets of the Marina and surrounding parklands in City marketing and business development strategies.

Policy 9.06 GATEWAY IMPROVEMENTS

Encourage “gateway” improvements which enhance the approach routes to the Marina while minimizing the impacts of increased traffic on area neighborhoods. Improvements could include new signage, streetscape enhancement along Marina Boulevard and Fairway Drive, entry monuments and landscaping at the Marina itself, and longer-term circulation changes.

Policy Action 9.06-A: Marina Area Roadway and Transit Improvements

Pursue roadway, transit, intersection, and signage improvements which beautify the entry to the Marina, make it easier to travel to the Marina without a car, and more evenly distribute Marina-bound trips between Marina Boulevard and Fairway Drive.

Policy 9.07 URBAN DESIGN

Encourage cohesive urban design and high-quality architecture at the Marina. Buildings should be oriented to maximize water views and shoreline access. Architecture, signage, lighting, street furniture, landscaping, and other amenities, should be coordinated to achieve an integrated design theme.

Policy 9.08 PEDESTRIAN AND BICYCLE CIRCULATION

Promote improvements at the Marina which enhance pedestrian and bicycle circulation through the area, including public shoreline walkways and trail connections to adjacent regional parklands and neighborhoods.

Per Policy 9.02 and Action 9.02-A, the 40 acre land mass encompassing the harbor on the General Plan Map is already designated appropriately as “General Commercial.” This designation is characterized by large commercial centers providing a broader range of goods and services and serving a broader market than the neighborhood commercial areas. The proposed mix of components including the conference facilities, hotel, restaurants, offices and ancillary retail are in compliance with the General Plan land use designation.

Amending General Plan Map

The purpose of the staff analysis in this subsection is to address the necessary findings that the City Council is required to make for amending the General Plan Land Use Map. They are as follows:

1. The proposed General Plan amendment is in the public interest.
2. The proposed amendment won’t make the General Plan internally inconsistent.

The proposed amendment to the General Plan Map involve changing land use designations to include “Medium Density Residential” from Parks and Recreation along the east edge of Monarch Bay Drive and the interior of the nine-hole golf course which would allow for the proposed townhomes, and mix of small lot single-family homes and townhomes, respectively. The remaining area of the nine-hole golf course would remain Parks and Recreation designation.

Below are the General Plan goals and policies that support the amendment to the General Plan Map:

Goal 3: New Housing Opportunities

Provide housing opportunities and improve economic access to housing for all segments of the community.

Policy 3.01 MIX OF UNIT TYPES

Encourage a mix of residential development types in the City, including single family homes on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, and multi-family housing.

Policy 3.02 MIX OF PRICE RANGES

Encourage a mix of price ranges to provide housing choices for San Leandro residents of all incomes and ages. Opportunities to include affordable units and market rate units within the same development projects should be pursued.

Policy 3.10 CONVERSION OF NON-RESIDENTIAL LAND TO HOUSING AND PUBLIC USES

Encourage the development of new housing on underutilized sites which meet the following criteria:

- Sites on the edges of commercial or industrial areas, adjacent to established residential areas.
- Sites with adequate infrastructure, access, and road capacity.
- Sites which are not constrained by external environmental factors, including freeway and railroad.
- Sites where conflicts with surrounding uses would not be created in the event of re-use.
- Publicly-owned land which is not being used to its fullest potential.

The proposed General Plan Map amendment will provide new opportunities and improve economic access to housing in the City. It will provide a mix of residential development types at the shoreline, including single-family homes, and multi-family residences such as condominiums and townhomes. The variety of residential development will provide a mix of price ranges to provide housing choices for persons of various incomes and all ages. The City's Zoning Code will require inclusionary housing (affordable units) within the development. The General Plan Map amendment will provide new housing in portions of the nine-hole golf course that are underutilized by shortening some of the holes on the course, however, there will be no reduction of the number of holes. The future residential sites will be adequately served with infrastructure, access and road capacity. The sites are not constrained by freeway or railroad. With proper site planning and design, the sites would have no conflict with the golf course; thus the public-owned land can be developed to a better and higher use. In fact, the golf course architect and the architect for the proposed project have stated that it is a current practice and a typical standard to incorporate residential uses when master planning a golf course. In today's housing market, it is desirable to reside adjacent to a golf course. For the above reasons, the City Council may find the proposed General Plan Map amendment in the public interest.

In the analysis of the proposed General Plan Map amendment there was also no evidence found that the proposed amendment would make the General Plan internally inconsistent. The General Plan amendment is consistent with and supports the above referenced Goals 3 and 9 and related policies and actions specific to the Shoreline and citywide policies to increase housing opportunities. Further, Table 4.9-1 in the Draft EIR identified no Project inconsistencies with the General Plan as proposed for amendment.

In addition, the proposed “Medium Density Residential” is an appropriate designation for the two residential developments within the nine-hole golf course since this designation is intended for attached housing types, such as townhomes and duplexes, or individual homes on smaller (less than 3,500 square foot) lots and other clustered or planned unit developments may also occur in areas with this designation. Medium Density Residential densities range from 12-18 units per gross acre (up to 21.7 units per net acre). The conceptual development plan shows 64 townhomes, clustered, on the five acre site adjacent to Monarch Bay Drive; and 42 detached single-family homes on small lots plus 28 townhomes on the seven acre site in the interior of the golf course accessed via Fairway Drive. Cumulatively the concept plan for the residential development on the golf-course has a density of approximately 11.17 units per acre. The future specific development plans provided for site plan review and tentative map will need to show a density that is within the range specified in the General Plan for consistency.

Rezoning

The purpose of the staff analysis in this subsection is to address the necessary findings in the City’s Zoning Code that the City Council is required to make for approval. For the rezoning they are contained in Article 27 (Amendments) and Article 10 (PD Overlay District) as follows:

Section 5-2712.C. For proposed zoning ordinance amendments, the City Council shall approve, modify, or reject the Planning Commission recommendation. Prior to adoption of an ordinance, the City Council shall make findings that the proposed change to the zoning map is consistent with the policies of the General Plan and the notice and hearing provisions of Article 27 (i.e., Sections 5-2712.A and B).

Section 3-1008.B and C. The City Council may approve a Planned Development Overlay District upon finding that the Planned Development Concept Plan is consistent with the adopted Land Use Element of the General Plan and other applicable policies of the General Plan and is compatible with surrounding development.

The Zoning Map provides a precise guide for physical development of the City, including the Shoreline area. California Law requires the City’s zoning be consistent with the General Plan and further the General Plan’s goals. Table 4.9-1 of the Draft EIR reviewed the Project for consistency with the General Plan goals and policies and identified no inconsistencies with the General Plan, as proposed.

The proposed rezoning includes a change to the 40 acre land mass around the harbor from CR Commercial Recreation District to CC(PD) Commercial Community, Planned Development Overlay District. The CC District provides for commercial centers containing a wide variety of commercial establishments, including banking and financial establishments and businesses selling apparel, and specialty items and generally having a citywide market area. Facilities, such as entertainment, eating-and-drinking establishments, and hotels are permitted, subject to certain limitations to avoid adverse effects on adjacent uses. In addition, the CC District permits multi-family residential development.

The PD Overlay provides the developer and the City a review process by the Planning Commission and City Council for future specific and detailed plans (i.e., architectural design and site planning, engineering) containing various components, features and improvements for the proposed Shoreline development.

According to Section 3-1000 of the Zoning Code, the PD overlay also serves to establish a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels. It would ensure orderly and thorough planning and review that will result in high-quality urban design. It encourages variety and avoids monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities. It provides a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activities. Given the intended mixed-use development and the shoreline location, the PD overlay provides a valuable tool for tailoring detailed project design to meet General Plan goals and policies for the Shoreline, to implement the above purposes, and to implement adopted EIR mitigation measures. Adoption of the PD zoning would be based on the Concept Plan in attached Exhibit A. If the PD zoning is adopted, the Project would submit future applications for site plan review, a tentative map, and a Planned Development Project, which will identify proposed development standards based on design level rather than concept plans. Future Planned Development Project applications are subject to review by the Planning Commission and approval by the City Council.

The proposed rezoning also includes a change to the five acres area along the north-eastern edge of Monarch Bay Drive and the seven acre interior of the nine-hole golf course, from CR Commercial Recreation District to RM-2000(PD) Residential Multi-Family, Planned Development Overlay District. The RM-2000 District provides for opportunities for multiple residential uses, including town houses, condominiums, multi-dwelling structures, or cluster housing with landscaped open space for residents' use, and apartments. Single-family dwellings are also permitted uses in this district. RM-2000 District is where the density can be 22 dwellings per gross acre. In addition, the General Plan Table 3-2 lists RM-2000 as a corresponding zoning district to the General Plan Map Medium Density Residential designation. The PD overlay serves to establish a procedure for the development of these two sites in order to reduce the rigidity and inequities that result from application of zoning standards and procedures designed primarily for smaller residential parcels. Similar to the rezoning proposed for west of Monarch Bay Drive, this residential rezoning would ensure orderly and thorough planning and design that will result in high-quality urban design for this sensitive site.

The proposed Concept Plan for the rezoning to CC(PD) Commercial Community, Planned Development Overlay District is consistent with the adopted Land Use Element of the General Plan designation of General Commercial (General Plan Map) and with the Shoreline and other applicable policies. The Concept Plan for the rezoning to RM-2000(PD) Residential Multi-Family, Planned Development Overlay District is consistent with the proposed General Plan land use amendment to the two portions of the nine-hole golf course. In addition, the CC(PD) District is consistent with the goals, policies and actions of the General Plan for the future development plan for the Shoreline Area. The RM-2000(PD) is also consistent with the General Plan goals and policies for providing new housing opportunities at the two portions of the nine-hole golf course. The Concept Plan for both PD overlay rezoning areas is also compatible with surrounding development. Existing adjacent residential uses will continue to be largely buffered from the Project by the existing golf course, while the Project's recreational uses around the harbor basin largely adjoin existing recreational uses to the south. Through the PD Project review, the Concept Plan will be tailored to refine project design to further ease the transitions to different adjacent uses.

In addition, the rezoning to include the PD overlay carries out the broad purposes of the Zoning Code to protect and promote the public health, safety, and general welfare. More specifically the PD

overlay carries out the purposes of the Zoning Code as follows, to:

1. Preserve the character and quality of residential neighborhoods and commercial areas consistent with the character of the development districts of the City;
2. Foster convenient, harmonious, and workable relationships among land uses; and
3. Achieve progressively the land development described in the General Plan.
4. 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.
5. Ensure the provision of adequate open space for light, air, and fire safety.
6. Permit the development of office, commercial and related land uses that are consistent with the General Plan in order to strengthen the City's economic base.
7. Require the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system.
8. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or public services.
9. Conserve and enhance key visual features of San Leandro's setting, including the bay front, consistent with the General Plan.
10. Improve the design and aesthetic quality of new and existing development.
11. Provide a mechanism for ensuring implementation of EIR mitigation measures through detailed development and site design plans.

The PD Project review process provides a precise guide for the physical development of the shoreline and the portions of the nine-hole golf course area in accordance with the policies of the General Plan and the Zoning Code.

Applicable General Plan Policies

The General Plan Policies were listed previously in this report in the Analysis subsection, and are further reviewed in Table 4.9-1 of the Draft EIR.

Environmental Review

The environmental review, San Leandro Shoreline Development Project Final EIR (FEIR), for this project is under separate cover, preceding this matter. The City Council will consider certification of the EIR before taking action on the General Plan amendment and rezoning.

Commission Review and Actions

As required by state law and the Zoning Code, the Planning Commission held a noticed public hearing on the General Plan amendment and rezoning applications on June 18, 2015. There were only two speakers from the public. David Johnson spoke in support of the Project on behalf of the Chamber of Commerce. Terry Breese spoke against the Project on behalf of the Marina Inn and distributed a comment letter dated June 18, 2015 (attached Exhibit B). The letter commented on the EIR and the General Plan amendment/rezoning. The following staff comments address the letter's points related to the General Plan and rezoning:

1. Consideration of the EIR at the Planning Commission meeting and on the City Council agenda was and is proper as it precedes consideration of the General Plan Map amendment and the rezoning.
2. The rezoning for the Shoreline properly implements General Plan Policy 9.02. Policy

9.02, in turn, is implemented by Action 9.02-A, Marina Development Opportunities, which calls for the City to “pursue the development of a new hotel at the Marina, along with complementary uses such as restaurants and ancillary retail, office, and conference facilities, [limited to] the area designated as “Commercial” on the General Plan map.” The Project is clearly consistent with this Policy and its implementing action.

3. The Planning Commission resolution and staff report language referenced in the letter both cite to the Specific Purposes section of the PD regulations in the Zoning Code. The resolution reference is to Section 3-1000.D while the staff report reference is to Section 3-1000.A. The Planned Development overlay district is intended to provide flexibility to establish project- and site-specific development standards rather than impose existing Zoning Code requirements. For example, the project area has an unusual shape thus the PD permits flexibility in site planning for buildings, access, light, open space and amenities. Once the tailored development standards are imposed, they will be set forth as requirements and provide predictability for how the project will be built.
4. The Planning Commission recommendation for the General Plan amendment was first in order, followed by the rezoning, second in order. Similarly, the City Council will first consider any General Plan approval, followed by the consideration of the related rezoning. This process is consistent with the concurrent processing intent in Government Code section 65862. As discussed previously in this report the General Plan Map amendment and rezoning of the residential portions of the golf course are appropriate and consistent with the consistency and compatibility findings required under Article 10 of the Zoning Code.

Following individual Commissioners’ questions, comments, and the Commission’s deliberation, the Planning Commission adopted Resolution No. 2015-02 recommending approval of amending the General Plan Map and of the rezoning on a 6-0 vote.

CONCLUSION AND RECOMMENDATION

Based on the discussion and analysis above, and on the information in the whole record for the Project, staff recommends that the City Council approve the Planning Commission recommendation to amend the General Plan map and rezoning as set forth in attached Resolution (GP Amendment) and Ordinance (Rezoning) including the findings summarized below.

General Plan Map Findings

1. The proposed General Plan amendment is in the public interest *in that it will provide new opportunities for additional housing, consistent with the Housing Element and will improve economic access to housing in the City through a density that will allow a range of housing types and prices. It will provide a mix of residential development types, including single-family homes, and multi-family residences such as condominiums and townhomes. New housing would be provided in portions of the nine-hole golf course that are underutilized but with no reduction in the number of holes. The future residential sites will be adequately served with infrastructure, access and road capacity. The sites are not constrained by freeway or railroad. With proper site planning and design, the sites would have no conflict with the golf course; thus the publicly-owned land can be developed to a better and higher use.*

2. The proposed amendment will not render the General Plan internally inconsistent *in that the amendment supports not only the existing policies for development and enhancement of the Shoreline, but also supports Housing Element policies to increase housing opportunities in the City. Table 4.9-1 in the Draft EIR identified no Project inconsistencies with the General Plan.*

Rezoning Findings

1. Pursuant to Zoning Code section 5-2712 C., the proposed zoning map amendment is consistent with the policies of the General Plan. *The residential rezoning for the golf course site is consistent with the companion General Plan amendment as to residential uses and density and implements General Plan goals and policies to increase new housing opportunities in the City. The Community Commercial rezoning allows a mix of uses as anticipated in General Plan Marina Policy 9.02 and related Action 9.02-A. and is consistent with the existing General Commercial land use designation. The PD overlay further provides a mechanism for establishing site- and project-specific development details to implement General Plan and other applicable standards.*

2. Pursuant to Zoning Code sections 5-2712.A and B, the proposed rezoning is consistent with the notice and hearing provisions of Article 27 *in that noticed public hearings were conducted by both the Planning Commission and City Council.*

3. Pursuant to Zoning Code sections 3-1008. B. and C., the Planned Development Concept Plan is consistent with the Land Use Element of the General Plan and other applicable policies of the General Plan and is compatible with surrounding development. *The Planned Development concept plan is consistent with the General Plan uses and densities, as amended by the Project. The concept plan also implements existing General Plan policies for development of the Marina and provides housing, both in accordance with the Land Use Element. The flexibility provided by the PD zoning overlay also allows the concept plan to be tailored to ensure and improve compatibility with surrounding residential, recreational and other uses through a public review process.*

Summary of Public Outreach Efforts

A legal advertisement formally noticing the amendment to the General Plan Map, the rezoning, and Shoreline Development Final EIR was placed in the Daily Review newspaper 10 days in advance of the City Council hearing of July 20, 2015. Notices were mailed to property owners and businesses within 500 feet of the property. In addition, notices were mailed to various local agencies and service providers to the proposed Project.

ATTACHMENTS

Attachments to Staff Report

- Exhibit A - Conceptual Shoreline Development Image
- Exhibit B - Letter of Opposition from Palmieri, Tyler, Wiener, Wilhelm & Waldron, to Planning Commission, dated June 18, 2015

Attachment to Resolution

- Attachment 1 - Proposed General Plan Land Use Map Amendment

Attachment to Ordinance

- Attachment 1 - Proposed Zoning Map Amendments

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