



Legislation Text

File #: 20-526, **Version:** 1

RESOLUTION of the City of San Leandro City Council Amending the Bay Fair Transit-Oriented Development (TOD) Specific Plan, Amending the San Leandro General Plan, and Adopting an Addendum to the Previously Certified Bay Fair TOD Specific Plan Environmental Impact Report SCH NO.2017032016

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, Bay Fair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14th 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 Council 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 Council 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, the City Council desires to amend minor portions of the Specific Plan and General Plan to ensure consistency between the two, as well as with the proposed Zoning Code Chapter 2.10; and

WHEREAS, the City released the proposed text of Zoning Code Chapter 2.10 for a two-week public review on or before 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 and through a meeting of 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 Transit Oriented Development (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; 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, 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 significant new impacts or substantially increase previously identified significant impacts; and

WHEREAS, the Addendum to the EIR is dated September 2020 and is on file with the Community Development Department at San Leandro City Hall located at 835 East 14th Street and available on the City's website, and is incorporated herein by reference; and

WHEREAS, a staff report dated November 5, 2020, incorporated herein by reference, described and analyzed the proposed Project for the Planning Commission; and

WHEREAS, the City of San Leandro Planning Commission held a duly noticed Public Hearing on November 5, 2020 for consideration of the proposed Project, 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, the Planning Commission recommended approval of the proposed Project and adoption of an Addendum to the Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016 to the City Council on a 7-0 vote; and

WHEREAS, a staff report dated December 7, 2020 and incorporated herein by reference, described and analyzed the Project and the related Addendum to the EIR for the City Council; and

WHEREAS, on December 7, 2020, the City Council 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 THE CITY COUNCIL OF THE CITY OF SAN LEANDRO RESOLVES THAT: The above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT, the City Council 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 other amendments to Zoning Code Text and Zoning Code Maps, the proposed amendments to the Bay Fair TOD Specific Plan, the proposed text and map amendments to the San Leandro 2035 General Plan, and the proposed amendments to the San Leandro Municipal Code, all of which are attached to the City Council Staff Report dated December 7, 2020 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 City Council 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 City Council, 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 City Council 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 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 City Council, the City Council finds that all environmental impacts of the Project were addressed within the EIR and the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council 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 City Council 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 City Council.

BE IT FURTHER RESOLVED THAT: The City Council hereby adopts the following:

1. Amendments to the Bay Fair TOD Specific Plan, as shown in the attached Exhibit A and incorporated herein by reference; and
2. General Plan 2035 Text Amendments and the General Plan Map Amendment, as shown in attached Exhibit B and Exhibit C and incorporated herein by reference.

BE IT FURTHER RESOLVED THAT: The decision of the City Council is based on the following findings and considering the staff report and the whole of the record:

1. The proposed Project establishes 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.
2. The proposed Project will not be detrimental to the public interest, health, safety, or welfare of the City.
3. The proposed Project is internally consistent, and is consistent with the City's General Plan, as amended.
4. The General Plan and Bay Fair TOD Specific Plan, as amended conform with 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.