



CODE AMENDMENT PACKAGE

Administrative, Municipal and Zoning Code Amendments

City Council Meeting
July 7, 2025

Proposed Code Amendments

City staff periodically prepares a package of code amendments to ensure that the City's regulations remain **relevant**, **accurate** and **enforceable** over time.



Reasonable Accommodation

Update Reasonable Accommodation Policy to refine procedures and review criteria



Tobacco Retailing

Update tobacco retailing regulations to establish reasonable limitations and facilitate enforcement



Repeal of All-Electric Building Requirements

Repeal existing requirements for all-electric buildings preempted by federal law



Oversized Vehicle Parking

Amend regulations for parking of oversized vehicles



San Leandro Waterways

Revise regulations pertaining to the use and operation of the San Leandro Marina and surrounding waters

Reasonable Accommodation Requests

Recommended Action:

Amend the City's existing Reasonable Accommodation Policy to better align process for granting Reasonable Accommodation Requests with fair housing requirements

Reasonable Accommodation Requests

The City provides a process to request relief from zoning requirements when needed to provide a person with a disability equal access to housing

State Attorney General Guidance

The State Attorney General has provided guidance to jurisdictions regarding Reasonable Accommodation Requests

Housing Element Action 15.2

Action 15.2 calls for the City to amend the Reasonable Accommodation Policy to better align review criteria with fair housing requirements

Proposed Code Amendments

The amendments would revise review criteria and procedures consistent with the Attorney General's guidance:

- Approval criteria modified to focus on whether the Reasonable Accommodation is necessary to make housing accessible for people with disabilities.
- Procedures for granting a Reasonable Accommodation Request separated from other land-use based applications (e.g., Site Plan Review, Conditional Use Permit, etc.).

Tobacco Retailing

Recommended Action:

Amend the City's Zoning Code to refine regulations pertaining to the sale of tobacco-related products and e-cigarette-related products to:

- *Improve clarity*
- *Establish reasonable limitations*
- *Facilitate effective enforcement*

Recent Tobacco Retailing Complaints

The City has received numerous complaints about the proliferation of new unpermitted smoke shops in San Leandro

Enforcement Challenges

Some tobacco retailers initially complied with zoning limitations, but later illegally expanded without complying with zoning requirements

Temporary Zoning Moratorium

In 2024, the City Council enacted a Zoning Moratorium:

- Prohibiting the sale of tobacco-related products and e-cigarette-related products in new locations (with exceptions)
- Prohibiting the establishment of new Tobacconists/Cigarette Stores
- The purpose was to provide time for staff to prepare updated regulations
- Moratorium extended to June 3, 2026

Proposed Restrictions on Tobacco Retailing



Tobacco retailing limited to an accessory use to the following uses:

- Drugstore
- Liquor Store
- Beer and Wine Store
- Supermarket greater than 20,000 sf



Premium Cigar Retailers permitted in zoning districts where Tobacconists/Cigarette stores are currently conditionally permitted (CC, SA-1, SA-3)

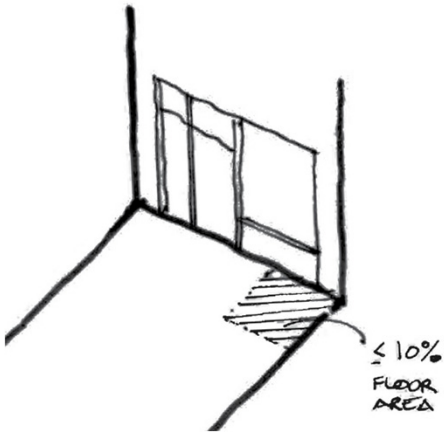


Drug Paraphernalia Stores (stores where drug paraphernalia is displayed, advertised or promoted for sale) expressly prohibited



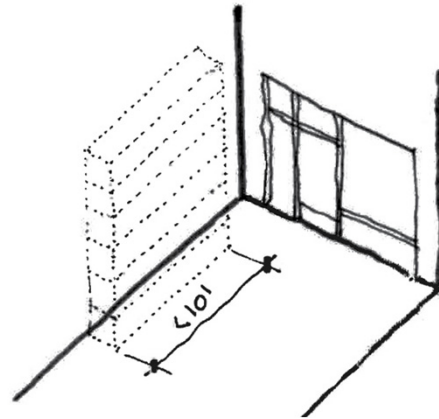
Regulations would apply to new tobacco retailers. Existing, properly permitted tobacco retailers would be subject to existing zoning limitations

Proposed Measurable Limits on Tobacco Retailing as an Accessory Use



Max 10% Gross Floor Area

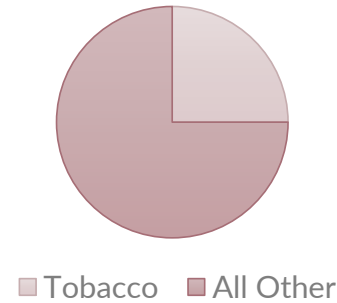
No more than 10% gross floor area for sale, marketing, display, and storage



Max 10 Linear Feet of Display

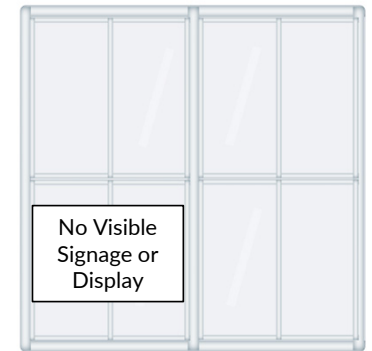
No more than 10 linear feet of display area for sale, marketing, display, or storage

Gross Receipts



Max 25% of Gross Receipts

No more than 25% of gross receipts



No Display/Signage Visible from Exterior

No tobacco display or signage visible from exterior of the store

Repeal of Reach Codes Requiring All-Electric Buildings

Recommended Action:

Amend the Municipal Code to repeal existing local Reach Code requirements for newly constructed buildings to be all-electric

Background

2021



Climate Action Plan

The City adopted a Climate Action Plan with strategies to reduce future greenhouse gas emissions

2022



Adoption of Reach Codes

The City adopted "Reach Codes" as part of the Green Building Code requiring newly constructed building to be all-electric (with exceptions)

2023



Federal Law Preemption

In *California Restaurant Association v. City of Berkeley*, the 9th Circuit US Court of Appeals held that federal law preempts local regulations concerning use of gas appliances

Oversized Vehicle Parking

Recommended Action:

Amend the Municipal Code to prohibit the parking of oversized vehicles for more than two hours on public streets, highways, alleys or public parking lots for the purpose of improving:

- *Street safety*
- *Accessibility*
- *Neighborhood aesthetics*

Background

The California Vehicle Code provides cities with the authority to regulate parking

Existing Municipal Code regulations lack comprehensive controls on oversized vehicles

Increasing concern from residents and businesses about oversized vehicle parking on City streets

Proposed Amendments



Define Oversized Vehicle

Definition would include vehicles exceeding 22 feet in length, 6 feet in width or 7 feet in height. Definition would include RVs, trailers, fifth wheels, semi-trucks



Restrict Parking

Prohibit parking of oversized vehicles on public streets, highways, alleys or public parking lots for more than two-hours unless loading, unloading or performing a service

San Leandro Waterways

Recommended Action:

Amend the Municipal Code to refine regulations pertaining to the use and operation of San Leandro Waterways

Background

The City of San Leandro regulates the portion of San Francisco Bay that fall within the City Limits

Existing Municipal Code regulates the use and operation of the San Leandro Marina and surrounding waters

The existing code has been inadequate in regulating anchoring and live aboard boaters in waterways outside of the Marina

The City closed the Marina in early 2023 and blocked boats from using the Marina in 2024

Boats have since been observed anchoring overnight in San Leandro waters

Proposed Amendments



Waterway Regulations

Prohibits anchoring, living aboard or beaching a vessel in San Leandro waters



Special Permit

Provides for issuance of a special permit for anchoring or mooring a vessel for special events



Violations

Allows the City to issue a notice to abate or perform emergency removal at a cost, if needed, to the General Fund (est. \$12,000 per vessel).

Recommendation

Staff recommends the City Council introduce an Ordinance amending the Zoning Code and Municipal Code, adopt a Resolution amending the Administrative Code, and adopt an Ordinance terminating the City's existing Temporary Zoning Moratorium regarding tobacco retailing