

**IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO**

**ORDINANCE NO. 2023-003**

**ORDINANCE OF THE CITY OF SAN LEANDRO CITY COUNCIL AMENDING SECTION 1.12.108, DEFINITIONS, TO UPDATE THE DEFINITION OF “RESEARCH AND DEVELOPMENT SERVICES” AND SECTION 2.10.200, USE REGULATIONS (BAY FAIR TOD DISTRICT), TO RECLASSIFY RESEARCH & DEVELOPMENT SERVICES FROM A CONDITIONAL USE TO A PERMITTED USE**

**WHEREAS**, on February 20, 2018, the City Council adopted the Bay Fair Transit Oriented Development (TOD) Specific Plan (the “Specific Plan”); and

**WHEREAS**, the Bay Fair TOD Specific Plan Area encompasses 154 acres and is generally bound by East 14<sup>th</sup> Street to the northeast, Hesperian Boulevard to the west, and the border between the City and unincorporated Alameda County to the south and southwest (the “Specific Plan Area”); and

**WHEREAS**, the Bay Fair BART Station and parking lots, Bayfair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14<sup>th</sup> corridors are included within the Specific Plan Area; and

**WHEREAS**, on December 7, 2020, the City Council Amended the Specific Plan and established the Bay Fair Transit Oriented Development (B-TOD) Zoning District; and

**WHEREAS**, since the Specific Plan was amended and B-TOD Zoning was implemented in 2020, market conditions and demand for office space have changed; and

**WHEREAS**, the City desires to amend the San Leandro Zoning Code, by amending Section 1.12.108, definitions, to update the definition of “Research and Development Services” and Section 2.10.200, Use Regulations (Bay Fair TOD District); and

**WHEREAS**, the proposed Zoning Code Amendments will support Economic Development goals and allow San Leandro to remain competitive by accommodating Research and Development businesses wishing to relocate in the B-TOD District; and

**WHEREAS**, a staff report dated April 6, 2023, incorporated herein by reference, described and analyzed the proposed Project for the Planning Commission; and

**WHEREAS**, the City of San Leandro Planning Commission held a duly noticed Public Hearing on April 6, 2023 for consideration of the proposed Project, and did consider all information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

**WHEREAS**, the Planning Commission recommended approval of the proposed Project to the City Council on a 5-1-1 vote; and

**WHEREAS**, a staff report dated May 1, 2023 and incorporated herein by reference, described and analyzed the Project for the City Council; and

**WHEREAS**, on May 1, 2023, the City Council reviewed the staff report at a duly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City's Zoning Code is incorporated herein by reference, and is available for review on the City's website.

**NOW, THEREFORE**, the City Council of the City of San Leandro hereby ORDAINS 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 amending the Zoning Code, based on the whole of the record:

1. The proposed Zoning Code Amendments are consistent with the General Plan, Bay Fair TOD Specific Plan, and the purposes of the Zoning Code as described in Zoning Code Section 1.04.108.
2. The proposed Zoning Code Amendments will not be detrimental to the public interest, health, safety, or welfare of the City.
3. The proposed Amendments are internally consistent, and are consistent with the City's General Plan, as amended.

**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. ENVIRONMENTAL REVIEW.** The amendments are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 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.

**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 at a first reading by Councilmember Azevedo and passed to print on the 1st day of May 2023 by the following called vote:

AYES:	Councilmembers Aguilar, Azevedo, Ballew, Bowen, Reynes, Simon and Mayor Gonzalez	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted the 15<sup>th</sup> day of May 2023 after publication on May 5, 2023 by the following called vote:

AYES:	Councilmembers	( )
NOES:		( )
ABSENT:		( )

ATTEST: \_\_\_\_\_  
Kelly B. Clancy, City Clerk