

## Frequently Asked Questions

### Zoning Code Changes to Assembly Uses, Commercial Recreation and Entertainment Activities

**1. Question:** What is the Assembly Use Overlay District?

**Answer:** In 2007, the City added definitions and created more opportunities citywide for Assembly Uses (including Religious Assembly) to locate in the City of San Leandro with a Conditional Use Permit. Previous to that time, Religious Assembly was only conditionally permitted in the various residential districts. To comply with RLUIPA, the City created the 8 Assembly Use Overlay Criteria to add additional opportunities for Assembly Uses.

**2. Question:** Where is Commercial Recreation currently allowed with a Conditional Use Permit?

**Answer:** Commercial Recreation is a Conditionally Permitted Use in the Commercial Community (CC), Commercial Community (Assembly Use Overlay (CC[AU])), Commercial Recreation (CR), Commercial-Regional Mall (C-RM), North Area 1 (NA-1), North Area 2 (NA-2), South Area 1 (SA-1), South Area 3 (SA-3), Downtown Area 1 (DA-1), Industrial Limited (IL) and Industrial Park (IP).

**3. Question:** How many properties and acres currently allow Commercial Recreation with a Conditional Use Permit in Industrial Districts?

**Answer:** There are 293 parcels and 270 acres that currently allow Commercial Recreation with a Conditional Use Permit (CUP) in Industrial Districts.

**4. Question:** Under the new proposal, are Commercial Recreation uses excluded from the Industrial Districts?

**Answer:** No

**5. Question:** How many properties and acres in Industrial Districts would be available for Commercial Recreation with a CUP under the proposed Amendments?

**Answer:** There would be 117 parcels and 131 acres in Industrial Overlay Districts that would allow for Commercial Recreation with a CUP.

**6. Question:** How many properties in both Commercial and Industrial Districts would be available for Commercial Recreation with a CUP under the proposed Amendments?

**Answer:** There would be 663 parcels and 904 acres that would allow Commercial Recreation with a CUP in various Commercial and Industrial Districts listed above.

**7. Question:** Where are Entertainment Activities currently allowed with a Conditional Use Permit?

**Answer:** Entertainment Activities is a Conditionally Permitted Use in the Commercial Neighborhood (CN), Commercial Neighborhood (Assembly Use Overlay) (CN[AU]), Commercial Community (CC), Commercial Community (Assembly Use Overlay) (CC [AU]), Commercial Recreation (CR), North Area 1 (NA-1), North Area 2 (NA-2), South Area-1 (SA-1), South Area 2 (SA-2), South Area 3 (SA-3), Downtown Area 1 (DA-1), Downtown Area 2 (DA-2) and Downtown Area 5 (DA-5).

**8. Question:** How many properties and acres currently allow Entertainment Activities with a Conditional Use Permit in Industrial Districts?

**Answer:** There are 980 parcels and 1,720 acres that currently allow Entertainment Activities with a Conditional Use Permit (CUP) in Industrial Districts.

**9. Question:** Under the new proposal would entertainment activities be excluded from the Industrial Districts?

**Answer:** No

**9. Question:** How many properties and acres would be available for Entertainment Activities with a CUP under the proposed Amendments?

**Answer:** There would be 117 parcels and 131 acres in Industrial Overlay Districts that would allow for Entertainment Activities with a CUP.

**10. Question:** Are there any existing Commercial Recreation or Entertainment Activities uses or requests in Industrial Districts in San Leandro?

**Answer:** No.

**11. Question:** Are adult entertainment uses given greater preference than other uses, including religious institutions, in the industrial zones?

**Answer:** Adult use permits are permitted as of right under Section 2-704, 2-706 and 2-708 of the Zoning code, but at the same time they are subject to compliance with the location and distancing standards (1000 feet from schools, churches, day cares, residential zones, etc.) found in Section 4-1683 in accord with First Amendment guarantees specific to adult use activities. San Leandro only allows adult uses in the industrial zones and currently there are no such facilities. There are many opportunities for religious institutions to locate in the City's

residential and AU industrial and commercial areas. There are over 41 religious institutions in the City.

**12. Question:** Could an industrial business have a rock climbing wall for employees as part of their campus?

**Answer:** Yes. The Zoning Code allows accessory uses to permitted uses in the Industrial Districts. An example is a high tech business (such as Google or Oracle) would be considered an Industry, Research and Development Use. This use would be permitted outright in each of the Industrial Zoning Districts. If Google or Oracle proposed, as part of a business campus in any of the Industrial Districts, recreational activity uses such as a rock climbing wall, gym or exercise rooms for yoga classes, aerobics or spinning classes, such uses could all be considered accessory to the permitted use of Industry, Research and Development.

**13. Question:** What is an average wage for a Commercial Recreation job versus Manufacturing or High Tech?

**Answer:** The Bureau of Labor Statistics indicates that Commercial Recreation and Entertainment Activities workers made on average \$16.61 per hour, while Manufacturing workers made on average \$23.78 per hour, seasonally adjusted and Computer systems design and related services made an average of \$40.78 per hour. These estimates are for November of 2011.

**14. Question:** Why are these proposals being made now?

**Answer:** City staff periodically reviews and proposes updates to the Zoning Code. General Plan policies support preserving the integrity of the City's industrial areas for industrial uses which generate higher wage jobs and higher employment densities.