

2. Introduction

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Chapter 14 California Code of Regulations, Section 15378[a], the proposed San Leandro General Plan Update and Zoning Code amendments are considered a “project” subject to environmental review as its implementation is “an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” This Draft Environmental Impact Report (Draft EIR) provides an assessment of the potential environmental consequences of adoption and implementation of the San Leandro General Plan Update (“proposed Plan”) and Zoning Code amendments, herein together referred to as the “proposed project.”

This Draft EIR identifies mitigation measures and alternatives to the proposed project that would avoid or reduce significant impacts. This Draft EIR compares the development of the proposed project with the existing baseline condition, described in detail in each section of Chapter 4.0, Environmental Analysis. The City of San Leandro (City) is the lead agency for the proposed project. This assessment is intended to inform the City’s decision-makers, other responsible agencies, and the public-at-large of the nature of the proposed project and its effect on the environment.

2.1 PROPOSED ACTION

If approved by the San Leandro City Council, the proposed Plan would replace the City’s existing General Plan, which was last comprehensively updated in 2002. The proposed Plan is intended to guide development and conservation in the city through the 2035 buildout horizon of the General Plan. State law requires that the General Plan contain seven elements: Land Use, Circulation, Housing, Open Space, Noise, Safety, and Conservation. The content of these elements is outlined in State law. Adoption and implementation of the proposed Plan is projected to result in 5,595 new housing units, 14,790 new residents, and 12,130 new jobs by 2035.

The proposed project also includes adoption of proposed conforming Zoning Code amendments. Upon adoption, the Zoning Code amendments would update portions of the current City of San Leandro Zoning Code and guide development activities in specific areas within the city.

2.2 EIR SCOPE

This Draft EIR is a program EIR that analyzes the adoption and implementation of the proposed project. This is in contrast to project-level EIRs which are used to identify and analyze site specific potential impacts of a project and focuses on the changes in the environment that would result from development of a specific site. CEQA and the CEQA Guidelines allow the lead agencies to prepare a number of types of EIRs. Different types of EIRs are used for varying situations and intended uses. Section 15168 of the CEQA

INTRODUCTION

Guidelines states that program EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria.

In this case, the proposed project that is the subject of this Draft EIR consists of a long-term plan and set of regulatory changes that would be implemented over time as policy documents and regulations guiding future development activities and City actions. No specific development projects are proposed as part of the proposed project. Therefore, this EIR is a program-level EIR that analyzes the potential environmental effects of the adoption of the proposed project. As a program EIR, it is not project-specific, and does not evaluate the impacts of individual projects that may be proposed in the future under the General Plan. However, if the program EIR addresses the program's effects as specifically and comprehensively as is reasonably possible, and later activities are within scope of the effects examined in the program EIR, then additional environmental review may not be required for those future projects.¹ When a program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the program EIR into the subsequent activities (CEQA Guidelines Section 15168[c][3]). If a subsequent activity would have effects that are not within the scope of the program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the activity qualifies for an exemption. For these subsequent environmental review documents, this program EIR will serve as the first-tier environmental analysis. The program EIR can also serve to streamline future environmental review of subsequent projects.

For a complete listing of environmental topics covered in this Draft EIR, see Chapter 4.0, Environmental Analysis.

2.3 ENVIRONMENTAL REVIEW PROCESS

2.3.1 DRAFT EIR

Pursuant to State CEQA Guidelines Section 15063, the City of San Leandro determined that the proposed project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with Section 21080.4 of the California Public Resources Code, the City circulated the Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research (OPR) State Clearinghouse and interested agencies and persons on November 4, 2014 for a 30-day review period. The NOP solicited comments from identified responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A of this Draft EIR contains the NOP as well as the comments received by the City in response to the NOP.

This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 45-day comment period. During the comment period, the public is invited to submit written or e-mail comments on the Draft EIR to the City of San Leandro Community Development Department. Written comments should be submitted to:

¹ CEQA Guidelines Section 15168[c] and CEQA streamlining provisions.

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Written and/or verbal comments on the Draft EIR will also be accepted at a Planning Commission hearing, during the public comment period, which will be legally noticed and is tentatively scheduled for the following date:

- Planning Commission public hearing: 7:00 pm, June 16, 2016 in San Leandro City Council Chambers

2.3.2 FINAL EIR

Upon completion of the 45-day review period, the City of San Leandro will review all comments received on the Draft EIR and prepare written responses for each comment. A Final EIR will then be prepared, incorporating all of the comments received, responses to the comments, and any changes to the Draft EIR that result from the comments received. The Final EIR will then be presented to the City of San Leandro for certification as the environmental document for the proposed project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the City on the proposed General Plan Update project, and all responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to final action on the proposed project. The Planning Commission will consider and recommend on the Final EIR and the proposed project.

The City Council will make findings regarding the extent and nature of the impacts as presented in the Final EIR. The Final EIR will need to be certified as complete by the City prior to making a decision to approve or deny the proposed project. Public input is encouraged at all public hearings before the City.

After the City Council certifies the Final EIR, the City Council will also consider the proposed project (i.e., the General Plan Update), which it may approve or deny. The City Council may find that the mitigation measures are outside the jurisdiction of the City to implement, or that there are no feasible mitigation measures for a given significant impact. In the latter case, the City Council may nonetheless determine that the proposed project is necessary or desirable due to specific overriding considerations, including economic factors, and may approve the proposed project after weighing its benefits against its unavoidable, significant impacts.

2.3.3 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the lead agency adopt a monitoring or reporting program for any project for which it has made mitigation findings pursuant to Public Resources Code 21081. Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR. The Mitigation Monitoring and Reporting Program for the proposed project will be completed and available to the public prior to certification of this EIR.

INTRODUCTION