

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2024-011

ORDINANCE TO AMEND VARIOUS SECTIONS OF THE SAN LEANDRO ZONING CODE TO MODIFY REGULATIONS PERTAINING TO FENCING, EXTENDING ENTITLEMENTS UNEXPIRED AS OF MARCH 1, 2024, BY TWO YEARS, AND REFLECTING THE CONSOLIDATION 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 Zoning Code amendments consist of changes to fencing regulations, the extension of entitlements for qualified projects, and replacement of references to the Board of Zoning Adjustments with 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; and

WHEREAS, Zoning Code Section 5.16.116 states that the Planning Commission will make specific findings as to whether the proposed zoning regulation is consistent with the policies of the General Plan and the purposes of the Zoning Code, and shall recommend approval, conditional approval, or denial of the proposal as submitted or in modified form to the City Council; 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 adopted a resolution recommending the City Council approve proposed Zoning Code amendments, excluding proposed amendments pertaining to electrified fencing and razor/barbed wire; and

WHEREAS, the City Council held a duly noticed public hearing regarding the Zoning Code amendments on July 1, 2024, at which time all interested parties had the opportunity to be heard; and

WHEREAS, a staff report for the City Council dated July 1, 2024, and incorporated herein by reference, described and analyzed the Zoning Code amendments; and

WHEREAS, the City Council desires to adopt the Zoning Code amendments.

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. FINDINGS. The City Council makes the following findings in support of adopting this ordinance, based on the whole of the record:

1. 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.
2. 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.

SECTION 3. AMENDMENT OF ZONING CODE. The San Leandro Zoning Code is hereby amended as shown in the attached Exhibit A which is incorporated herein by reference.

SECTION 4. ENVIRONMENTAL REVIEW. Pursuant to CEQA and the CEQA Guidelines, the City Council finds that the proposed amendments are exempt pursuant to the California Environmental

Quality Act (CEQA) Guidelines §15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment as the Ordinance has no potential to result in a direct, or reasonably foreseeable indirect impact 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.

SECTION 5. 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 6. 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.

Introduced by Councilmember Bowen and passed to print on the 1st day of July 2024 by the following called vote:

- AYES:** Councilmembers Aguilar, Bowen, Viveros-Walton, Mayor González (4)
- NOES:** Councilmember Ballew (1)
- ABSENT:** Councilmember Azevedo, Vice Mayor Simon (2)

Passed and adopted the 15th day of July 2024 after publication on July 5, 2024 by the following vote:

- AYES:** (0)
- NOES:** (0)
- ABSENT:** (0)

ATTEST: _____
Kelly B. Clancy, CMC
City Clerk