

ATTACHMENT F

Proposed Zoning Code Amendments

The definition of Boarding House in Section 1.12.108 is repealed

The definition of Emergency Shelters in Section 1.12.108 Definitions is amended to read as follows:

Emergency Shelters. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided. See development regulations in Section 4.04.384 Emergency Shelters. ~~Facility limited to 25 beds and subject to the following requirements: the facility has an adopted management plan that includes hours and staffing; the facility provides sufficient waiting room, parking and loading facilities; and that 24-hour male and female toilets, showers and private lockers are provided.~~

A definition of Employee Housing is added to Section 1.12.108 Definitions as follows:

Employee Housing. Has the same meaning as “employee housing” as set forth in Health & Safety Code §17008 for farmworkers.

The definition of Group Housing in Section 1.12.108 Definitions is amended to read as follows:

Group Housing. Shared living quarters, with a ~~congregate~~ communal arrangement, where meals are provided in a common dining area, and either no or limited cooking facilities are provided within the individual rooms or units. This classification includes rooming or boarding houses, dormitories, private residential clubs, congregate and/or assisted care facilities for the elderly or persons with disabilities that are not licensed by the State, and housing for individuals requiring court ordered supervision, but excludes “Residential Hotels,” “Hotels, Motels, and Time-Share Facilities,” “Convalescent Facilities,” and “Residential Congregate Care Facilities” use classifications.

A definition of Low Barrier Navigation Center is added to Section 1.12.108 Definitions as follows:

Low Barrier Navigation Center. A Housing First, low barrier, service-enriched shelter as defined in subdivision (a) of California Government Code Section 65660 et seq.

The definition of Manufactured Home in Section 1.12.108 Definitions is amended to read as follows:

Manufactured Home. See “Mobile Home.” ~~A dwelling unit manufactured elsewhere and placed on a building site as regulated in Section 2.04.392 Manufactured Homes in R Districts and constructed in accord with State of California standards for manufactured homes and with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Section 5401 et seq.), as amended. This definition is intended to include mobile homes and modular homes, which meet Federal and State standards for manufactured homes.~~

The definition of Mobile Home in Section 1.12.108 Definitions is amended to read as follows:

Mobile Home. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Vehicle Code Section 35790. A mobile home includes a manufactured home, as defined in Health and Safety Code Section 18007, and a mobilehome, as defined in Health and Safety Code Section 18008. Mobile home does not include a recreational vehicle, as defined ~~in Civil Code Section 799.24, or a commercial coach, as defined in Health and Safety Code Section 18218,~~ in Health and Safety Code Section 18010.

The definition of Residential Congregate Care Facilities in Section 1.12.108 Definitions is amended to read as follows:

Residential Congregate Care Facilities. Facilities that are licensed by the State of California to provide living accommodations and 24-hour, primarily non-medical care and supervision for seven or more individuals in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. ~~Use of a residence for the purpose of providing, for a fee, adult day care and/or 24-hour-a-day, non-medical residential living accommodations, day treatment, or foster agency services for seven or more individuals, and where the duration of stay is determined, in whole or in part, by the individual residents' participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. This classification includes facilities licensed by the State of California.~~

The definition of Residential Congregate Care Facilities, Limited in Section 1.12.108 Definitions is amended to read as follows:

Residential Congregate Care Facilities, Limited. Facilities that are licensed by the State of California to provide living accommodations and 24-hour, primarily non-medical care and supervision for up to six individuals in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. ~~Use of a residence for the purpose of providing, for a fee, adult day care and/or 24-hour-a-day, non-medical residential living accommodations, day treatment, or foster agency services for up to six individuals, and where the duration of stay is determined, in whole or in part, by the individual residents' participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. This classification includes facilities licensed by the State of California.~~

The definition of Residential Hotels in Section 1.12.108 Definitions is amended to read as follows:

Residential Hotels. A residential facility where living accommodations are individual secure rooms with or without separate kitchen or bathroom facilities for each room, and rented to one or two-person households as the primary residence of those occupants. This use classification includes Single Room Occupancy hotels (SROs) intended for long-term occupancy. ~~Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.~~

The definition of Single-Family Residential in Section 1.12.108 Definitions is amended to read as follows:

Single-Family Residential. Buildings containing one dwelling unit and up to one accessory dwelling unit and one junior accessory dwelling unit located on a single lot. This classification includes [factory-built housing, mobile homes, and factory-built housing and manufactured homes installed on a foundation system pursuant to Health and Safety Code Section 18551.](#)

Section 2.04.204 is amended to read as follows:

2.04.204 RM District—Use Regulations

A. RM District—Permitted Uses.

The following uses are allowed in the RM District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Garage and Yard Sales. (Limited to two times per year on the premises of the property owner or a residential property in the immediate vicinity.)
3. Multi-Family Residential.
4. Park and Recreation Facilities, Public.
- ~~5. Single-Family Residential.~~
- ~~6~~5. Two-Family Residential.
- ~~7~~6. Utilities, Minor.

Section 2.04.232 is amended to read as follows:

2.04.232 Residential Congregate Care Facilities

A. Purpose and Intent. The City Council finds that elderly persons, persons suffering from chronic illnesses, and persons with mental or physical disabilities, including persons recovering from drug and/or alcohol addiction, often benefit from living in a non-institutional residential environment, which is frequently cost-effective and more humane and therapeutic. The Council also finds that, under the federal Fair Housing Act, 42 U.S.C. 3601 et seq., the City has an obligation to provide reasonable accommodation for the disabled, including changing, waiving, and making exceptions to zoning rules that would otherwise have the effect of limiting the ability of such individuals to live in the residence of their choice in the community. The Council further finds that the preservation and protection of the character of residential neighborhoods is in the best interest of the public health, safety, and welfare, and that over-concentration of residential facilities for the individuals listed above can impair the character of residential neighborhoods, thereby defeating the very reason for providing residential accommodations for such individuals. Thus, the Council concludes that a set of land use laws that flexibly limits the concentration of residential facilities for the individuals listed above can balance the City's complementary interests in reasonably accommodating disabled individuals seeking a residential living environment and in preserving the character of residential neighborhoods. The purpose of this section is to enact such a law. In enacting this law, the Council has attempted to achieve the goals described above by removing any special requirements for facilities for the disabled that would limit such individuals' choice of places to live; to the extent that such residences are subject to requirements different from those applicable to similar uses of land, the Council has concluded that no less discriminatory alternatives exist that would as effectively promote its interests in reasonable accommodation and the preservation of residential neighborhoods.

B. Residential Congregate Care Facilities as a Residential Use. Residential Congregate Care Facilities, as defined in Section 1.12.108 Definitions, are considered a residential use of property, and may be permitted in all Residential Districts, and all other Zoning Districts in which residential uses are either permitted, conditionally permitted, or subject to administrative review, and subject to the limitations prescribed in this section.

C. Applicability of Regulations. Residential Congregate Care Facilities shall be subject to the zoning requirements of this section, and any subdivision, housing, and building regulations and codes expressly applicable to such Facilities, including building and fire safety requirements. Nothing in those regulations and codes shall be construed to prohibit such Facilities from locating where a residential use would otherwise be permitted or conditionally permitted. No privately created covenant, equitable servitude, or other contract or agreement shall be used as the basis of denial of permission to operate a Residential Congregate Care Facilities that has met all other applicable requirements.

D. Over-Concentration and Minimum Spacing. To prevent an over-concentration of Residential Congregate Care Facilities in the City, all new Facilities for which the contemplated number of residents is more than six (not including live-in staff), and existing Facilities that wish to increase the number of residents to more than six, must be a minimum distance of ~~1,000~~750 feet from another such Facility. Nothing in this subsection shall prevent more than one Facility from locating in an individual apartment/condominium complex, providing the spacing requirements of this subsection are met. An adjustment to the required minimum spacing may be granted pursuant to Subsection G: Adjustments to Required Minimum Spacing Requirement below.

E. Small Facilities Exempt from Required Minimum Spacing. Residential Congregate Care Facilities with six or less residents (not including live-in staff) are exempt from the spacing requirements of Subsection D: Over-Concentration and Minimum Spacing above. Such Facilities, defined as "Residential Congregate Care Facilities, Limited" in Section 1.12.108 Definitions, are permitted in all Residential Districts, and shall be permitted in all other Zoning Districts pursuant to the same regulations as would apply to any other residential use in such Districts.

F. Facilities with Total Occupancy of More 10 Adults. Residential Congregate Care Facilities with more than 10 residents (including staff) who are 18 years of age, or older, are subject to the requirements of Section 2.04.236 Maximum Dwelling Unit Occupancy.

G. Adjustments to Required Minimum Spacing Requirement. Approval to locate a Residential Congregate Care ~~Facilities~~ Facility with more than six residents (not including live-in staff) closer than ~~1,000~~750 feet from another such Facility is subject to approval of ~~an Adjustment to the Minimum Spacing Requirement, as outlined below~~ a Major Site Plan Review per Chapter 5.12 and the following:

~~1. Application and Noticing. The Board of Zoning Adjustments shall hold a public hearing on all applications for an Adjustment to the Minimum Spacing Requirement pursuant to this section. Public notices shall provide notice as set forth in Section 5.08.116 Notice and Public Hearing.~~

~~21.~~ Findings Requiring Denial of Request. All applications for Adjustment to the Minimum Spacing Requirement pursuant to this section shall be granted unless the ~~Zoning Enforcement Official~~Board of Zoning Adjustments finds all of the following:

- a. That the proposed Residential Congregate Care Facility, at the location being requested, would impose an undue administrative or financial burden on the City;
- b. That the proposed Residential Congregate Care Facility, at the location being requested, would effect a fundamental change in the nature of the neighborhood in which it proposes to locate; and
- c. That the proposed Residential Congregate Care Facility, at the location being requested, would significantly compromise the City's interest in maintaining either the residential character of the surrounding neighborhood or reasonable accommodation to disabled persons seeking a residential living environment.

~~32.~~ Adjustment Review Process Does Not Limit Number of Facilities. The ~~Zoning Enforcement Official~~Board of Zoning Adjustments shall neither interpret nor enforce this subsection in a manner, which

creates a ceiling quota on the number of Residential Congregate Care Facilities that may locate in the City, or impose limitations, beyond those prescribed by Code, as to the number of persons who may live in such Facilities.

43. Ability to Impose Conditions. The ~~Zoning Enforcement Official~~**Board of Zoning Adjustments** may impose conditions on an Adjustment to Spacing Limitations, in the same manner and subject to the same limitations as provided for the approval of a Use Permit or Variance, as prescribed in Section 5.08.128 Conditions of Approval.

54. Appeals. A Decision by ~~Zoning Enforcement Official~~**Board of Zoning Adjustments** may be appealed to the ~~City Council~~**Board of Zoning Adjustments** pursuant to the requirements of Chapter 5.20 Appeals.

Section 2.04.304 is amended to read as follows:

2.04.304 ~~Maximum~~ Density

Zoning District	Minimum Density	Maximum Density *
RD	<u>n.a.</u>	2 dwelling units per parcel
RM-3000	<u>n.a.</u>	14.5 dwelling units per acre
RM-2500	<u>12 dwelling units per acre</u>	17.5 dwelling units per acre
RM-2000	<u>12 dwelling units per acre</u>	22 dwelling units per acre
RM-1800	<u>12 dwelling units per acre</u>	24 dwelling units per acre
RM-875	<u>20 dwelling units per acre</u>	50 dwelling units per acre
RO	<u>n.a.</u>	Varies based on parcel size. See Section 2.04.384 RO District— Additional Dwelling Units
RS	<u>n.a.</u>	1 dwelling unit per parcel
RS-40	<u>n.a.</u>	1 dwelling unit per parcel
RS-VP	<u>n.a.</u>	1 dwelling unit per parcel
* <u>For properties within the Corridor Mixed Use (CMU) General Plan Land Use Designation maximum residential density is dictated by applicable floor area ratio (FAR) limits rather than limits on dwelling units per acre.</u>		

Section 2.04.336.H. is amended to read as follows:

Underground Utilities shall be subject to the regulations of Section 4.04.~~336~~400 Underground Utilities.

Section 2.04.340.G is added to read as follows:

G. R Districts – Extension of Existing Building Line. An Administrative Exception per Chapter 5.06 may be approved to allow an extension of the existing building line of a single-family residence, which legally projects into a required yard area of the applicable R District.

Section 2.04.388.D. is amended to read as follows:

D. Height. Notwithstanding the definition of “Height” in Section 1.12.108 Definitions, ADUs and JADUs shall not exceed the heights established below as measured from the finished adjacent ground level to the highest point on the finished roof.

Type	Maximum Height
A Parcel with an Existing or Proposed Single-Family Use	
Repurposed ADU	Same as existing structure
Detached ADU	<p>16 feet <u>on a lot with an existing or proposed single family or multi-family dwelling unit</u></p> <p>18 feet <u>on a lot with an existing or proposed single family or multi-family dwelling unit within one-half mile of a major transit stop or high-quality transit corridor, as defined in Public Resources Code Section 21064.3 and 2115, except that an additional two feet in height shall be permitted to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling unit.</u></p> <p>18 feet <u>for a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multistory dwelling</u></p>
Attached ADU	Maximum height as established by zoning district <u>or 25 feet, whichever is lower.</u> The ADU may project one foot laterally into the required daylight plane.
JADU	Same as existing single-family dwelling
A Parcel with an Existing Two-Family or Multi-Family Use	
Repurposed ADU	Same as existing structure
Detached ADU	16 feet

Section 2.04.400.A is amended to read as follows:

A. Standards for Which an Administrative Exception May be Approved. ~~And~~ An Administrative Exception per Chapter 5.06 may be approved to allow exceptions to development regulations as specifically identified in any section of this Chapter.

Section 2.08.200 is amended to read as follows:

2.08.200 CC District—Use Regulations

A. CC District—Permitted Uses.

The following uses are allowed in the CC District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Ambulance Service, Emergency. (A conditional use permit is required if located within 1,000 feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
3. Ambulance Service, Non-Emergency. (An Administrative Review approval is required if located within 1,000 feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
4. Animal Grooming.
5. Animal Sales.

6. Artists' Studios.
7. Automobile Washing, Attended. (Subject to Section 4.04.208 Service Stations and Automobile Washing.)
8. Brewpubs.
9. Business Services.
10. Business and Trade Schools.
11. Cafés. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
12. Catering Services.
13. Communication Facilities.
14. Drugstores.
- [15. Emergency Shelters, 25 or fewer beds](#)
- ~~15~~[16](#). Fast Food Establishment, Small Scale. (Subject to the regulations of Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts, and Section 4.04.200 Fast Food Establishments.)
- ~~16~~[17](#). Financial Institutions, Retail.
- ~~17~~[18](#). Furniture, Electronics, and Appliance Sales.
- ~~18~~[19](#). Health and Fitness Centers.
- ~~19~~[20](#). Home Improvement and Interior Decoration.
- ~~20~~[21](#). Instruction and Improvement Services.
- ~~21~~[22](#). Maintenance and Repair Services.
- ~~22~~[23](#). Medical Supply Stores.
- ~~23~~[24](#). Neighborhood/Specialty Food Markets.
- ~~24~~[25](#). Nurseries.
- ~~25~~[26](#). Offices, Business and Professional.
- ~~26~~[27](#). Pharmacies.
- [28. Residential Hotels, 25 or fewer beds](#)
- ~~27~~[29](#). Restaurants, Full-Service. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
- ~~28~~[30](#). Retail Sales.
- ~~29~~[31](#). Retail Services.
- ~~30~~[32](#). Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)
- ~~31~~[33](#). Theaters, Small Scale.
- ~~32~~[34](#). Travel Services.
- ~~33~~[35](#). Utilities, Minor.

B. CC District—Conditionally Permitted Uses.

The following uses are allowed in the CC District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Animal Boarding.
3. Animal Hospitals.
4. Automobile Washing, Unattended. (Subject to Section 4.04.208 Service Stations and Automobile Washing.)
5. Bars.
6. Bed and Breakfast Inns. (Subject to the regulations of Section 4.04.348 Bed and Breakfast Inns.)
7. Beer and Wine Stores. (Beer and wine stores shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and wine stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the

extended hours would not have an adverse effect on neighboring uses. A pre-existing beer and wine store shall not be deemed a nonconforming use solely due to non-compliance with the 1,000 foot minimum distance requirement.)

8. Billiard Parlors.

9. Bingo Parlors.

10. Building Materials and Services.

11. Cannabis Dispensary. (Subject to performance standards in the San Leandro Municipal Code Section 4-33-500 Cannabis Dispensary Permits.)

12. Coin-Operated Laundry Businesses.

13. Commercial Parking Facility.

14. Commercial Recreation.

15. Convenience Stores. (Convenience markets shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing convenience store shall not be deemed a nonconforming use solely due to non-compliance with the 1,000 foot minimum distance requirement.)

16. Cultural Institutions.

17. Dance Clubs.

18. Department Stores.

19. Drive-Up Facilities.

20. Emergency Health Care.

[21. Emergency Shelters, more than 25 beds.](#)

~~21~~[22](#). Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)

~~22~~[23](#). Farmers' Market.

~~23~~[24](#). Fast Food Establishments, Large Scale. (Subject to Section 4.04.200 Fast Food Establishments.)

~~24~~[25](#). Financial Institutions, Personal Loan Services. (Financial institutions, personal loan services uses shall not be located within 1,500 feet from other financial institutions, personal loan services uses. Financial institutions, personal loan services uses may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)

~~25~~[26](#). Fortune-Telling Establishments.

~~26~~[27](#). Game Centers.

~~27~~[28](#). Government Offices.

~~28~~[29](#). Gun or Weapon Shop.

~~29~~[30](#). Hospitals.

~~30~~[31](#). Hotels, Motels, and Time-Share Facilities.

~~31~~[32](#). Laboratories, Cannabis Testing Facilities.

~~32~~[33](#). Liquor Stores. (Liquor stores shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Liquor stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing liquor store shall not be deemed a nonconforming use solely due to non-compliance with the 1,000 foot minimum distance requirement.)

~~33~~[34](#). Massage Therapy.

~~34~~[35](#). Mixed-Use Residential.

~~35~~[36](#). Multi-Family Residential.

- ~~3637~~. Park and Recreation Facilities.
- ~~3738~~. Pawn Shop.
- ~~3839~~. Public Safety Facilities.
- ~~3940~~. Residential Hotels, more than 25 beds.
- ~~41~~. Retail Sales, Big Box.
- ~~4042~~. Secondhand Sales.
- ~~4143~~. Service Stations. (Subject to Section 4.04.208 Service Stations and Automobile Washing, and Section 4.04.228 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages.)
- ~~4244~~. Supermarkets.
- ~~4345~~. Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)
- ~~4446~~. Theaters.
- ~~4547~~. Tobacconist/Cigarette Stores. (Tobacconist/cigarette stores shall not be located within 1,500 feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other tobacconist/cigarette stores, and no exterior vending machines shall be permitted. Tobacconist/cigarette stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
- ~~4648~~. Two-Family Residential.
- ~~4749~~. Utilities, Major.
- ~~4850~~. Vehicle/Equipment Repair, Limited.
- ~~4951~~. Vehicle/Equipment Repair, General.
- ~~5052~~. Vehicle/Heavy Equipment Dealers, New.
- ~~5153~~. Vehicle/Heavy Equipment Dealers, Used.
- ~~5254~~. Vehicle/Heavy Equipment Rentals.

Section 2.08.312 is amended to read as follows:

2.08.312 Height of Structures

Zoning District	Nonresidential Development		Residential and Mixed-Use Residential Development	
	Minimum Height (ft.)	Maximum Height (ft.)	Minimum Height (ft.)	Maximum Height (ft.)
CC	n.a.	50	n.a.	50
CN, NA-1, NA-2	n.a.	30	n.a.	50
CR, CS	n.a.	40	n.a.	n.a.
DA-1	n.a. or 24 ^(A)	75 ^(B, C)	n.a. or 24 ^(A)	75 ^(B, C)
DA-2	n.a. or 24 ^(A)	50 ^(B, C)	n.a. or 24 ^(A)	50 65 ^(B, C)
DA-3	n.a.	50 ^(B)	n.a.	50 ^(B)
DA-4	n.a.	60-75 ^(B)	n.a.	60-75 ^(B)
DA-6	n.a.	75 ^(B)	n.a.	75 n.a. ^(B)
P	n.a.	30	n.a.	30
SA-1, SA-2, SA-3	24	50	24	50 65

A. Exceptions to Minimum Height—DA-1 and DA-2 Districts. The 24-foot minimum height standard only applies along East 14th Street between Chumalia Street and Georgia Way. No minimum height applies elsewhere in the DA-1 or DA-2 Districts.

B. Specific Heights and Height Exceptions—DA Districts.

~~1. The Downtown San Leandro Transit-Oriented Development Strategy Figure 8 Building Height Framework establishes the locations of specific height limits. Exceptions to the maximum height requirement may be allowed subject to the approval of a conditional use permit~~ are superseded by the height allowances established in this Section.

2. Consistent with California Public Utilities Code Sections 29010.1 through 29010.12, development on parcels that meet the following criteria shall be allowed up to seven stories without the approval of a conditional use permit.

~~1~~a. Located within a half-mile of the San Leandro BART Station;

~~2~~b. At least one-quarter acre in size (either individual or contiguous parcels);

~~3~~c. Owned by BART on or before July 1, 2018; and

~~4~~d. An infill site (defined in Section 21061.3 of the Public Resources Code as a site that had previous development or a site without development immediately adjacent to urban uses).

C. Other Exceptions to Height Limits. The maximum height of structures shall be subject to the regulations of Section 4.04.320 Exceptions to Height Limits.

Section 2.08.320 is amended to read as follows:

2.08.320 Floor Area Ratio (FAR)

Zoning District	Minimum FAR	Maximum FAR	
CC	n.a.	1.0	<u>Corridor Mixed Use GP land use category: 2.5</u>
CN	n.a.	0.5	
CR	n.a.	1.0	
CS	n.a.	0.5	
DA-1	n.a.	3.5	
DA-2	n.a.	1.0	<u>Corridor Mixed Use GP land use category: Residential or Mixed-Use Residential: 1.5</u> ^(B) Downtown Mixed Use <u>GP land use category: 3.5</u> ^(A) Transit-Oriented Mixed Use <u>GP land use category: 4.0</u> ^(B) <u>Parcels within 0.5 miles of</u> Adjacent to BART: 5.0 ^(C)
DA-3	n.a.	3.5	Transit-Oriented Mixed Use <u>GP land use category: 4.0</u> ^(B)
DA-4	n.a.	4.0	Adjacent to <u>Parcels within 0.5 miles of</u> BART: 5.0 ^(C)
DA-6	1.0	4.0	<u>Parcels within 0.5 miles of</u> Adjacent to BART: 5.0 ^(C)
NA-1, NA-2	n.a.	1.0	<u>Corridor Mixed Use GP land use category: Residential or Mixed-Use Residential: 1.5</u> ^(B)

Zoning District	Minimum FAR	Maximum FAR	
P	n.a.	0.5	Downtown Mixed Use GP land use category: 3.5 ^(A)
SA-1, SA-2, SA-3	n.a.	1.0	Corridor Mixed Use GP land use category: Residential or Mixed-Use Residential: 1.52.5 ^(D)

~~A. Maximum FAR in Downtown Mixed Use—DA-2, DA-3, and P Districts. Maximum of 3.5 FAR allowed for parcels within the General Plan Downtown Mixed Use land use category.~~

~~B. Maximum FAR in Transit-Oriented Mixed Use—DA-2, and DA-3 Districts. Maximum of 4.0 FAR allowed for parcels within the General Plan Transit-Oriented Mixed Use land use category.~~

~~C. Parcels Adjacent to BART—DA-2, DA-3, DA-4, and DA-6 Districts. Maximum of 5.0 FAR allowed for parcels within a 0.5 mile radius to a BART station.~~

~~D. Maximum FAR for Residential or Mixed-Use Residential Developments—DA-2, NA-1, NA-2, SA-1, SA-2, and SA-3 Districts. Maximum of 1.5 FAR for residential or mixed-use residential development.~~

Section 2.08.332 is amended to read as follows:

2.08.332 Density for Multi-Family Residential and Mixed-Use Residential Development

A. Density for Multi-Family Residential and Mixed-Use Residential Development. The minimum and maximum density for residential and mixed-use development is as prescribed below, except that in the Corridor Mixed Use (~~CMX~~MUC) General Plan Land Use Designation, maximum residential density in this category is dictated by applicable floor area ratio (FAR) limits rather than limits on dwelling units per acre. For minimum and maximum density calculations that result in fractional amounts, numbers of one-half or greater shall be rounded up to the nearest whole integer, numbers less than one-half shall be rounded down to the nearest whole integer.

Zoning District	Minimum Density (Dwelling Unit / Acre)	Maximum Density (Dwelling Unit / Acre)*
CC, CN, C-RM	n.a.	24 ^(B)
CR, CS	n.a.	n.a.
DA-1	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 35	Parcels < 10,000 sf: 24^(B) Parcels ≥ 10,000 sf: 100 125 ^(B)
DA-2	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20	Parcels < 10,000 sf: 24^(B) Parcels ≥ 10,000 sf: 40^(B) <u>100 within the Downtown Mixed Use GP land use category ^(B)</u> <u>125 within the Transit-Oriented Mixed Use GP land use category ^(B)</u> <u>85 in all other land use categories^(B)</u>
DA-3	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20	Parcels < 10,000 sf: 24^(B) Parcels ≥ 10,000 sf: 60^(B) 100^(B) <u>125 within the Transit-Oriented Mixed Use GP land use category ^(B)</u> <u>100 in all other land use categories ^(B)</u>
DA-4	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60	Parcels < 10,000 sf: 24^(B) Parcels ≥ 10,000 sf: 100 125 ^(B)
DA-6	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60	Parcels < 10,000 sf: 24^(B) Parcels ≥ 10,000 sf: n.a.
NA-1, NA-2, P	n.a.	24
SA-1, SA-2, SA-3	18 ^(C)	35 85
* For properties within the Corridor Mixed Use (CMX MUC) General Plan Land Use Designation maximum residential density in this category is dictated by applicable floor area ratio (FAR) limits rather than limits on dwelling units per acre.		

B. Small Unit Density Bonus—Downtown Mixed Use. A 20 percent density bonus for average unit size less than 750 square feet is allowed. This bonus may not be added to the State-required density bonus for affordable housing. Only one density bonus program may be applied to any given development.

C. Exceptions to Minimum Density—SA Districts. An Administrative Exceptions per Chapter 5.06 may be approved to allow exceptions to this minimum density requirements ~~may be approved at the discretion of the Zoning Enforcement Official.~~

D. Accessory dwelling units and junior accessory dwelling units do not count toward the maximum density. See Section 2.04.388 Accessory Dwelling Units (ADUs).

Section 2.12.200 is amended to read as follows:

2.12.200 IG District—Use Regulations

A. IG District—Permitted Uses.

The following uses are allowed in the IG District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

In the “S” Overlay District, permitted uses may require a Conditional Use Permit if not regional retail, new auto sales, or other compatible regional market use.

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4.04.368 Adult-Oriented Business Regulations.)
3. Ambulance Services, Emergency. (If the proposed use is located within 1,000 feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a conditional use permit shall be required.)
4. Ambulance Services, Non-Emergency. (An Administrative Review approval is required if located within 1,000 feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
5. Artists’ Studios.
6. Automobile Parts Sales.
7. Building Materials and Services.
8. Business Services.
9. Business and Trade Schools.
10. Catering Services.
11. Communications Facilities.
12. Emergency Health Care.
13. Emergency Shelters, 45 or fewer beds.
- ~~13~~14. Equipment Sales.
- ~~14~~15. Financial Institutions, Retail.
- ~~15~~16. Food Processing, General.
- ~~16~~17. Food Processing, Limited.
- ~~17~~18. Government Offices.
- ~~18~~19. Health and Fitness Centers.
- ~~19~~20. Home Improvement and Interior Decoration.
- ~~20~~21. Industry, Custom.
- ~~21~~22. Industry, General.
- ~~22~~23. Industry, Limited.
- ~~23~~24. Industry, Research and Development.
- ~~24~~25. Laboratories.
- ~~25~~26. Maintenance and Repair Services.
- ~~26~~27. Marine Sales and Services.
- ~~27~~28. Medical Supply Stores.
- ~~28~~29. Nurseries.
- ~~29~~30. Offices, Business and Professional.
- ~~30~~31. Parcel Processing and Shipping Centers. (Subject to Section 2.12.228 Additional Use Restrictions: Industrial Districts.)
- ~~31~~32. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)
- ~~32~~33. Retail Sales, Big Box.

~~33~~34. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)

~~34~~35. Utilities, Minor.

~~35~~36. Vehicle/Heavy Equipment Dealers, New.

~~36~~37. Warehouse—Storage Facilities. (If an existing building will be expanded 10,000 square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required.)

~~37~~38. Warehouse—Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is utilizing an existing building or continuing an existing use. If an existing building will be expanded 10,000 square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required.)

B. IG District—Conditionally Permitted Uses.

The following uses are allowed in the IG District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.

2. Animal Boarding (with outside use).

3. Bars.

4. Cannabis Dispensary. (Subject to performance standards in the San Leandro Municipal Code Chapter 4-33 Cannabis Dispensary Permits.)

5. Corporation Yards.

6. Cultural Institutions.

7. Dance Clubs.

8. Drive-Up Facilities.

9. Drugstores.

10. Emergency Shelters, more than 45 beds.

~~10~~11. Farmers' Market.

~~11~~12. Fast Food Establishments, Large Scale. (Subject to Section 4.04.200 Fast Food Establishments.)

~~12~~13. Furniture, Electronics and Appliance Sales.

~~13~~14. Game Centers.

~~14~~15. Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste. (Subject to Section 4.04.212 Hazardous Materials Storage and Section 4.04.372 Hazardous Waste Facilities.)

~~15~~16. Industry, Cannabis Product Manufacturing.

~~16~~17. Industry, Hazardous Materials or Hazardous Waste. (Subject to Section 4.04.212 Hazardous Materials Storage and Section 4.04.372 Hazardous Waste Facilities. Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)

~~17~~18. Laboratories, Cannabis Testing Facilities.

~~18~~19. Massage Therapy.

~~19~~20. Public Safety Facilities.

~~20~~21. Public Storage.

~~21~~22. Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)

~~22~~23. Residuals Repositories for Hazardous Waste. (Subject to Section 4.04.212 Hazardous Materials Storage and Section 4.04.372 Hazardous Waste Facilities.)

~~23~~24. Service Stations. (Subject to Section 4.04.208 Service Stations and Automobile Washing, and Section 4.04.228 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages.)

~~24~~25. Small Scale Hazardous Waste Center. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)

~~25~~26. Supermarkets.

- ~~26~~27. Transfer Stations.
- ~~27~~28. Trucking Terminals.
- ~~28~~29. Utilities, Major.
- ~~29~~30. Vehicle/Equipment Repair, General.
- ~~30~~31. Vehicle/Equipment Repair, Limited.
- ~~31~~32. Vehicle/Heavy Equipment Dealers, Used.
- ~~32~~33. Vehicle/Heavy Equipment Rentals.
- ~~33~~34. Vehicle Storage.

C. IG District—Uses Requiring Administrative Review.

The following uses are allowed in the IG District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Chapter 5.04 Zoning Permits Required; Environmental Review; Fees and Deposits.

1. Animal Boarding (indoor, only).
2. Animal Grooming (indoor, only).
3. Animal Hospital.
4. Automatic Teller Machines.
5. Brewpub.
6. Cafés.
7. Community Gardens.
8. Day Care, General.
9. Fast Food Establishments, Small Scale. (Subject to Section 4.04.200 Fast Food Establishments.)
10. Instruction and Improvement Services.
11. Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with San Leandro Municipal Code Chapter 4-34 Mobile Food Vending.)
12. Parking Lot.
13. Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
14. Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
15. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
16. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
17. Restaurants, Full Service.
18. Retail Sales.
19. Retail Services.
20. Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)
21. Vehicle/Heavy Equipment Dealers Limited, Used.

D. IG District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IG District, subject to the regulations of Section 5.08.144 Temporary Use Permits.

1. Animal Shows.
2. Christmas Tree and Pumpkin Sales.
3. Commercial Filming.
4. Trade Fairs.

Section 2.12.204 is amended to read as follows:

2.12.204 IL District—Use Regulations

In the “S” Overlay District, permitted uses may require a conditional use permit if not regional retail, new auto sales, or other compatible regional market use.

A. IL District—Permitted Uses.

The following uses are allowed in the IL District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4.04.368 Adult-Oriented Business Regulations.)
3. Ambulance Services, Emergency. (If the proposed use is located within 1,000 feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a conditional use permit shall be required.)
4. Ambulance Services, Non-Emergency. (An Administrative Review approval is required if located within 1,000 feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
5. Animal Hospitals.
6. Artists’ Studios.
7. Building Materials and Services.
8. Business Services.
9. Business and Trade Schools.
10. Catering Services.
11. Communications Facilities.
12. Emergency Shelters, [45 or fewer beds](#).
13. Equipment Sales.
14. Financial Institutions, Retail.
15. Food Processing, Limited.
16. Government Offices.
17. Health and Fitness Centers.
18. Home Improvement and Interior Decoration.
19. Industry, Custom.
20. Industry, Limited.
21. Industry, Research, and Development.
22. Laboratories.
23. Maintenance and Repair Services.
24. Marine Sales and Services.
25. Medical Supply Stores.
26. Nurseries.
27. Offices, Business, and Professional. (Note: The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4.08.108 Off-Street Parking and Loading Spaces Required; as prescribed for changes of use by Subsections A.1 and A.2 of 4.08.104 Basic Requirements for Off-Street Parking and Loading.)
28. Parcel Processing and Shipping Centers. (Subject to Section 2.12.228 Additional Use Restrictions: Industrial Districts.)
29. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)

30. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)

31. Utilities, Minor.

32. Vehicle/Heavy Equipment Dealers, New.

33. Warehouse—Storage Facilities. (If an existing building will be expanded 10,000 square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required.)

34. Warehouse—Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is utilizing an existing building or continuing an existing use. If an existing building will be expanded 10,000 square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required.)

B. IL District—Conditionally Permitted Uses.

The following uses are allowed in the IL District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.

2. Animal Boarding (with outdoor use).

3. Automobile Parts Sales.

4. Bars.

5. Corporation Yards.

6. Cultural Institutions.

7. Dance Clubs.

8. Drive-Up Facilities.

9. Drugstores.

10. Emergency Health Care.

[11. Emergency Shelters, more than 45 beds.](#)

~~11~~[12. Farmers' Market.](#)

~~12~~[13. Fast Food Establishments, Large Scale.](#) (Subject to Section 4.04.200 Fast Food Establishments.)

~~13~~[14. Food Processing, General.](#)

~~14~~[15. Furniture, Electronics and Appliance Sales.](#)

~~15~~[16. Game Centers.](#)

~~16~~[17. Industry, Hazardous Materials or Hazardous Waste.](#) (Subject to Section 4.04.212 Hazardous Materials Storage and 4.04.372 Hazardous Waste Facilities. Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)

~~17~~[18. Massage Therapy.](#)

~~18~~[19. Public Safety Facilities.](#)

~~19~~[20. Public Storage.](#)

~~20~~[21. Retail Sales, Big Box.](#)

~~21~~[22. Service Stations.](#) (Subject to Section 4.04.208 Service Stations and Automobile Washing, and Section 4.04.228 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages.)

~~22~~[23. Small Scale Hazardous Waste Center.](#) (Subject to Section 4.04.212 Hazardous Materials Storage, Section 4.04.232 Recycling Facilities, and Section 4.04.372 Hazardous Waste Facilities.)

~~23~~[24. Utilities, Major.](#)

~~24~~[25. Vehicle/Equipment Repair, General.](#)

~~25~~[26. Vehicle/Equipment Repair, Limited.](#)

~~26~~[27. Vehicle/Heavy Equipment Dealers, Used.](#)

~~27~~[28. Vehicle/Heavy Equipment Rentals.](#)

~~28~~[29. Vehicle Storage.](#)

Section 2.12.220 is amended to read as follows:

2.12.220 IL(AU) District—Use Regulations

In the “S” Overlay District, permitted uses may require a conditional use permit if not regional retail, new auto sales, or other compatible regional market use.

A. IL(AU) District – Permitted Uses.

The following uses are allowed in the IL(AU) District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4.04.368 Adult-Oriented Business Regulations.)
3. Ambulance Services, Emergency. (If the proposed use is located within 1,000 feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a conditional use permit shall be required.)
4. Ambulance Service, Non-Emergency. (An Administrative Review approval is required if located within 1,000 feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
5. Animal Hospitals.
6. Artists’ Studios.
7. Building Materials and Services.
8. Business Services.
9. Business and Trade Schools.
10. Catering Services.
11. Communications Facilities.
12. Emergency Shelters, [45 or fewer beds](#).
13. Equipment Sales.
14. Financial Institutions, Retail.
15. Food Processing, Limited.
16. Government Offices.
17. Health and Fitness Centers.
18. Home Improvement and Interior Decoration.
19. Industry, Custom.
20. Industry, Limited.
21. Industry, Research, and Development.
22. Laboratories.
23. Maintenance and Repair Services.
24. Marine Sales and Services.
25. Medical Supply Stores.
26. Nurseries.
27. Offices, Business, and Professional. (Note: The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4.08.108 Off-Street Parking and Loading Spaces Required; as prescribed for changes of use by Subsections A.1 and A.2 of 4.08.104 Basic Requirements for Off-Street Parking and Loading.)
28. Parcel Processing and Shipping Centers. (Subject to Section 2.12.228 Additional Use Restrictions: Industrial Districts.)
29. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered non-conforming uses, but no new uses shall be established.)

30. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)

31. Utilities, Minor.

32. Vehicle/Heavy Equipment Dealers, New.

33. Warehouse—Storage Facilities. (If an existing building will be expanded 10,000 square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required.)

34. Warehouse—Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is utilizing an existing building or continuing an existing use. If an existing building will be expanded 10,000 square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required.)

B. IL(AU) District—Conditionally Permitted Uses.

The following uses are allowed in the IL(AU) District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.

2. Animal Boarding (with outdoor use).

3. Assembly Uses.

4. Automobile Parts Sales.

5. Bars.

6. Commercial Recreation.

7. Corporation Yards.

8. Cultural Institutions.

9. Dance Clubs.

10. Drive-Up Facilities.

11. Drugstores.

12. Emergency Health Care.

13. [Emergency Shelters, more than 45 beds.](#)

14. Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)

~~14~~15. Farmers' Market.

~~15~~16. Fast Food Establishments, Large Scale. (Subject to Section 4.04.200 Fast Food Establishments.)

~~16~~17. Food Processing, General.

~~17~~18. Furniture, Electronics and Appliance Sales.

~~18~~19. Game Centers.

~~19~~20. Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)

~~20~~21. Massage Therapy.

~~21~~22. Public Safety Facilities.

~~22~~23. Public Storage.

~~23~~24. Retail Sales, Big Box.

~~24~~25. Service Stations. (Subject to Section 4.04.208 Service Stations and Automobile Washing, and Section 4.04.228 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages.)

~~25~~26. Small Scale Hazardous Waste Center. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)

~~26~~27. Utilities, Major.

~~27~~28. Vehicle/Equipment Repair, General.

~~28~~29. Vehicle Equipment Repair, Limited.

~~29~~30. Vehicle/Heavy Equipment Dealers, Used.

~~3031~~. Vehicle/Heavy Equipment Rentals.

~~3132~~. Vehicle Storage.

Section 2.12.332.G. is amended to read as follows:

2.12.332.G. Underground Utilities. Subject to the regulations of Section 4.04.~~336~~400 Underground Utilities.

Chapter 3.38 is added to read as follows:

Chapter 3.38 H Housing Overlay District

3.38.100 Specific Purposes and Applicability

In addition to the general purposes listed in Chapter 1.04 Title, Components, and Purposes, the specific purpose of the H Housing Overlay District is to allow multi-family and mixed-use housing as permitted uses.

3.38.104 Applicability and Zoning Map Designation

The H Housing Overlay District may be combined with any zoning district. Each H Overlay District shall be shown on the zoning map by adding an "H" to the base district designation. The zoning map shall include a reference to the adopting ordinance establishing the H Overlay District under the procedures established by Chapter 5.16 Amendments.

3.38.108 Use Regulations

The land use regulations applicable in an H Overlay District shall be those of the base zoning district with which the H Overlay District is combined, except that the following uses are permitted uses within the H Overlay District:

1. Mixed-Use Residential.
2. Multi-Family Residential.

3.38.112 Development Regulations.

The development regulations applicable in a H Overlay District shall be those of the base zoning district with which the H Overlay District is combined.

Section 4.04.316 is amended to read as follows:

4.04.316 Supportive and Transitional Housing

A. Supportive and Transitional Housing, Generally. Pursuant to California Government Code Section 65583(c)(3), supportive and transitional housing must be considered a residential use of property, subject only to restrictions that apply to other residential dwellings of the same type in the applicable zoning districts in the Code. See Section 1.12.108 for definitions of supportive housing, transitional housing, and target population. Applicable parking standards for supportive and transitional housing can be found in Chapter 4.08 Off-Street Parking and Loading Regulations.

B. Supportive Housing, Up to 50 Units. Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all Zoning Districts where multi-family and mixed-use residential development are permitted provided the development meets the applicable standards of Section 4.04.336, Multi-Family and Mixed-Use Residential Development and satisfies all of the requirements California Government Code Section 65651.

Section 4.04.392 is added to read as follows:

4.04.392 Low Barrier Navigation Centers

Low barrier navigation centers consistent with California Government Code Section 65660 et seq, shall be permitted by right in all Zoning Districts where multi-family and mixed-use residential development are permitted. Low barrier navigation centers may be provided in a building or series of buildings.

Section 4.04.384 is added to read as follows:

4.04.384 Emergency Shelters

Emergency shelters shall be located, developed, and operated in compliance with the following:

A. Development Standards.

1. Location. Emergency shelters shall be located a minimum of 200 feet from any other emergency shelter.
2. On-site Management and Security. On-site management and security shall be provided during hours of operation.
6. Waiting and Client Intake Area.
 - a. A staffed reception area shall be located near the entry to the facility.
 - b. For facilities with on-site client intake, an enclosed or screened waiting area must be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting area.

B. Shelter Management Plan. The operator of an emergency shelter shall submit a management plan for approval by the Director. The Director shall approve a management plan that includes the following provisions:

1. Service providers shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the emergency shelter at all times.
2. A minimum of one staff member shall be awake and on duty, plus one additional staff or volunteer, on-premises when the facility is open. Facility staff shall be trained in operating procedures and safety plans.
3. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who cannot be served by the establishment.
4. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, staff shall make information available to the client of alternative programs and locations where they may seek similar service.
5. Service providers shall educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies.
6. Service providers shall provide for the timely removal of litter attributable to clients on the property and adjacent property under the control of the service provider.
7. Service providers will provide the City with the contact information for an individual with the authority to address operational issues.
8. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.
9. Service providers shall implement conditions and measures to maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.

10. Service providers shall ensure that all graffiti on the premises is promptly removed.
11. Service providers shall establish affirmative measures to discourage loitering at the facility.

Section 4.04.388 is added to read as follows:

4.04.388 Employee Housing

Six or Fewer Employees. Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use, and shall be treated the same as a single unit dwelling of the same type in the same zoning district.

Section 4.04.396 is added to read as follows:

4.04.396 Previous Housing Element Sites

Housing developments that include at least 20 percent of units as affordable to lower-income households on non-vacant sites included in one previous housing element inventory, on vacant sites included in two previous housing element inventories, and on sites that are required to be rezoned to accommodate the lower-income RHNA are allowed by-right pursuant to Government Code Section 65583.2(c).

Section 4.04.400 is added to read as follows:

4.04.400 Underground Utilities

All new electrical, telephone, CATV, and similar distribution lines providing direct service to a development site, and any existing such service on the site, shall be installed underground within the site unless an Administrative Exception is granted pursuant to Chapter 5.06.

Section 4.08.108 is amended to read as follows:

4.08.108 Off-Street Parking and Loading Spaces Required

A. Off-street parking and loading spaces shall be provided in accord with the following list, except for development projects within ½ mile of a major transit stop as provided below:

1. Exceptions. Off-street parking and loading spaces shall not be required for development projects within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code unless otherwise authorized by Government Code Section 65863.2.

B. For off-street loading, references are to Table A, which sets space requirements and standards for different groups of use classifications and sizes of buildings.

C. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation, stairs, or elevators.

B.D. Where the use is undetermined, or not specified herein, the Zoning Enforcement Official shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Zoning Enforcement Official may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces			Off-Street Loading Spaces Per Group Classification (See Table A)
1. RESIDENTIAL				
Article I. Residential, Single-Family and Two-Family				
Single-Family Dwelling	2 covered, per unit. New single-family dwellings or additions with more than 4 bedrooms or over 4,000 square feet of livable area shall require one additional space which may be uncovered and in tandem if it is located a minimum of 30 feet back from the front property line.			
Two-Family Dwelling	2, including 1 covered, per unit	(SA Only) 2, including 1 covered, per unit (tandem allowed)	(DA Only) 1 covered per unit for areas adjacent to BART-1.5, including 1 covered, per unit for all other areas	
Article II. Residential, Mixed Use & Multi-Family (3 or more units)				
Studio or One-Bedroom Unit	1.0 covered space, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking	(SA Only) 1.0 covered space, plus 0.5 guest space, per unit (tandem may be considered)	(DA Only) ≤0.25 mile to BART: 1.0 space per unit (plus allowance of unbundled flex parking of 0.25 to 0.50 spaces/unit at developer's option)- >0.25 mile to BART: 1.5 spaces per unit (0.25 to 0.50 spaces/unit may be unbundled flex parking)	(B-TOD Only) Sub-Area 1: maximum 1.0 space per unit B-TOD SubAreas 2 and 3: minimum 0.5 spaces per unit, maximum 1.0 space per unit
Two-Bedroom Unit	2.0 covered spaces, plus 0.25 uncovered spaces per unit; 0.25 space per unit must be designated guest parking	(SA Only) 1.0 covered space, plus 0.75 guest space, per unit (tandem may be considered)	(DA Only) ≤0.25 mile to BART: 1.5 spaces per unit (0.25 to 0.50 spaces/unit may be unbundled flex parking)	(B-TOD Only) Sub-Area 1: maximum 1.0 space per unit B-TOD SubAreas 2 and 3: minimum 0.75 space per unit, maximum 1.5

Use Classification	Off-Street Parking Spaces			Off-Street Loading Spaces Per Group Classification (See Table A)	
Three-Bedroom or Larger Unit	2.0 covered spaces, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking	(SA Only) 1.0 covered space, plus 1.0 guest space, per unit (tandem may be considered)		spaces per unit	
Article III. Residential, General					
Live-Work	N/A	(SA Only) 2.0 per unit, including 1 covered, plus 0.75 space for guest/employee not residing in unit (tandem may be considered)			
Senior Citizen	1.2 per unit, including 1 covered space and one space per employee	(SA Only) 0.6 per unit, plus 1.0 space per employee. All resident spaces to be covered (DA Districts ≤0.25 mile to BART) 0.4 per unit, plus 1.0 space per employee. All resident spaces to be covered			
Cottage Food Operation	1 uncovered space per employee				
Group Housing	<u>Subject to parking standards for the applicable residential type in the applicable zone</u> 1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes, or as required by use permit or Planned Development approval			A	
Supportive Housing	Subject to parking standards for the applicable residential type in the applicable residential zone				
Transitional Housing	Subject to parking standards for the applicable residential type in the applicable residential zone				
Residential Congregate Care	This classification is not a mixed or multi-family use. Parking requirement to be based on the unit's regular residential parking requirement.				
Type of Parking Facilities	Shared parking arrangements, parking structures and parking lift systems, subject to review and approval of the City are encouraged.				
2. COMMERCIAL					

Use Classification	Off-Street Parking Spaces				Off-Street Loading Spaces Per Group Classification (See Table A)
Adult Oriented Businesses	As specified by zoning permit				A
Ambulance Services	1 per 500 sq. ft., plus 1 space for each emergency vehicle based at the site				A
Animal Boarding	1 space per 400 sq. ft.				A
Animal Grooming	1 space per 400 sq. ft.			(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	A
Animal Hospitals	1 space per 400 sq. ft.				A
Animals, Retail Sales	1 space per 200 sq. ft.	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.			
Artists' Studios	1 space per 1,000 sq. ft.				
Automobile Washing	1 space per 200 sq. ft. of sales, office, or waiting area, plus queue for 5 cars per washing station				
Bars, Cafés, and Restaurants					
Having less than 4,000 sq. ft. of floor area	1 space per 100 sq. ft. of gross floor area	(SA Only) 1 space per 200 sq. ft. of gross floor area	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	A
Having 4,000 sq. ft. or more	40 spaces, + one for each 50 sq. ft. of seating area over 4,000 sq. ft.	(SA Only) 1 space per 100 sq. ft. of gross floor area			A
With Entertainment Activities	1 space per 35 sq. ft. seating area; plus 1 space per 35 sq. ft. dance floor				
Bed and Breakfast Inns	1 space per guest room, plus 1				
Building Materials and Services	1 space per 1,000 sq. ft. for lot area				A
Business Services	1 space per 400 sq. ft.	(DA Only) 1 space per 500 sq. ft.	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum		

Use Classification	Off-Street Parking Spaces			Off-Street Loading Spaces Per Group Classification (See Table A)
			1 space per 500 sq. ft.	
Catering Services	1 space per 400 sq. ft.			A
Commercial Recreation				
Bowling Alleys	4 spaces per alley, plus 1 per 250 sq. ft. of public assembly and retail areas	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	A
Electronic Game Centers	1 space per 400 sq. ft.			
Skating Rinks	1 space per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 space per 250 sq. ft. floor area not used for seating			A
Other Commercial Recreation	As specified by the Zoning Enforcement Official			
Communications Facilities	1 space per 500 sq. ft.			B
Convenience Stores	1 space per 200 sq. ft.		A	
Drive-up Facility	Queue space for 5 cars per window			
Fast Food Establishments, Large Scale and Small Scale	1 space per 100 sq. ft.	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	A
Financial Institutions; Retail and Check Cashing/Personal Loan Services	1 space per 300 sq. ft., plus one space for each 200 sq. ft. of lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine			(SA Only) 1 space per 400 sq. ft., plus 1 space for each 200 sq. ft. of lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine
Food Processing	1 space per 750 sq. ft.			

Use Classification	Off-Street Parking Spaces				Off-Street Loading Spaces Per Group Classification (See Table A)
Furniture and Appliance Stores	1 space per 600 sq. ft.		(DA Only)	(B-TOD Only)	
Hardware Stores	1 space per 600 sq. ft.		< 5,000	sq. ft.: Exempt	
Health and Fitness Centers	1 space per 200 sq. ft.	(SA Only) 1 space per 333 sq. ft.	sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.	≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	
Horticulture, Limited	1 space per 2 acres				
Hotels, Motels and Time Share Facilities	1.1 spaces per guest room; plus 1 space per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule.				A
Instruction and Improvement Services	1 space per 250 sq. ft.	(SA Only) 1 space per 333 sq. ft.	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	
Laboratories	1 space per 500 sq. ft.				A
Maintenance and Repair Services	1 space per 500 sq. ft.		(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.		A
Marine Sales and Services	1 space per 350 sq. ft.				
Cannabis Dispensary	1 space per 200 sq. ft.				
Mortuaries	1 space per 50 sq. ft. seating area				A
Music Studio	1 space per 600 sq. ft.				
Neighborhood/Specialty Food Markets	1 space per 200 sq. ft.	(SA Only) 1 space per 333 sq. ft.	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	A

Use Classification	Off-Street Parking Spaces				Off-Street Loading Spaces Per Group Classification (See Table A)
			500 sq. ft.		
Nurseries	1 space per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 250 sq. ft. sales floor area	(SA Only) 1 space per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 333 sq. ft. sales floor area	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.		
Offices, Business and Professional	1 space per 300 sq. ft.	(SA Only) 1 space per 333 sq. ft. for ground floor; 1 space per 500 sq. ft. for upper stories	(DA Only) 1 space per 500 sq. ft.	(B-TOD Only) Sub-Area 1: maximum 1 space per 400 sq. ft. Sub-Areas 2 and 3:	B
Offices, Medical and Dental	1 space per 200 sq. ft.	(SA Only) 1 space per 333 sq. ft.	(DA Only) 1 space per 500 sq. ft.	minimum 1 space per 1,000 sq. ft.; maximum 1 space per 400 sq. ft.	B
Pawn Shops	1 space per 250 sq. ft.				A
Research and Development Services	1 space per 400 sq. ft.			(B-TOD Only) Sub-Area 1: maximum 1 space per 400 sq. ft. Sub-Areas 2 and 3: minimum 1 space per 1,000 sq. ft.; maximum 1 space per 400 sq. ft.	
Residential Hotels	1.1 space . 5 spaces per guest room				

Use Classification	Off-Street Parking Spaces				Off-Street Loading Spaces Per Group Classification (See Table A)
Retail Sales, General	1 space per 200 sq. ft. for the first 5,000 sq. ft.; 1 space per 250 sq. ft. for the area over 5,000 sq. ft.	(SA Only) 1 space per 333 sq. ft. for the first 5,000 sq. ft.; 1 space per 250 sq. ft. for the area over 5,000 sq. ft.	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	A
Retail Services	1 space per 300 sq. ft.	(SA Only) 1 space per 400 sq. ft.			A
Service Stations	1 space per 2,500 sq. ft. of lot area, plus 1 space per 500 sq. ft. of service bay and storage area				
Supermarkets	1 space per 200 sq. ft.	(SA Only) 1 space per 333 sq. ft.	(DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft.	(B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.	
Theaters, and Theatres, Small Scale	1 space per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats				A
Travel Services	1 space per 400 sq. ft.	(DA Only) 1 space per 500 sq. ft.			
Vehicle/Equipment Repair	1 space per 400 sq. ft.				A
Vehicle/Heavy Equipment, Rentals	1 space per 400 sq. ft.				A
Vehicle/Heavy Equipment Dealers, New and Used	1 space per 1,000 sq. ft. lot area				A
Vehicle and Boat Storage	3 spaces or 1 space per 500 sq. ft. of building area, whichever is greater; plus a minimum of 2 spaces outside any perimeter fence or secure area				
3. INDUSTRIAL					

Use Classification	Off-Street Parking Spaces			Off-Street Loading Spaces Per Group Classification (See Table A)	
Industry, Custom and General	1 space per 1,000 sq. ft.			C	
Industry, Limited	1 space per 750 sq. ft.			C	
Industry, Research and Development	1 space per 400 sq. ft.			C	
Parcel Processing and Shipping Centers	1 space per 1,500 sq. ft. or as required by administrative approval			A	
Public Storage	1 space for the exclusive use of a resident manager plus 4 spaces for up to 150 storage units; 6 spaces for 151 to 500 storage units; ten spaces for 501 to 1,000 storage units, and one additional space for each 500 storage units (or portion thereof) in excess of 1,000				
Trucking Terminals	As specified by use permit				
Warehousing, Distributions and Storage Facilities	1 space per 1,500 sq. ft.			A	
4. PUBLIC AND SEMIPUBLIC					
Assembly Uses	1 space per 50 sq. ft. used for assembly purposes			C	
Convalescent Facilities	As specified by use permit			C	
Cultural Institution	1 space per 300 sq. ft.			C	
Day Care, General	1 space per 6 children or fraction thereof; maximum enrollment based on maximum occupancy load				
Detention Facilities	As specified by use permit				
Emergency Health Care	As specified by use permit				
Government Offices	1 space per 300 sq. ft.	(SA Only) 1 space per 333 sq. ft. for ground floor space, and 1 space per 500 sq. ft. for upper story space	(DA Only) 1 space per 500 sq. ft.	(B-TOD Only) minimum 1 space per 1,000 sq. ft.; maximum 1 space per 400 sq. ft.	B
Hospitals	1 space per 1.5 licensed beds			C	
Maintenance and Service Facilities	1 space per 500 sq. ft.			A	
Marinas	As specified by use permit				
Park and Recreation Facilities	As specified by use permit (for private facilities)				
Public Safety Facilities	As specified by use permit			C	
Schools, Public or Private	As specified by use permit			A	
Utilities, Major	As specified by use permit			A	

Section 5.08.116.B is amended to read as follows:

B. Notice. Notice of the hearing shall be given in the following manner:

1. Mailed or Delivered Notice. At least ten days prior to the hearing, notice shall be: (a) mailed to the owner of the subject real property or the owner's duly authorized agent, and the project applicant; (b) all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll or the records of the County Assessor or Tax Collector; and (c) any agency as required by Government Code Section 65091.

~~2.—Notice to Adjacent Property Owners. Notice shall be mailed to all owners of real property as shown on the latest equalized assessment roll within 500 feet of the boundaries of the site that is the subject of the hearing. In lieu of utilizing the assessment roll, applicants may submit and the City may use records of the County Assessor or Tax Collector, which contain more recent information than the assessment roll.~~

~~3~~2. Posted Notice. For hearings directly relating to an identifiable property, notice shall also be given by posting at least three public notices, thereof, at least ten days prior to such hearing, including at least one such notice on or within 500 feet of the subject property.

~~4~~3. Published Notice. Notice shall be published once in a newspaper of general circulation in San Leandro at least ten days prior to the hearing.

~~5~~4. No proceeding in connection with the hearing shall be invalidated by failure to send notice where the address of the owner is not a matter of public record or by failure to post public notices or by failure to receive any notice.

~~6~~5. Supplemental On-Site Notice. For projects that the Community Development Director determines may have a significant impact on adjacent uses or may generate significant public concerns, the Director may require that the applicant and/or property owner erect an on-site public notice sign, minimum three feet by five feet in size and six feet in height that provides a description of the proposed project, the date, time, and place of scheduled public hearing(s), the name of the project proponent, and other information as required to clarify the project proposal. Such sign shall be subject to review and approval of the Community Development Director and shall be installed at a prominent location on the site a minimum of 10 days prior to the scheduled public hearing.

Section 5.12.124 is amended to read as follows:

5.12.124 Site Plan Review Standards

To approve or conditionally approve a Site Plan Review, the decision maker or the decision making body shall find that the proposal is in substantial compliance with the following standards, to the extent permitted by applicable State or Federal law:

A. For Administrative Site Plan Review for Multi-Family and Mixed-Use Housing Development Projects, as Defined by Government Code 65589.5, that Comply with All Applicable Objective Standards and Criteria:

1. The project is in compliance with the minimum objective standards and criteria of this Code, the General Plan, any applicable specific Plan, and all other applicable objective standards and criteria. This Administrative Site Plan Review process shall be ministerial.

B. For All Other Site Plan Review, including Administrative Site Plan Review, Minor Site Plan Review and Major Site Plan Review not Covered by Subsection 5.12.124(A)(1) above:

~~A1. Site plan elements~~The project (such as, but not limited to, building placement, yard setbacks, size and location of landscape areas, parking facilities, and placement of service areas) ~~are~~is in compliance with the minimum requirements of this Code and are arranged as to achieve the intent of such requirements by providing a harmonious and orderly development that is compatible with its surroundings. Parking, loading, storage, and service areas are appropriately screened by building placement, orientation walls, and/or landscaping.

B2. The building(s) has(have) adequate articulation, with appropriate window placement, use of detailing, and/or changes in building planes to provide visual interest. The exterior materials, finishes, detailing, and colors are compatible with those of surrounding structures. Visually incompatible elements, such as roof-mounted utilities, are fully screened from public view. If the proposal is for an addition to an existing building, such additions shall appear as an integral element of the building. Additions shall not have a “tacked on” appearance, and either the addition should be consistent with the existing building’s design element, or the existing building should be remodeled concurrently with construction of the addition.

C3. The landscaping complements the architectural design, with an appropriate balance of trees, shrubs, and living ground covers, and provides adequate screening and shading of parking lots and/or driveways.

D4. Detail features, such as signs, fences, and lighting for buildings, parking lots, and/or driveways are visually consistent with the architectural and landscape design and minimize off-site glare.

E5. Exceptions to Above Regarding Expansions and/or Alterations to Existing Nonconforming Structures and Sites. The decision maker or the decision making body may vary from the standards outlined in Subsections **A-1** through **D-4** above and approve a Site Plan that cannot achieve compliance with these standards due to the limitations created by pre-existing nonconforming structures and site features. In such cases, the priority of Site Plan Review is to reduce, to the degree feasible given the scale and scope of the proposal, the nonconforming features. The nonconforming features to be addressed shall include, but are not limited to, the following:

1a. Deficiencies in landscaping shall be corrected, with selective additional plantings, primarily where such landscaping can have the greatest visual benefit to the overall area. The scale and scope of such landscaping requirements will be relative to both the degree of non-compliance with current Code requirements and the changes/improvements being proposed by the applicant.

2b. Obsolete and unused equipment, such as roof-mounted utilities, exterior manufacturing equipment, and unused pole sign and wall sign cabinets shall be removed, as required.

3c. The effects of past “deferred maintenance,” where such has been identified, shall be corrected by such effort as repainting, repaving, restriping, replanting of existing landscape areas, and removal of unused equipment, vehicles, and debris.

FC. All site plan elements in the SA-1, SA-2, and SA-3 Districts shall be reviewed for general consistency with the Design Guidelines contained in the East 14th Street South Area Development Strategy, unless otherwise superseded by this Code.

GD. All site plan elements in the DA-1, DA-2, DA-3, DA-4, and DA-6 Districts shall be reviewed for general consistency with the Design Guidelines contained in the Downtown San Leandro Transit-Oriented Development Strategy, unless otherwise superseded by this Code.

HE. Site Plan Review Standards-Residential Single Unit Development. To approve or conditionally approve a Site Plan for a single dwelling unit, the decision-maker or the decision making body shall find that the proposed project is in substantial compliance with all of the following standards:

1. **The Residence’s Architecture is Appropriate and Consistently Applied.** The structure has adequate articulation, with appropriate window placement, architectural detailing, roof forms and/or changes in wall planes to provide visual interest. Additions shall not have a “tacked on” appearance, and either the addition should be consistent with the existing residence in terms of design and use of materials, or the existing residence should be remodeled concurrently with construction of the proposed addition in order to achieve the desired consistency.

2. **The Visual Mass of the Home is De-Emphasized.** The home appears in scale with the surrounding homes. The building’s surfaces should be articulated in a manner that reduces the appearance of blocky or massive features, and architectural features, detailing and/or landscaping should subdue, rather than accentuate the prominence of larger homes.

3. **The Neighborhood’s Existing Visual Character is Valued.** The proposal “fits in” to the neighborhood’s existing architectural and landscape context, utilizing a compatible architectural vocabulary and retaining existing trees to the degree feasible and where conducive to achieving the purposes of this chapter. The

landscaping to be retained and/or provided around the new and/or remodeled residence should include an appropriate balance of trees, shrubs and living ground covers, and should be designed to blend the project into its larger setting.

4. The Physical Impacts to Neighbors Are Minimized. The proposed home or addition does not substantially impair the privacy and access to light and air of adjacent residences, while balancing the applicant's ability to improve the subject property in accordance with all applicable restrictions.

5. View Preservation Standard, RS-VP District. To approve or conditionally approve a Site Plan in the RS-VP District, the decision-maker or the decision-making body shall also find that the proposed construction does not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, while balancing the applicant's ability to improve the subject property in accordance with the applicable restrictions.

Section 5.32.136 is amended to read as follows:

5.32.136 Density Bonus for Including Low- and Moderate-Income Housing

Consistent with the requirements of Section 65915.5 of the California Government Code, the City shall offer a density bonus to qualifying condominium conversions ~~including low- or moderate-income housing units or lower-income household units. When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons of low- or moderate-income as defined in Section 50093 of the California Health and Safety Code or 15 percent of the total units to lower-income households as defined in Section 50079.5 of the California Health and Safety Code, the City shall either: (1) grant a 25 percent density bonus; or (2) provide other incentives of equivalent financial value.~~ Any density bonus provided under this section shall be governed by the requirements of Chapter 6.08 Residential Density Bonus.

~~A. For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments to be provided within the existing structure or structures proposed for conversion. "Other incentives of equivalent financial value" shall not be construed to require the City to make any cash transfer payments or other monetary compensation to the subdivider, but may include the reduction or waiver of any required fees or the condominium conversion standards prescribed in Section 5.32.124 Condominium Conversion Standards.~~

~~B. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or equivalent financial incentive was provided under the provisions of Chapter 6.08 Residential Density Bonus.~~

Chapter 6.08 is amended in its entirety to read as follows:

Chapter 6.08 Residential Density Bonus

6.08.100 Purpose

The purpose of this Chapter is to implement the State Density Bonus Law, California Government Code Section 65915 et seq.

6.08.104 Applicable Zoning Districts

This Chapter shall be applicable in all zoning districts that allow residential uses.

6.08.108 Qualifications

All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended.

6.08.112 Density Bonus, Incentives and Concessions

The City of San Leandro shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

6.08.116 Application

An application for a density bonus or other incentive under this Chapter for a housing development shall be submitted in writing to the Planning Division to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Chapter, and in connection with the project for which the request is made, including, but not limited to, the following:

A. A brief description of the proposed housing development;

B. The total number of housing units proposed in the development project, including unit sizes and number of bedrooms;

C. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;

D. The total number of units to be made affordable to or reserved for sale or rental to, very low, low, or moderate income households, or senior citizens, or other qualifying residents;

E. The zoning, general plan designations and assessor's parcel number(s) of the project site;

F. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout; and

G. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.

6.08.120 Review and Consideration

The application shall be considered by the decision maker or decision-making body at the same time the project for which the request is being made is considered. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

6.08.124 Continued Affordability

Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density bonus or other incentives being approved for a project, the City and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

Sections 2.04.352, 2.04.356, 2.04.360, 2.04.364, 2.04.368, 2.04.408, 2.04.412, 2.04.416, 2.08.212, 2.08.336, 2.08.344, 2.12.336, 2.16.304, and 2.20.304 are repealed