

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2022-

**ORDINANCE OF THE CITY OF SAN LEANDRO CITY COUNCIL AMENDING THE
SAN LEANDRO ZONING CODE AND ZONING MAP TO IMPLEMENT THE 2023-
2031 HOUSING ELEMENT**

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, 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 City Council adopted the 2023-2031 Housing Element on December 5, 2022; 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, 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 the amendments to the Zoning Code and Zoning Map 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, 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, on November 17, 2022 the Planning Commission held a public hearing and adopted Resolution 2022-009 recommending that the City Council certify the SEIR and adopt a related Mitigation Monitoring and Reporting Program; and whereas

WHEREAS, on November 17, 2022 the Planning Commission adopted Resolution 2022-010 recommending that the City Council adopt the Project 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; and whereas

WHEREAS, on December 5, 2022 the City Council adopted a resolution certifying the SEIR and a related Mitigation Monitoring and Report Program; and

WHEREAS, a staff report, dated December 5, 2022 and incorporated herein by reference, described and analyzed the Project for the City Council; and

WHEREAS, on December 5, 2022, the City Council 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 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. The amendments to the Zoning Code and Zoning Map will not be detrimental to the public interest, health, safety, or welfare of the City.
2. The amendments to the Zoning Code and Zoning Map are internally consistent and are consistent with the City's General Plan and all specific plans.

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

SECTION 4. AMENDMENT OF ZONING MAP. The San Leandro Zoning Map is hereby amended as shown in attached Exhibit B and incorporated herein by reference.

SECTION 6. ENVIRONMENTAL REVIEW. Pursuant to CEQA and the CEQA Guidelines, the City adopted Resolution [REDACTED], incorporated herein by reference, certifying the Housing Element and General Plan Supplemental EIR ("SEIR") as complete, adequate, and in compliance with CEQA and the CEQA Guidelines. The SEIR studied the potential environmental impacts of the amendments to the Zoning Code and Zoning Map, and no further environmental review is required.

SECTION 7. 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 8. 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 _____ and passed to print on the 5th day of December 2022 by the following called vote:

Members of the Council:

AYES: 0

NOES: 0

ABSENT: 0

ATTEST: _____

Kelly B. Clancy, Acting City Clerk