



## Legislation Text

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**File #:** 16-426, **Version:** 1

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Public Hearing to Recommend Adoption of the 2035 General Plan Final Environmental Impact Report and Adoption of the 2035 General Plan to the San Leandro City Council

### **SUMMARY AND RECOMMENDATIONS**

The Planning Commission is considering tonight two resolutions related to the San Leandro 2035 General Plan Update. The first resolution (PC Resolution 2016-002) recommends certification of the Final Environmental Impact Report (FEIR) by the San Leandro City Council. The second resolution (PC Resolution 2016-003) recommends adoption of the San Leandro 2035 General Plan by the City Council. The vote on the second resolution has been segmented to comply with Fair Political Practices Commission rules regarding conflicts of interest for Commissioners with personal or business interests near areas where land use designation changes are proposed on the General Plan Map.

Staff recommends that the Planning Commission approve both resolutions. Following the Planning Commission recommendations, the City Council is scheduled to consider the FEIR and General Plan at its September 19, 2016 meeting.

### **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. 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."

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

- Safety
- Noise

San Leandro has incorporated these elements and also added the following “optional” elements to 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 2014-2016 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 including 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.

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 of the General Plan Map to reflect development since 2002, new development opportunities, and ongoing plans and projects (such as the Shoreline Development Plan and 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 is proposing 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, to be considered following action on the General Plan.

## ANALYSIS

The Planning Commission is encouraged to review the June 16, 2016 Planning Commission staff reports for an overview of the General Plan Environmental Impact Report, the 2035 General Plan contents, and the proposed General Plan Map changes. This information is not repeated here, as the focus of this report is on the response to comments on the EIR and proposed changes to the General Plan to be made in response to public comment.

The June 16, 2016 staff reports, 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

### *Comments Received on the General Plan*

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.

### *Other Comments*

In addition to the comments received on the General Plan and Draft EIR, numerous letters and oral comments have been made on proposed **zoning** changes since the June 1 publication date of the General Plan and EIR. The proposed zoning changes have been modified in response to this input. Those comments and letters are covered in a separate staff report, and the zoning changes are addressed by separate resolutions.

See “Environmental Review” section below for comments that the City received on the Draft EIR.

If the City receives additional public comments on the 2035 General Plan, Addendum and EIR after the FEIR publishing deadline for tonight’s Planning Commission meeting, staff will make put them in the records and make them available for review by City decision-makers such as the City Council.

### **Addendum Highlights**

A 12-page 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.

Highlights of the Addendum are presented below:

- Based on feedback from the City Council, “smart city” principles have been 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 has been 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 have been 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 has now been 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 has been 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” has been 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 has been added, and Action EH-9.1.A (Noise Management Forum) has been 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) have been 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 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 (see Exhibit A for Draft MMRP).

### **Conflict of Interest/Segmentation of Voting**

Because the General Plan affects so many different properties and businesses throughout San Leandro, some of the Planning Commissioners have a conflict of interest in their property or business that prevent them from participating in portions of the proposed amendments. In order to accommodate the Planning Commissioners’ 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 and Zoning maps will be considered in multiple segmented approvals. Before each segment is considered, Planning Commissioners that have a conflict of interest in certain portions of the proposed amendments will recuse themselves consistent with Fair Political Practices Commission Conflict of Interest Regulations while permitting the Planning Commission to take action on the proposed amendments contained in those segments without the recused Planning Commissioner(s).

Planning Commission (PC) Resolution 2016-002 recommends City Council adoption of the 2035 San Leandro General Plan Environmental Impact Report. All Commissioners present will be asked to vote on this resolution.

PC Resolution 2016-003 recommends City Council adoption of the 2035 San Leandro General Plan, which requires the following segmented motions summarized below.

### **Segment 1**

Segment 1 would change the designation of 14950 Zelma Street from High Density Residential (up to 29 units per acre) to High Density Residential (up to 50 units per acre). The property is already developed with a 3-story apartment building developed at a density of 40 units/acre. The proposed designation more accurately reflects the existing use and is not expected to result in a change in use on the site. *Commissioner Abero resides less than 500 feet from this parcel and will recuse herself from this vote.*

## Segment 2

Segment 2 would apply the new “Industrial Transition” General Plan designation to an area along Alvarado Street and the perpendicular site streets between Thornton and Estabrook (including parcels on Thornton, Williams, Castro, Harlan, and Estabrook). This is an area currently characterized by a mix of industrial uses and older single family residential homes, including properties with industrial and residential uses on the same parcel. The new designation would allow these uses to remain, but facilitates a gradual transition to higher value uses, recognizing that the area is within one half mile of the San Leandro BART station. In addition, Segment 2 would change three parcels on Williams and Castro Streets from their current designation of “Light Industrial” to a proposed designation of “Residential Medium Density,” reflecting their existing use. *Commissioner Hussey has business interests less than 500 feet from these areas and will recuse himself from this vote.*

## Segment 3

Segment 3 applies to the proposed East Bay Greenway. This change re-designates the easternmost line of the Union Pacific Railroad from various designations to “Parks and Recreation.” The dormant rail line extends from Oakland on the north to unincorporated Alameda County on the south, and is located under the BART tracks for much of this distance. The re-designation would facilitate the planned development of a bicycle and pedestrian “greenbelt” in the right-of-way, as planned by the East Bay Regional Park District and the Alameda County Transportation Commission. *Commissioners Hussey and Hernandez have business interests less than 500 feet from the railroad right-of-way and will recuse themselves from this vote.*

## Segment 4

Segment 4 covers the re-designation of several blocks from “Medium Density Residential” to “Medium High Density Residential.” The parcels are generally located along Carpentier, Clarke, and Hays between Parrott and Castro, immediately southwest of Downtown and east of the BART station. The entire area is within one-half mile of the San Leandro BART station. The change would increase the General Plan density on these parcels from 21.7 units per net acre to 29 units per net acre. While most of the parcels are developed with single family homes, there are a number of small apartment buildings in this area already, including some exceeding 30 units per acre. The designation recognizes the existing pattern, opportunities for additional units on developed lots, and potential infill housing near BART over the next 20 years. *Commissioner Hernandez has business interests less than 500 feet from this area and will recuse himself from this vote.*

## **Segment 5**

Segment 5 approves three map changes, including: (a) the re-designation of Cecilia Court from High Density Residential to Downtown Mixed Use. This is an older “courtyard” style development of small rental cottages just northeast of the former CVS and Town Hall Square development sites at the north end of Downtown. The existing use could remain “as is” under the new designation, but reuse with higher density (up to 100 units per acre) also could occur; (b) the re-designation of the area north of Callan Avenue and east of Hyde Street from High Density Residential (up to 29 units per acre) to High Density Residential (up to 50 units per acre). This area is adjacent to and east of the CVS site and north of the Public Library. It already contains some of the highest density housing in the city, including several apartment buildings developed at densities exceeding 80 units per acre; (c) the re-designation of the area west and south of the Public Library from the “Office” General Plan designation to the “Downtown Mixed Use” designation. These properties were covered by the Downtown TOD Strategy and already have “Downtown Area” zoning. The General Plan change would achieve consistency between zoning and the General Plan, and reflects the prior rezoning of this area to DA-2 in 2007. *Commissioner Pon has business interests within 500 feet of these three areas and will recuse himself from this vote.*

## **Segment 6**

Segment 6 covers the General Plan Map changes for all areas of the city outside Segments 1 through 5. All members of the Commission may vote on this item. Segment 6 also includes the text of the General Plan, including the June 1 Draft General Plan document and the Addendum.

Public comment may be received on the EIR Resolution (PC Resolution 2016-002) and on the motions for any of the segments of the General Plan Resolution (PC Resolution 2016-003). Public comments on the General Plan text would generally be heard under Segment 6.

## **Next Steps**

If the Commission approves the Resolutions, or approves the Resolutions with amendments, then the FEIR and General Plan will move to the City Council for action on September 19, 2016. Any changes to the Addendum will be noted in the Council Staff Report. If the Commission does not adopt the two Resolutions, the items would be continued to a subsequent meeting.

Once the items reach the City Council, two Resolutions will be presented for Council consideration—one covering the EIR and the other covering the General Plan. Segmented voting, where applicable, on the General Plan will again be required to ensure compliance with Fair Political Practices Commission rules. Once the City Council has adopted the Plan, the General Plan Addendum will be integrated into the June 1, 2016 Draft and a “Final” Plan will be prepared for future City use and public information.

## **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 effects of additional population and employment in the city over a 20-year period rather than the effects of a particular development project on a particular site. The EIR includes a project description, and discussions of the existing setting, potential impacts, and recommended mitigation measures for 14 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 General Plan and Draft EIR were released on June 1, 2016. The EIR was filed with the State Clearinghouse, and interested parties were notified by email of the 45-day review period for submitting written/e-mailed comments. The Planning Commission held a hearing 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 hearing on July 5, 2016.

The EIR comment period ended on July 15, 2016. The staff/consultant team subsequently prepared a Final EIR as required by CEQA, and a General Plan Addendum that includes proposed edits to the Public Review Draft General Plan in response to written and oral comments. The Draft General Plan and Addendum may be found on the project website at [<http://www.sanleandro2035.org/documents/>](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 at 835 E. 14<sup>th</sup> Street.

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.

### *Final Environmental Impact Report (FEIR) Highlights*

The FEIR includes five chapters: (1) an Introduction that describes the intent and content of the document; (2) an Executive Summary of the Draft EIR (DEIR), which is carried forward from the June 1 DEIR document, with edits; (3) Revisions to the DEIR to reflect comments received, and to make corrections and clarifications; (4) a List of Commenters, including those submitting letters on issues related to the "project" but not the EIR; (5) Comments and Responses. (The "project," as defined in the EIR, includes the General Plan and also includes proposed zoning changes.) A Mitigation Monitoring and Reporting Program (MMRP) will be included as an appendix to the General Plan.

There were many comments on the zoning changes that did not address the merits of the DEIR. The Comments and Responses chapter uses a matrix to excerpt the contents of each letter received on the EIR, and provide a written response. A summary of the comments and responses is provided below:

- **East Bay Regional Park District (6/23/16).** EBRPD's letter focuses on the Shoreline Development Plan. Their letter also asks that the General Plan address sea level rise.

*The response notes that the Shoreline Development Plan was approved through a General*

*Plan Amendment and EIR in 2015, and further indicates the policies and text sections where sea level rise is addressed.*

- **California Department of Transportation (7/11/16).** Caltrans' letter expresses its commitment to promoting alternatives to the automobile, reducing vehicle miles traveled, balancing jobs and housing, and avoiding an oversupply of parking, and encourages the City to incorporate these concepts in its Plan. The letter suggests that the City plan for more housing, eliminate minimum parking requirements in PDAs, provide more detail on planned transportation projects, and discuss impacts on state highways in greater detail.

*The response notes the sections of the General Plan that address the various issues raised by Caltrans and notes that the Plan is consistent with Caltrans' directives. Responses to specific requests for information are included as appropriate.*

- **Alameda County Transportation Commission (7/13/16).** The Alameda County CTC letter suggests using a 2016 traffic baseline, notes the need to address transit and bike/ped impacts, asks for clarification on a number of points regarding the findings of the traffic analysis, and asks for an evaluation of growth on parking demand at the BART stations.

*The response addresses each point in the ACTC letter, and includes a number of text changes to the DEIR. The response explains why a 2016 traffic baseline was not used, notes that parking is not a CEQA issue, and cites appropriate policies, actions, and mitigation measures in the EIR to address other points raised.*

- **East Bay Municipal Utility District (7/14/16).** EBMUD's letter provides background information on their service and inspection requirements, and reiterates their policies on water recycling and water conservation. No substantive comments on the EIR are included.

*The response notes that the points raised by EBMUD are contextual. The General Plan is consistent with EBMUD's directives.*

- **Christine Gordon (6/23/16) and Kathy Wolff (6/27/16).** Both of these letters specifically reference a proposed rezoning in the vicinity of Bancroft and Estudillo and raise issues regarding traffic and the EIR analysis. The Gordon letter also raises aesthetic, safety, parking, and land use issues.

*The response notes that a traffic analysis was prepared as part of the EIR, including current*

*and projected volumes for this area. It further notes that the proposed rezoning of the area in question has been deleted from the project.*

- **Ed Hernandez (7/13/16).** Commissioner Hernandez asks for clarification on mitigation measures for traffic impacts, noting the importance of bicycle and pedestrian improvements.

*The response clarifies that the need for bicycle and pedestrian improvements is covered in a subsequent impact discussion in the Transportation section of the EIR.*

- **Virginia Madsen (7/15/16).** The letter principally addresses the impacts of the Shoreline Development Project, including issues relating to seismic safety, groundwater, and traffic.

*The response notes that some of the issues raised are not CEQA-related impacts, and further notes that the Shoreline Development Project entitlements (General Plan Amendment and Rezoning) and its EIR were approved in 2015.*

- **Bay Conservation and Development Commission (7/21/16).** This letter was received after the deadline, but was still included in the responses. It includes background information on BCDC, notes the importance of sea level rise as a planning factor, addresses bay fill and shoreline protection, and raises recreation and public access issues.

*The response addresses each point in the comment letter, describing how sea level rise is addressed by the General Plan, and noting that no bay fill is proposed by the Plan. The letter also clarifies EIR statements regarding Oyster Bay Regional Shoreline and the Bay Trail.*

## 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>](http://www.sanleandro2035.org)) also 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 (including CEQA) and local law.

## ATTACHMENT(S)

### Attachments to Staff Report

- Exhibit A - Draft Mitigation Monitoring and Reporting Program

### Attachments to PC Resolution No. 2016-002 Recommending Certification of the Environmental Impact Report for the San Leandro 2035 General Plan

- Exhibit A - Draft EIR. Due to the large size of the DEIR, which was publicly released on June 1, 2016, it was not attached to this resolution but incorporated by reference. To access the DEIR, please go to <http://www.sanleandro2035.org/documents/> or you may view it at the Community Development Department in City Hall and the Main Library.
- Exhibit B - Final EIR

### Attachments to PC Resolution No. 2016-003 Recommending that the City Council Adopt the San Leandro 2035 General Plan

- Exhibit A - Draft 2035 General Plan. Due to the large size of the Draft Plan, which was publicly released on June 1, 2016, it was not attached to this resolution but incorporated by reference. To access the Draft Plan, please go to <http://www.sanleandro2035.org/documents/> or you may view it at the Community Development Department in City Hall and the Main Library.
- Exhibit B - General Plan Addendum. The Addendum should be reviewed in conjunction with the Draft 2035 General Plan noted above in Exhibit A.
- Exhibit C - Segment 1
- Exhibit D - Segment 2
- Exhibit E - Segment 3
- Exhibit F - Segment 4
- Exhibit G - Segment 5
- Exhibit H - Segment 6 (Note: This Exhibit H attachment showing the proposed 2035 General Plan Land Use Map or Diagram is in a letter size 8 ½" x 11" format for printing and file size convenience. The proposed 2035 General Plan Land Use Map or Diagram is also available on the 2035 General Plan webpage at: <http://www.sanleandro2035.org/wp-content/uploads/2016/06/GeneralPlan2035Map->)

(For more details on the Segments 1 - 5, please see the “Conflict of Interest/Segmentation of Voting” section in the staff report above.)

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