



Legislation Text

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AN ORDINANCE of the City of San Leandro City Council approving a Zoning Map Amendment for the proposed 75-acre Shoreline Development Project initiated by Monarch Bay LLC, as applicant, and the City of San Leandro, as property owner (PLN19-0074).

WHEREAS, the City owns certain real property consisting of approximately seventy-five (75) acres located within the City limits in the Shoreline area (the "Property"); and

WHEREAS, the Property is located along both sides of Monarch Bay Drive between Marina Boulevard and Fairway Drive. The Property includes Mulford Point to the north, Pescador Point to the south, the boat harbor, the 9-hole Marina Golf Course, and the Mulford-Marina Branch public library; and

WHEREAS, the Property includes approximately 75 acres of City-owned property identified as Assessor's Parcel Numbers: 080G 0900 001 08, 080G 0900 004 01, 079A 0475 009 04, 079A 0590 001 05, 079A 0590 001 07, 079A 0590 002 00, 079A 0590 003 00, and 079A 0590 004 00; and

WHEREAS, the City and Cal Coast Companies LLC, Inc., a Delaware corporation doing business in California as Cal Coast Developer, Inc. (Cal-Coast), entered into an Exclusive Negotiating Rights Agreement dated April 2, 2012 regarding development of the Property, as such agreement has been amended and extended (the "ENRA"); and

WHEREAS, the City desires to facilitate the development of the Shoreline-Marina area to create new housing units, lodging and restaurants, new facilities to foster economic growth, and new recreational opportunities for the public, as well as promoting the productive use of property and encouraging quality development and economic growth, thereby enhancing employment and recreation opportunities for residents and expanding the City's tax base; and

WHEREAS, from 2008 to 2015, Cal-Coast worked with City staff and various City resident advisory committees to develop a Shoreline Development Concept Plan for the Property that would meet the stated objectives; and

WHEREAS, in July 2015, the City Council adopted Resolution 2015-126 and Ordinance 2015-008 approving a General Plan Map Amendment and Zoning Map Amendment (PLN2012-00040) for the 2015 Shoreline Development Concept Plan that included a 150,000 square-foot office campus, 200-room hotel, 15,000 square-foot conference center, 354 housing units, three restaurants totaling approximately 21,000 square feet, a new Mulford-Marina Branch library, a three-story parking structure, a redesigned nine-hole golf course, and related site improvements; and

WHEREAS, the development described above and related applications are collectively known as the "2015 Project"; and

WHEREAS, in 2017, the Shoreline Development Concept Plan was updated based on feedback from the San Francisco Bay Conservation and Development Commission (BCDC) and changes in market conditions; and

WHEREAS, the updated Shoreline Development Concept Plan now proposes to redevelop the Shoreline area with up to 485 housing units, a 220-room hotel with attached restaurant, a 15,000 square foot two-story restaurant /banquet facility, a 3,000 square foot market/café, a redesigned nine-hole golf course, a new Mulford-Marina Branch library, a nine-acre community park, and related site improvements, including publicly accessible trails, landscaped areas, access drives, and parking lots; and

WHEREAS, the submittal includes applications for a General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment; and

WHEREAS, the proposed Zoning Map Amendment would reduce the Community Commercial (Planned Development) (CC(PD)) area west of Monarch Bay Drive from 38.2 acres to 16 acres, rezone approximately 15.5 acres to Commercial Recreation (CR), rezone approximately 6.8 acres from CC(PD) to Residential Multi-Family (24 dwellings per gross acre) (Planned Development) (RM-1800(PD)), reduce the Commercial Recreation (CR) area east of Monarch Bay Drive from 29.5-acres to 23.1 acres, and increase the Residential Multi-Family (22 dwellings per gross acre) (Planned Development) RM-2000(PD) acreage east of Monarch Bay Drive from 13.1 to 19.4 acres as shown in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the proposed Zoning Map Amendment includes expanding the existing Planned Development (PD) Overlay Zone at the site by approximately 6.3 acres to correspond to the updated boundaries of the RM-2000 Zone as shown in attached Exhibit B; and

WHEREAS, in accordance with Article 10 of the San Leandro Zoning Code, the updated Planned Development Concept Plan conforms to the proposed General Plan and Zoning Designations and is consistent with the General Plan's goals, policies, and actions, as would be amended; and

WHEREAS, the development described above and related applications are collectively known as the "Project"; and planning approvals for the Project are being processed in stages. The first processing stage considers the General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment; the subsequent processing stage(s) will consider the development permits at future hearings, including but not limited to a Planned Development Project, Tentative Map, Site Plan Review, Conditional Use Permit; and Development Agreement applications; and

WHEREAS, in July 2015, the City Council adopted Resolution No. 2015-125 certifying a Final Environmental Impact Report (EIR) entitled, "San Leandro Shoreline Development Project EIR (SCH # 2013072011)" and adopting a Mitigation Monitoring and Report Program (MMRP) for the 2015 Project; 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 is 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; 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.

WHEREAS, staff reviewed the Project and analyzed it based upon the above provisions in Section 15162 of the CEQA Guidelines. Pursuant to CEQA and the CEQA Guidelines, the City of San Leandro completed an Addendum to the San Leandro Shoreline Development Project Final Environmental Impact Report (EIR), incorporated herein by reference; and

WHEREAS, the Addendum includes an environmental analysis checklist, based on Appendix G of the CEQA Guidelines, which analyzed the changes to the 2015 Project and whether the environmental effects from the Project would be any different from those disclosed in the Certified EIR. The Addendum concludes that the Project does not result in any new significant impacts or substantially increases the severity of any significant impacts identified in the Certified EIR. No new information of substantial importance is identified and no new mitigation measures are necessary to reduce significant impacts. Applicable mitigation measures from the Certified EIR will be included as conditions of approval and will be required to be implemented as part of the Project when the proposed project is processed for planning approvals; and

WHEREAS, a publicly noticed community meeting to present the Project and receive public comments was held at the City of San Leandro's Marina Community Center on January 28, 2020; and

WHEREAS, the City of San Leandro Planning Commission did on the 6th day of February,

2020, hold a duly noticed Public Hearing for consideration of the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment and did consider all information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, a staff report dated February 6, 2020, incorporated herein by reference, described and analyzed the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment for the Planning Commission; and

WHEREAS, the Planning Commission recommended approval of the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment and adoption of an Addendum to the San Leandro Shoreline Development Project EIR (SCH # 2013072011) to the City Council on a 5-1 vote (one absence); and

WHEREAS, the Community Development Department provided notice of the proposed General Plan Text Amendment, General Plan Map Amendment, Zoning Map Amendment, and EIR Addendum public hearing before the City Council by publishing a public hearing notice in the East Bay Times' Daily Review newspaper on February 14, 2020; and

WHEREAS, a staff report dated February 24, 2020, incorporated herein by reference, described and analyzed the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment for the City Council; and

WHEREAS, the City Council did on the 24th day of February, 2020, hold a duly noticed Public Hearing for consideration of the proposed General Plan Text Amendment, General Plan Map Amendment, and Zoning Map Amendment and did consider all information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, following the public hearing, the City Council adopted Resolution 2020-XXX, adopting an Addendum to the San Leandro Shoreline Development Project EIR (SCH # 2013072011) and approving the proposed General Plan Text Amendment and General Plan Map Amendment for the Project site, which resolution is incorporated herein by reference; and

WHEREAS, the City's General Plan, Zoning Code, Municipal Code and Administrative Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE, the City Council of the City of San Leandro does ordain as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. ENVIRONMENTAL REVIEW. Pursuant to CEQA and the CEQA Guidelines, the City Council adopted Resolution 2020-XXX, incorporated herein by reference, adopting an Addendum to the San Leandro Shoreline Development Project EIR (SCH # 2013072011). The environmental effects associated with the Zoning Map Amendment were analyzed in accordance with the requirements of CEQA and the CEQA Guidelines. The Zoning Map Amendment

implements the Project and was analyzed in the Addendum as part of the Project. No subsequent environmental impact report or additional environmental analysis is required in connection with the approval of the Zoning Map Amendment or this Ordinance, in that the City Council finds and determines that none of the conditions set forth in Public Resources Code Section 21166, State CEQA Guidelines Section 15162(a) have occurred.

SECTION 3. FINDINGS. The City Council makes the following findings in support of adopting this ordinance:

1. That the proposed Zoning Map Amendments for the Shoreline Area will ensure consistency with the 2035 General Plan, as amended, and are desirable to achieve the purposes of the Zoning Code as outlined in Zoning Code Section 1-104, which include but are not limited to:
 - a. Guiding development in accord with the policies of the General Plan to preserve the character and quality of residential neighborhoods and commercial and industrial areas; foster convenient, harmonious, and workable relationships among land uses; and achieve the land development described in the General Plan.
 - b. Conserving key visual features of San Leandro's bay front setting; and
 - c. Providing for the elimination, over time, of land uses and structures that are inconsistent with the policies of the General Plan and adversely affect other property or uses.

2. That the Planned Development Concept Plan submitted in support of the proposed Zoning Map Amendment to modify a Planned Development Overlay Zone is consistent with the General Plan, as amended, and compatible with surrounding development. The Planned Development Concept Plan is consistent with General Plan policies for the San Leandro Shoreline that call for development that will:
 - a. Reinforce the Shoreline as a regional destination (General Plan Goal LU-9);
 - b. Provide for complementary activities that boost its appeal as a destination (General Plan Policy LU-9.1);
 - c. Provide for complementary uses that benefit San Leandro residents and current shoreline users, such as improved park space, restaurants, pedestrian and bicycle paths, and access to the Bay Trail (General Plan Policy LU-9.3);
 - d. Support future development of a mix of land uses in the Shoreline Area that require little or no City investment and results in a Shoreline that is financially self-supporting (General Plan Policy LU-9.4); and
 - e. Provide for a variety of densities, which would enable the construction of additional housing units (General Plan Housing Element Action 53.01-D).

The Planned Development Concept Plan is compatible with surrounding development because adjacent residential land uses would be buffered by the golf course on the eastern portion of the site and the proposed buildings have been located closer to Monarch Bay Drive, increasing the distance between the new development and existing homes and efficiently conserving land for recreational purposes along the Shoreline that would connect to existing recreational uses to the south. The future Planned Development Project review process will provide a precise guide for the physical development of the Shoreline in accordance with the policies of the General Plan and the Zoning Code.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.