

The City of San Leandro Planning Commission

Resolution No. 2015- 03, Recommending that the City Council Adopt an Ordinance Amending the Zoning Code Article 3, Definitions; Article 5, Residential Districts; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Article 8, Open Space District; Article 16, Development Regulations; Article 17, Off-Street Parking and Loading Regulations; and General Text Updates

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE ZONING CODE ARTICLE 3, DEFINITIONS; ARTICLE 5, RESIDENTIAL DISTRICTS; ARTICLE 6, COMMERCIAL AND PROFESSIONAL DISTRICTS; ARTICLE 7, INDUSTRIAL DISTRICTS; ARTICLE 8, OPEN SPACE DISTRICT; ARTICLE 16, DEVELOPMENT REGULATIONS; ARTICLE 17, OFF-STREET PARKING AND LOADING REGULATIONS; AND GENERAL TEXT UPDATES

WHEREAS, in 2002, the City of San Leandro adopted a new General Plan, which states that “the San Leandro General Plan aspires to reshape the industrial areas of West and Central San Leandro to meet the demands of the new economy.” Furthermore, the General Plan states that the “guiding objectives in the City’s large business districts are to promote business retention and diversification and also to “strive to maintain a quality environment” in San Leandro’s residential neighborhoods; and

WHEREAS, the City of San Leandro Planning Division has been tasked with periodic updates to the Zoning Code. Accordingly, Staff has developed a set of proposed amendments to various sections of the Zoning Code to update it in response to recent changes in State and Federal legislation, and to continue the ongoing effort to modernize the Code and increase its flexibility in response to technological advancements and changing market demands; and

WHEREAS, the proposed amendments to the Zoning Code in Article 3, Definitions; Article 5, Residential Districts; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Article 8, Open Space District; Article 16, Development Regulations; Article 17, Off-Street Parking and Loading Regulations; and General Text Updates, are related to Increased Flexibility in Residential, Commercial and Industrial Uses, Brewpubs, Consignment Stores; Day Care Facilities; Domestic Violence Safe House; Emergency Shelters; Family; Group Housing; Single Housekeeping Unit; Supportive Housing; Target Population; Transitional Housing; Parking,; Warehouse/Storage Facilities; Wireless Telecommunications Facilities and General Text Updates, as set forth in attached Exhibits A-G, which are incorporated herein by reference; and

WHEREAS, on January 1, 2014, Government Code Section 65582 was amended to replace prior Health and Safety Code definitions of supportive housing, target population, and transitional housing with definitions more specific to housing element law (SB745); and

WHEREAS, the City's Housing Element calls for amending the Zoning Ordinance to facilitate emergency shelters and ensure that transitional and supportive housing uses are considered residential uses subject to those restrictions and requirements applying to other residential uses of the same type and in the same zone; and

WHEREAS, San Leandro is required by State law to encourage the development of housing to meet the needs of all the City's residents; and

WHEREAS, it is the intent of the City to implement Federal and State housing laws and policies and programs contained in the City of San Leandro General Plan, including the Housing Element; and

WHEREAS, proposed amendments to Section 4-1686 of the San Leandro Zoning Code related to Wireless Telecommunications Facilities have been included to add provisions creating an expedited process for permit applications covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. section 1455(a); and

WHEREAS, on August 6, 2015, the City of San Leandro Board of Zoning Adjustments met, reviewed, and commented upon the proposed amendments to the Zoning Code, and provided their comments to the Planning Commission; and

WHEREAS, on August 20, 2015, the City of San Leandro Planning Commission held a duly noticed public hearing at which all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission reviewed a staff report dated August 20, 2015 analyzing the proposed amendments and recommending that the proposed amendments be found exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines, the general exemption for projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and thus is not subject to CEQA. The categorical exemption in Section 15305, Minor Alteration in Land Use Limitations also applies; and

WHEREAS, the San Leandro General Plan and the Zoning Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE, BE IT RESOLVED that the forgoing recitals are true and correct and made part of this resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Leandro does hereby find that the attached proposed Zoning Code amendments related to Article 3, Definitions; Article 5, Residential Districts; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Article 8, Open Space District; Article 16, Development Regulations; Article 17, Off-Street Parking and Loading Regulations; and General Text Updates are in general agreement with and consistent with the General Plan, as further explained in the

August 20, 2015 Planning Commission staff report , and as required by Government Code section 65855 and sections 5-2708 and 5-2712 of the Zoning Code.

BE IT FURTHER RESOLVED THAT based on the analysis in the August 20, 2015 staff report, the Planning Commission hereby recommends that the City Council approve the attached proposed Zoning Code amendments for Article 3, Definitions; Article 5, Residential Districts; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Article 8, Open Space District; Article 16, Development Regulations; Article 17, Off-Street Parking and Loading Regulations; and General Text Updates, as related to Brewpubs, Consignment Stores; Day Care Facilities; Domestic Violence Safe House; Emergency Shelters; Family; Group Housing; Single Housekeeping Unit; Supportive Housing; Target Population; Transitional Housing; Parking; Warehouse/Storage Facilities; Wireless Telecommunications Facilities; and General Text Updates in Article 3, Definitions; Article 5, Residential Districts; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Article 8, Open Space District; Article 16, Development Regulations; and Article 17, Off-Street Parking and Loading Regulations.

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PASSED, APPROVED AND ADOPTED this 20th day of August, 2015 by the following vote:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST:

Planning Commission Chairperson

Secretary to the Planning Commission

Exhibit A: Recommended Amendments to the City of San Leandro Zoning Code related to Brewpubs, Consignment, Domestic Violence Safe House, Emergency Shelters, Family, Group Housing, Single Housekeeping Unit, Supportive Housing, Target Population, and Transitional Housing in Article 3, Section 1-304 Definitions; Article 5, Sections 2-504 to 2-510 related to Day Care, General and Section 2-514 C.1 related to Home Occupations in Residential Districts; Article 6, Section 2-630 related to Day Care, Limited; Sections 2-604 to 2-606, 2-614, 2-618, 2-628, 2-630, 2-636 to 2-646 related to Day Care, General; and Sections 2-638 to 2-646 related to Industry, Custom; and Sections 2-640 to 2-646 related to Home Improvement and Interior Decoration in Commercial and Professional Districts; Article 7, Sections 2-704 to 2-714 related to Day Care, General; Sections 2-704 and 2-710 related to Emergency Shelters and Sections 2-704 to 2-714 related to Warehouse/Storage and Warehouse – Wholesale/Retail Distribution Facilities in the Industrial Districts; Article 8, Section 2-806 related to Wireless Telecommunication Facilities in the Open Space District; Article 16, Section 4-1656 (new section) related to Supportive and Transitional Housing; and Sections 2-504 to 2-508, and 2-640 to 2-642 related to Wireless Telecommunication Facilities in the Development Regulations; and Article 17, Sections 4-1702 and 4-1704 related to Off-Street Parking and Loading Regulations.