

City of San Leandro Planning Commission

RESOLUTION NO. 2024-XXX

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SAN LEANDRO**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING VARIOUS SECTIONS OF THE SAN LEANDRO ZONING
CODE TO MODIFY REGULATIONS PERTAINING TO FENCING, EXTEND ALL
ENTITLEMENTS UNEXPIRED AS OF MARCH 1, 2024, BY TWO YEARS, AND
REFLECT THE CONSOLIDATION OF THE DUTIES OF THE BOARD OF ZONING
ADJUSTMENTS AND THE PLANNING COMMISSION**

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

WHEREAS, the San Leandro Zoning Code may be periodically amended to incorporate clarifications or corrections to existing designations, as well as substantive changes; and

WHEREAS, the proposed Amendments consist of changes to fencing regulations, the extension of entitlements for qualified projects, and consolidation of the duties of the Board of Zoning Adjustments and the Planning Commission; and

WHEREAS, California is suffering from a significant and prolonged housing crisis, and

WHEREAS, the housing crisis has caused substantial price increases, making it difficult for residents to find affordable housing and business locations in San Leandro and throughout the region; and

WHEREAS, the City's General Plan and Housing Element include various goals and policies focused on increasing the supply of residential units within San Leandro; and

WHEREAS, the San Leandro has approved entitlements for multi-family residential developments consisting of over 1,500 units, as well as entitlements for single-family houses, and industrial and commercial spaces; and

WHEREAS, the amendments respond to changing social conditions, changing economic circumstances, and changes in the workload and functions of planning advisory boards; and

WHEREAS, the San Leandro Zoning Code requires applicants to obtain planning permits to undertake new development projects and establishes various deadlines for applicants to perfect approved entitlements or the entitlements will expire; and

WHEREAS, the proposed Zoning Code amendments are determined to be necessary to advance the City's interests with respect to economic development and the streamlining of the development review process; and

WHEREAS, the proposed Zoning Code Amendments have been determined to not be subject to the California Environmental Quality Act (CEQA) because (1) the proposed Amendments are covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and (2) any project that has the potential to cause a significant effect on the environment will be evaluated through a separate environmental review process in accordance with CEQA.

WHEREAS, the Community Development Department provided notice of the proposed Zoning Code amendments by publishing a public hearing notice in the East Bay Times' Daily Review newspaper on May 24, 2024; and

WHEREAS, the Planning Commission of the City of San Leandro did on the 6th day of June, 2024, hold a duly noticed Public Hearing for consideration of the Zoning Code amendments and did consider all public comments and testimony received prior to and during the hearing; 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 and on the internet at any time.

NOW, THEREFORE, the Planning Commission of the City of San Leandro does hereby **RESOLVE** as follows:

The forgoing recitals are true and correct and made part of this resolution.

BE IT FURTHER RESOLVED THAT: The Planning Commission recommends that the City Council adopt an ordinance amending various sections of the Zoning Code to allow increases in the height and location of fencing in industrial zones and allow security fencing in some industrial zones; add Sections 5.08.136.E and 5.08.136.G to the Zoning Code to extend entitlements that were unexpired on March 1, 2024; and to replace all references to "Board of Zoning Adjustments" with "Planning Commission" throughout the Zoning Code, as set forth in Exhibit A.

BE IT FURTHER RESOLVED THAT: The Planning Commission of the City of San Leandro does hereby make the following findings and determinations regarding the proposed amendments to the San Leandro Zoning Code:

1. Approval of the amendments is exempt from environmental review under the general rule in California environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions extending entitlements for project which have already been reviewed in accordance with CEQA, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.
2. That the proposed Zoning Code Amendments are consistent with the General Plan because the proposed amendments support the goals of encouraging infill development on vacant or underused sites within residential and commercial areas, providing housing opportunities, and improving economic access to housing for all segments of the community, and improving the economy and tax base of the City.
3. That the proposed Zoning Code Amendments are necessary and desirable to achieve the purposes of the Zoning Code because the proposed amendments promote and protect the public health, safety, morals, comfort, convenience, and the general welfare of the people by extending entitlements within the City.

PASSED, APPROVED, AND ADOPTED, on this 6th day of June, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: 0

ATTEST:

Litha Zuber
Chair of the Planning Commission

Avalon Schultz, AICP
Secretary to the Board of Zoning Adjustments