



Legislation Text

File #: 15-443, **Version:** 1

RESOLUTION Certifying the Environmental Impact Report, Adopting Mitigation Findings, Findings Concerning Alternatives, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program Under CEQA for the San Leandro Shoreline Development Project (PLN2013-00040)

WHEREAS, as part of a public/private partnership, the City of San Leandro and Cal-Coast Development, LLC propose to redevelop an approximately 75-acre area including 52 acres of land area and 23 acres of water area (both owned by the City) that encompass the San Leandro Marina and surrounding properties. The Project would be a mixed use development with residential, office, commercial and public recreational uses. New features would include an approximately 150,000-square-foot office campus, a new 200-room hotel, an approximately 15,000-square-foot conference center, up to 354 housing units, 3 new restaurants totaling approximately 21,000 square feet, a new parking structure and related improvements. A variety of public amenities would be installed, including a new approximately 2,500-square-foot community library/community meeting space, an aquatic center/dock, bocce ball courts, outdoor recreational areas, picnic areas, a perched beach, pedestrian piers, two miles of public promenade, a natural shoreline element along the interior of the harbor basin, a pedestrian/bicycle bridge, a boardwalk/lookout pier, several small finger piers, and refurbishment of existing public restrooms on site. Implementation of the Project would remove several existing structures and uses, including the 462 existing boat slips, the El Torito restaurant building, the harbormaster's office, and the San Leandro Yacht Club building, among others. The harbor would only be open to non-motorized watercraft, so the Project includes the construction of a small boat launch, a kayak storage building, and an aeration fountain in the harbor basin to aid in water circulation; and

WHEREAS, the Project includes applications 1) to amend the General Plan land use designation from Parks and Recreation to Medium Density Residential for approximately 12 acres for proposed residences on the 9-hole golf course; 2) to rezone approximately 12 acres from Commercial Recreation to RM 2000(PD) Residential Multi-Family, Planned Development overlay, consistent with the General Plan amendment and to rezone approximately 40 acres from CR Commercial Recreation to CC(PD) Community Commercial, Planned Development Overlay; 3) site plan review, tentative map, development plan and design guidelines; and 4) development agreement. The Project is being processed in two steps. The first step will consider the General Plan amendment and rezoning; the second step will consider the development permits at future hearings, including but not limited to site plan review, tentative map, and Planned Development (PD) plans. The development described above and related applications are collectively known as the "Project"; and

WHEREAS, the Project site is approximately 75 acres, generally located along both sides of Monarch Bay Drive between Marina Boulevard and Fairway Drive. The site includes Mulford Point to the north and Pescador Point to the south, the boat harbor, existing businesses, various structures

and parking lot between; portions of the existing 9-hole Marina Golf Course; and the existing Mulford-Marina Branch public library; and

WHEREAS, the City determined that an Environmental Impact Report (EIR) should be prepared for the Project and circulated a Notice of Preparation (NOP) dated July 3, 2013 to public agencies and interested parties for consultation on the scope of the EIR. Based on revisions to the project description, the City reissued the NOP on December 11, 2013 for the required 30-day review period; and

WHEREAS, based on the project description and responses to the NOP, the City prepared a Draft EIR dated December 2014 (SCH No. 2013072011) that reflects the independent judgment of the City as to the potential environmental effects of the Project. The Draft EIR is attached as Attachment A and incorporated herein by reference. The City circulated the Draft EIR for a 60-day public review period, from December 9, 2014 to February 6, 2015. The Draft EIR was distributed to local, regional, and State agencies and the public was advised of its availability. The Draft EIR was available for review on the City's website, at City Hall and at the San Leandro Main Library; and

WHEREAS, although not required by CEQA, the City held two public meetings to facilitate public review and comment on the Draft EIR. The Planning Commission public meeting was held on January 15, 2015, followed by a City Council work session on January 26, 2015; and

WHEREAS, the City received comment letters from State, regional, and local agencies as well as interested individuals and organizations during the public review period, and three letters after the public review period. In accordance with CEQA, the City prepared written responses to all of the comments received during the public review period, both oral and written; the City also prepared written responses to the comments received after the public review period. The City prepared a Final EIR dated June 2015, attached as Attachment B and incorporated herein by reference. The Final EIR included an annotated copy of each comment letter identifying specific comments, responses to each specific comment, and clarifications and minor corrections to information presented in the Draft EIR. Oral comments were similarly identified and written responses prepared. The responses to comments provide the City's good faith, reasoned analysis of the environmental issues raised by the comments; and

WHEREAS, given the number and breadth of public comments, a considerable amount of information was generated in the course of preparing written responses for the Final EIR. The City carefully reviewed both the comments and the written responses to assess whether they constituted new information that would require recirculation of the Draft EIR under the standards in CEQA Guidelines section 15088.5. After such review, the City determined that the Final EIR, including the comments, clarifications and minor corrections to the Draft EIR, do not constitute significant new information requiring recirculation of the Draft EIR; and

WHEREAS, a staff report, dated June 18, 2015 and incorporated herein by reference, described and analyzed the Draft and Final EIRs for the Planning Commission; and

WHEREAS, the Planning Commission reviewed the staff report, and the Draft and Final EIRs at a noticed public hearing on June 18, 2015 at which time all interested parties had the opportunity to be heard. Following the public hearing, the Planning Commission adopted Resolution No. 2015-01 recommending that the City Council certify the EIR and make all required environmental findings,

which resolution is incorporated herein by reference; and

WHEREAS, a staff report, dated July 20, 2015 and incorporated herein by reference, described and analyzed the Draft and Final EIRs for the City Council; and

WHEREAS, the City Council reviewed the staff report, and the Draft and Final EIRs at a noticed public hearing on July 20, 2015 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Draft and Final EIRs reflect the City's independent judgment and analysis on the potential for environmental impacts and constitute the Environmental Impact Report for the San Leandro Shoreline Development Project; and

WHEREAS, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures. Approval of the Project by the City Council will therefore require adoption of findings on impacts and mitigations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, the EIR identified significant and unavoidable environmental impacts of the Project. Approval of the Project by the City Council will therefore require adoption of Alternatives Findings and a Statement of Overriding Considerations; and

WHEREAS, the complete San Leandro Shoreline Development Project EIR consists of the Draft EIR and the Final EIR together. The Draft and Final EIRs are available for review in the Planning Services Division at City Hall, file PLN2013-00040, during normal business hours. The location and custodian of the EIR and other documents that constitute the record of proceedings for the Project is the City of San Leandro Planning Services Division, 835 East 14th Street, San Leandro, CA 94577.

NOW, THEREFORE, BE IT RESOLVED that the above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED that the City Council hereby certifies as follows:

- A. The EIR for the Project has been completed in compliance with CEQA.
- B. The EIR was presented to the City Council, who reviewed and considered the information in the EIR prior to approving the Project.
- C. The EIR reflects the City's independent judgment and analysis on the potential environmental effects of the Project.

BE IT FURTHER RESOLVED that the City Council hereby adopts the impact and mitigation findings set forth in Attachment C, the findings concerning alternatives in Attachment D, the Statement of Overriding Considerations set forth in Attachment E, and the Mitigation Monitoring and Reporting Program set forth in Attachment F, all in compliance with the requirements of CEQA. Attachments C, D, E and F are incorporated herein by reference.