

City of San Leandro Planning Commission

RESOLUTION NO. 2022-010

**RESOLUTION OF THE CITY OF SAN LEANDRO PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE 2023-2031 HOUSING
ELEMENT, AMEND THE LAND USE AND ENVIRONMENTAL HAZARDS
ELEMENTS OF THE 2035 GENERAL PLAN, ADOPT THE ENVIRONMENT JUSTICE
ELEMENT OF THE 2035 GENERAL PLAN, AMEND THE ZONING MAP, AND
ADOPT MISCELLANEOUS RELATED AMENDMENTS TO THE ZONING CODE**

WHEREAS, the California legislature has found that California has a housing supply and affordability crisis of historic proportions and lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians (Gov. Code § 65589.5.); and

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 2035 San Leandro General Plan (“General Plan”) covering the 20 year period from 2015 through 2035; and

WHEREAS, the General Plan includes goals and policies related to land use, transportation/traffic, infrastructure, and design and establishes uses and development standards within the City; and

WHEREAS, the General Plan includes text and diagrams specifying the distribution, location, and extent of the uses of land and other essential facilities within the City; and

WHEREAS, California Government Code Section 65302(c) mandates that each City shall include a Housing Element in its General Plan, and that the Housing Element be updated regularly on a schedule set forth in the law to reflect current conditions and legal requirements; and

WHEREAS, the City Council adopted the Fifth Cycle 2015-2023 Housing Element Update of the San Leandro General Plan on January 20, 2015; and

WHEREAS, the Housing Element must comply with the statutory provisions of California Government Code Section 65580 *et seq.* and is required to identify and analyze existing and projected housing needs, and include statements of the City of San

Leandro's goals, policies, quantified objectives, and programs for the preservation, improvement, and development of the City's share of the regional housing needs; and

WHEREAS, State law requires that the City take meaningful steps to promote and affirmatively further fair housing (Gov. Code § 65583(c) (5)); and

WHEREAS, State law requires that the City make zoning available for all types of housing, including multifamily housing (Gov. Code §§ 65583.2 and 65583(c)); and

WHEREAS, State Housing Element Law (Article 10.6 of Government Code) requires that the City Council adopt a Housing Element for the Sixth Cycle period of 2023-2031 to accommodate the City of San Leandro's regional housing need allocation (RHNA) of 3,855 housing units, comprised of 862 very-low income units, 495 low-income units, 696 moderate-income units, and 1,802 above moderate-income units; and

WHEREAS, State law generally states that the Housing Element and the City's zoning must support housing for all income levels, and residential densities under 30 units per acre do not support construction of housing for lower income households (Gov. Code § 65583.2 (c)(3)(B)(iv)); and

WHEREAS, the existing 2015-2023 Housing Element was adopted on January 20, 2015, and the information in the 2023-2031 Housing Element has been revised and expanded to provide a current assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs; and

WHEREAS, the City prepared the 2023-2031 Draft Housing Element in conformance with State and local planning law and practices, considering local conditions and context, including economic, environmental, and fiscal factors; and

WHEREAS, the Housing Element must be adopted to comply with State law, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code §§ 65583.2 and 65583(c)); and

WHEREAS, the preparation, adoption, and implementation of the Housing Element and companion zoning and General Plan amendments requires a diligent effort to include all economic segments of the community; and

WHEREAS, the Housing Element includes an inventory of sites that can accommodate new housing sufficient to meet the City's RHNA obligation at each income level; and

WHEREAS, more than fifty percent (50%) of the sites identified to accommodate the City's low-income RHNA obligation are non-vacant. However, the City specifically finds that the existing uses on such non-vacant parcels are likely to be discontinued during the 2023-2031 planning period, and so that such sites can meet their development potential; and

WHEREAS, on August 16, 2022, the City submitted the draft 2023-2031 Housing Element to the State Department of Housing and Community Development (HCD) for its review. On October 24, 2022, HCD provided the City with a number of questions about the draft Housing Element and preliminary comments, and based upon those questions and comments, City staff revised the draft Housing Element to include additional information and analysis; and

WHEREAS, the revised Draft 2023-2031 Housing Element was made available for public comment from November 2 through November 9; and

WHEREAS, HCD may have additional comments on the Draft 2023-2031 Housing Element, which will be incorporated prior to consideration of the Draft Housing Element by the City Council to the extent feasible; and

WHEREAS, the City desires to authorize the City Manager to make iterative changes to the 2023-2031 Housing Element in response to comments from HCD to support state certification of the 2023-31 Housing Element as long as such changes by the City Manager do not change the policy of the City or include any legislative actions; and

WHEREAS, the City desires to identify an alternative lists that sites that can accommodate new housing sufficient to meet the City's RHNA obligation at each income level that may be substituted by staff for sites on the current proposed inventory of sites if necessary based on feedback from HCD; and

WHEREAS, in accordance with Government Code Section 65583, the City finds that the 2023-2031 Draft Housing Element complies with the duty to affirmatively further fair housing, and will comply with State Housing Element Law when it is adopted, submitted to and approved by HCD in accordance with Government Code Section 65585; and

WHEREAS, the City desires to update the San Leandro Zoning Code, by amending Chapters 1.12, 2.04, 2.08, 2.12, 2.16, 2.20, 4.04, 4.08, 5.08, 5.12, 5.32, and 6.08, to update the definitions of several terms related to residential categories, including but not limited to, emergency shelters, mobile homes and congregational living; amend CC-District Use Regulations; revise housing density regulations and clarify a ministerial review process; amend IG-District Use Regulations; amend IL-District Use Regulations;

and amend Supportive and Transitional Housing, Low Barrier Navigation Center, Employee Housing and Emergency Shelter uses and regulation; and

WHEREAS, the City desires to update the San Leandro Zoning Code to add Chapter 3.38 entitled “H Housing Overlay District” to identify the standards related to the specific purpose, application and zoning map designation, and land use and property development relations applicable within the Housing Overlay District; and

WHEREAS, the City desires to updated the Zoning Map to identify the location of the Housing Overlay District; and

WHEREAS, the proposed changes to the Zoning Code will enable the development of housing types envisioned in the 2035 General Plan within the City’s Priority Development Areas, which are intended to promote sustainable, infill development, including higher-density housing, retail, office, entertainment, and civic uses with safe pedestrian and bicycle connections to public transit, services and employers; and

WHEREAS, the proposed changes to the Zoning Code and Zoning Map are necessary to implement the 2023-2031 Housing Element; and

WHEREAS, the City desires to make certain amendments to the City’s Zoning Code to ensure consistency with the General Plan; and

WHEREAS, the City has identified the need to update the Land Use Element of the General Plan, to implement the Housing Element and address the City’s current needs, and to promote and produce available, affordable, and adequate housing within the community without jeopardizing the resources of future generations; and

WHEREAS, the City desires to amend the General Plan to ensure appropriate development standards and consistency with the proposed changes to the City’s Zoning Code; and

WHEREAS, California Government Code Section 65302 (h) mandates that the City shall include an Environmental Justice Element in its General Plan, that identifies disadvantaged communities within the City and identify goals, objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities within the City of San Leandro; and

WHEREAS, the City desires to amend the General Plan to adopt the Environmental Justice Element to address the needs of disadvantaged communities within the City of San Leandro; and

WHEREAS, the City finds that the draft Environmental Justice Element complies with California Government Code Section 65302 (h); and

WHEREAS, California Government Code Section 65302 (g) mandates that the City shall include a Safety Element in its General Plan, that identifies and establishes a set of comprehensive goals, policies and objections to avoid and reduce the risks associated with local structural, flooding, fire and geologic hazards; and

WHEREAS, the 2035 General Plan includes the Environmental Hazards Element, which serves as the City's Safety Element; and

WHEREAS, the City has updated the Environmental Hazards Element to evaluate potential hazards, emergency planning and preparedness, community services, climate change adaptation and resilience, as well as Feasible mitigation action for the identified hazards and safety topics; and

WHEREAS, the City desires to adopt the City of San Leandro's existing Local Hazard Mitigation Plan (LHMP) into the Environmental Hazards Element of the General Plan; and

WHEREAS, the City finds that the Environmental Hazards Element complies with the requirements of California Government Code Section 65302 (g); and

WHEREAS, the City is awaiting on feedback from the California Department of Forestry and Fire Protection (CalFire) regarding the Environmental Hazards Element, and anticipates making additional changes to the draft Environmental Hazards Element before Council adoption based on such feedback; and

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

WHEREAS, in September 2021 the City commenced an extensive community outreach process and solicited public input on the 2023-31 Draft Housing Element, and the proposed changes to the General Plan, as well as proposed changes to the zoning map and text amendments, and all pertinent maps, documents and exhibits, including the preliminary comments and questions provided by HCD; and

WHEREAS, the City's multi-lingual outreach efforts included a housing needs and priority survey, a community workshop series, stakeholder listening sessions, use of an online Sites Inventory tool called Balancing Act, email newsletter updates, engagement with local organizations, newspaper advertising, flyer distribution at BART stations and the Davis Street Food Pantry, Planning Commission and City Council work sessions, as well as a dedicated webpage at slhousingelement.com; and

WHEREAS, Public input influenced the development of the housing opportunity sites, housing plan, and the policies and programs of the Housing Element; and

WHEREAS, on June 16, 2016, the City Council adopted a resolution certifying an environmental impact report for the 2035 General Plan Update (SCH # 2001092001) (the “General Plan EIR”); and

WHEREAS, the General Plan EIR identified potentially significant environmental impacts and related mitigation measures, which the City adopted together with mitigation findings and a Mitigation Monitoring Program, which mitigation measures and monitoring program continue to apply to development in the City; and

WHEREAS, the proposed adoption of the 2023-2031 Housing Element, the Environmental Justice Element, amendments to the Land Use Element and Environmental Hazards Element of the General Plan, a Zoning Map amendment, and miscellaneous amendments to the San Leandro Zoning Code are collectively referred to as the “Project”; and

WHEREAS, the City prepared a Supplemental Environmental Impact Report (“SEIR”) to identify the potential environmental impacts of the adoption of the 2023-2031 Housing Element, the amendments to the 2035 General Plan and the other components of the Project; and

WHEREAS, the SEIR is supplemental to the General Plan EIR in accordance with CEQA Guidelines section 15163; and

WHEREAS, on November 17, 2022 the Planning Commission adopted a resolution recommending that the City Council certify the SEIR and a related Mitigation Monitoring and Report Program; and

WHEREAS, on November 17, 2022, the Planning Commission reviewed the staff report and Project at a duly noticed public hearing, at which time all interested parties had the opportunity to be heard.

NOW, THEREFORE THE PLANNING COMMISSION FOR 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 Planning Commission of the City of San Leandro does hereby recommend that the City Council adopt the following:

1. The 2023-2031 Housing Element, as shown in attached Exhibit A and incorporated herein by reference; and
2. The Environmental Justice Element of the 2035 General Plan, as shown in attached Exhibit B and incorporated herein by reference; and

3. The amendments to the Land Use Element and Environmental Hazards Element, as well as the table of contents, of the 2035 General Plan, as shown in attached Exhibit C and incorporated herein by reference
4. The amendments to San Leandro Zoning Code, as shown in attached Exhibit D and incorporated herein by reference; and
5. Proposed amendments to the Zoning Code Map, as shown in attached Exhibit E and incorporated herein by reference; and
6. The Local Hazard Mitigation Plan (LHMP) into the Environmental Hazards Element of the San Leandro 2035 General Plan by reference. The Environmental Hazards Element is the Safety Element of the 2035 General Plan.
7. The Alternative Sites Inventory List, as shown in attached Exhibit F and incorporated herein by reference.

BE IT FURTHER RESOLVED THAT: The Planning Commission of the City of San Leandro does hereby recommend that the City Council authorize the City Manager to make iterative changes to the 2023-2031 Housing Element in response to comments from HCD to support state certification of the 2023-31 Housing Element. Such changes by the City Manager shall not change the policy of the City or include any legislative actions.

BE IT FURTHER RESOLVED THAT: The recommendation of the Planning Commission is based on the following findings and considering the staff report and the whole of the record:

1. The proposed Project complies with the provisions of the California Environmental Quality Act (CEQA).
2. 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, and is consistent with the 2035 General Plan, as amended.
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 2023-31 Housing Element and 2035 General Plan, as amended, conform with the relevant and applicable provisions of the California Government Code in that they adequately address all of the statutorily required components and content.

5. Based on local development trends resulting from rising land values, changes in desired land uses, aging structures and underutilized properties, rising demand for housing, adjacency to public transportation and commercial services, and other factors/analysis as identified in the Recycling Trends section of the Housing Element, the existing uses on the sites identified in the site inventory to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore do not constitute an impediment to additional residential development during the period covered by the housing element.

PASSED, APPROVED, AND ADOPTED this 17th day of November, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

Dylan Boldt, Chair
Planning Commission

ATTEST:

Andrew J. Mogensen, AICP
Secretary to the Planning Commission