

2016 Zoning Code Amendments

Planning Commission
Worksession

June 16, 2016

Why?

- Ensure consistency with proposed land use changes for the General Plan 2035
- Incorporate Community Feedback
- Revise items needing clean-up

Zoning Terms

Conditional Use Permit (UP) – requires approval by the Board of Zoning Adjustments (BZA) at a public hearing; noticing to 500-foot radius

Administrative Review (AR) – staff level review and approval by the Zoning Enforcement Official; can be referred to BZA; noticing to adjacent properties

Permitted (P) – permitted by right, not subject to discretionary review unless parking or other site requirements unmet

Planned Development (PD) – a more specific zoning and development approval (“overlay”) for large sites. Typically includes approval of building and site design, uses allowed, and provides relief from certain development regulations in exchange for superior site and architectural features. Reviewed by Planning Commission and then recommendations forwarded to City Council for final approvals

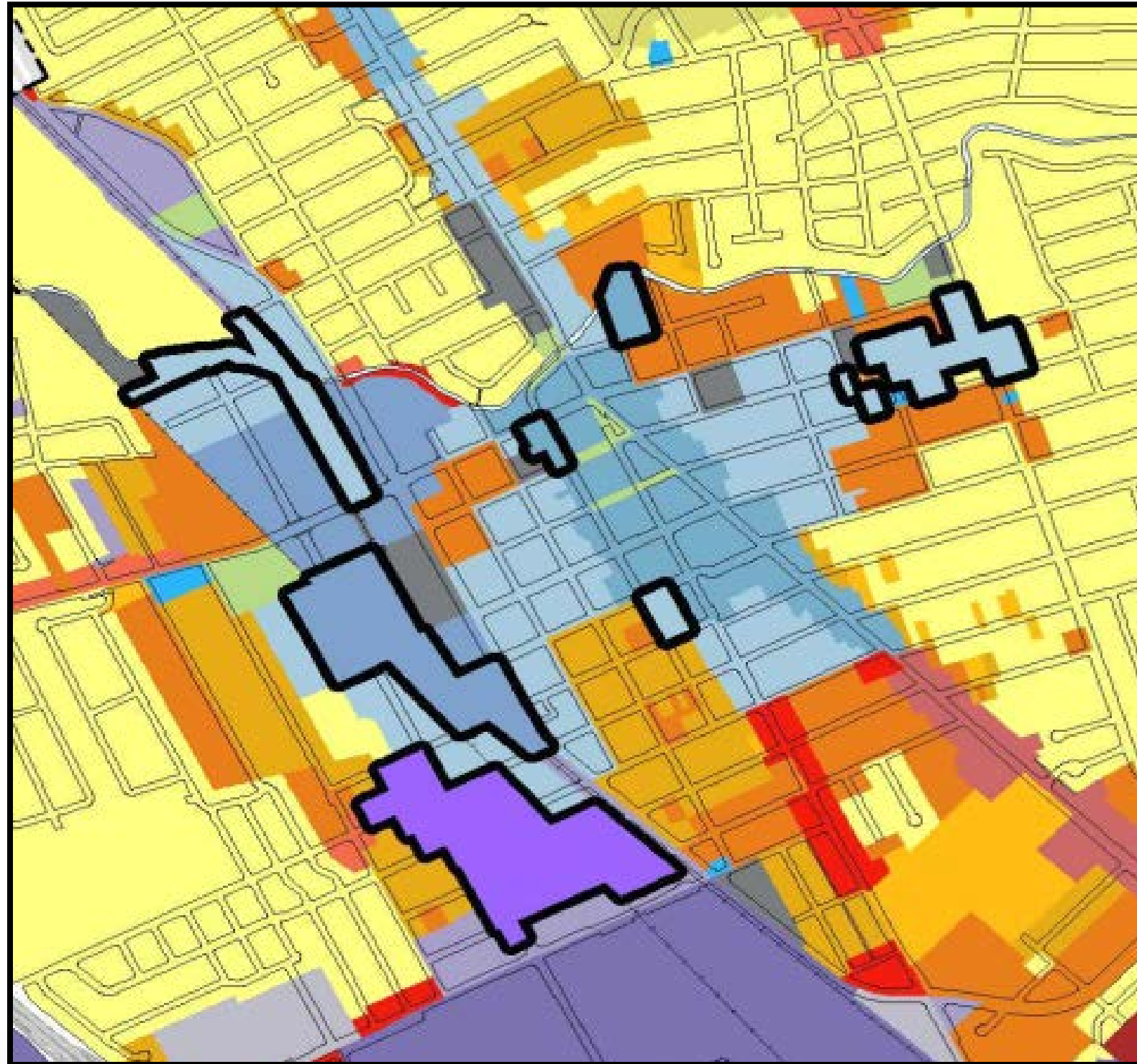
Special Study Area (S) Overlay – additional development guidelines and regulations applied to specific parcels. The S overlay in the Downtown Area was enacted for certain sites that had special characteristics (such as proximity to the BART station or San Leandro Creek)

Overview of Code Changes

To ensure consistency with the General Plan 2035, changes are proposed to the following sections of the Zoning Code:

- *Article 3, Definitions*
- ***Article 6, Commercial & Professional Districts***
- ***Article 7, Industrial Districts***
- *Article 16, Development Regulations*
- *Article 18, Sign Regulations*
- *Article 25, Site Plan Review*

Zoning Map Amendments: Downtown Area



PROPOSED ZONING	
■ CC	Commercial Community
■ DA-1	Downtown Area 1
■ DA-2	Downtown Area 2
■ DA-4	Downtown Area 4
■ DA-6	Downtown Area 6
■ IT	Industrial Transition

Proposed Changes to Article 6, Commercial & Professional Districts

Minimum Lot Size Requirements

- Increase density for multi-family and mixed-use residential uses in all DA Districts by changing minimum lot size requirements from 20,000 square feet to 10,000 square feet

These revisions will allow lots of 10,000 sf to be developed at the density more appropriate for the DA districts and increase the flexibility for development of some parcels

DA-1 District Maximum Density

- Increase the maximum density for DA-1 from 75 to 100 dwelling units per acre

This change is being recommended as it reflects the objectives of the 2007 TOD Strategy and is consistent with the proposed changes to the General Plan

Proposed Changes to Article 6, Commercial & Professional Districts

Density Bonus

- A proposed twenty percent (20%) density bonus for average unit size less than 750 square feet in the DA-1, DA-3, DA-4, and DA-6 zoning districts. (Not proposed for DA-2)

This change recognizes the trend towards smaller living spaces and that smaller units decrease building bulk and impact of the project

Floor-to-Area Ratio (FAR):

- Rename FAR for non-residential uses
- Specify a maximum FAR of 4.0 in the DA-6, with an increase to 5.0 if adjacent to BART

These changes clarify FAR requirements for applicants and adds an FAR limit to the DA-6 where no FAR specified in current zoning regulations

Proposed Changes to Article 6, Commercial & Professional Districts

Other changes in the Downtown Area include:

- Add Offices, Business and Professional as a permitted use in the DA-4 District (currently requires an Administrative Review permit)
Responds to market trends and studies that indicate that offices are in demand and that office developments next to BART promote greater use of public transit
- Eliminate the entire DA-5 use regulations and rezone parcels zoned DA-5 to DA-6
Two parcels zoned DA-5 are folded into DA-6 as the proposed DA-6 regulations are same as existing DA-5 regulations

Proposed Changes to Article 6, Commercial & Professional Districts

Other changes in the Downtown Area continued...

- Add Catering Services as a permitted use in the DA-6 District (currently requires a Conditional Use Permit)

Responds to market interest in creating innovative shared commercial kitchens in TOD area

Use changes in the DA-2 District

- Add Fast Food, Establishments, Small Scale as a Conditional Use (currently allowed through Administrative Review) and add Furniture Sales with Administrative Review (currently allowed outright) in the DA-2 District

This change will allow greater discretion over uses in the periphery of downtown that potential impacts

Proposed Changes to Article 6, Commercial & Professional Districts, continued

Use changes in the P District

- Add Multi-Family Residential up to 24 units per acre as a conditionally permitted use
This recommendation acknowledges that P zoned properties are adjacent to residential areas surrounded by lower density homes

Use changes in the CR-M, DA-2 and DA-6 District

- Add Public Safety Facilities as a conditionally permitted use
This change enables the establishment of a police substation at Bayfair Shopping Center and in the DA-2 zoning (as is the case in all other DA zones)

Proposed Changes to Setbacks

- **Reduce the corner side yard setbacks from 10-15 feet to Zero (0) feet in the DA-1, DA-2, DA-3 and DA-6 Districts and from 10 feet to Zero (0) feet in the DA-4 District**

This is a clean up to the corner side setback to be consistent with the 2007 TOD Strategy which specified the 10-15 setback from the street, not property line

- **Remove the front building setback requirements of 12-15 feet in the DA-1 district on west side of East 14th Street**

This proposal allows for greater flexibility in the DA-1 zone, while still maintaining a 7-foot setback to create a 15-foot wide pedestrian area

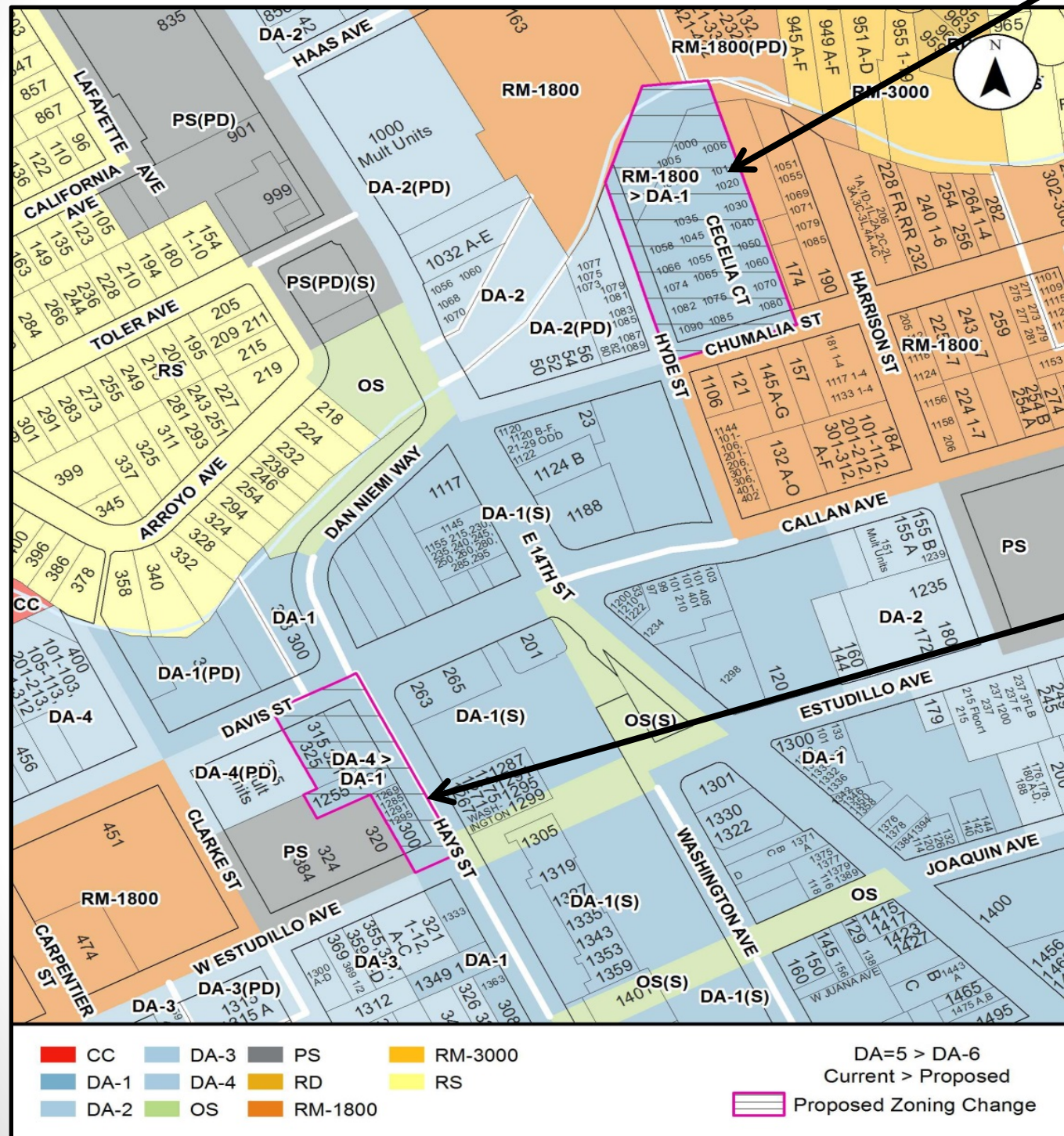
- **Remove the 150-foot setback from the top of San Leandro Creek and replace with “creek trail and open space”**

This creates consistency with the changes proposed to the S overlays which allows for greater flexibility for redevelopment of the Town Hall Square sites and parcels along Alvarado in the Northwest portion of of downtown

Proposed Daylight Plane Requirement Changes

- The daylight plane requirement is expanded to include DA zoning to ensure that a buffer is provided adjacent to low-density residential (RS or RD) zoned properties
- Allow the Zoning Enforcement Official to process an Administrative Exception if an applicant cannot meet the provisions of the daylight plane requirements on a case by case basis
- The graphics and text currently describing daylight plane requirements are proposed to be removed, since they are confusing for applicants and incorrectly drawn

Downtown, North



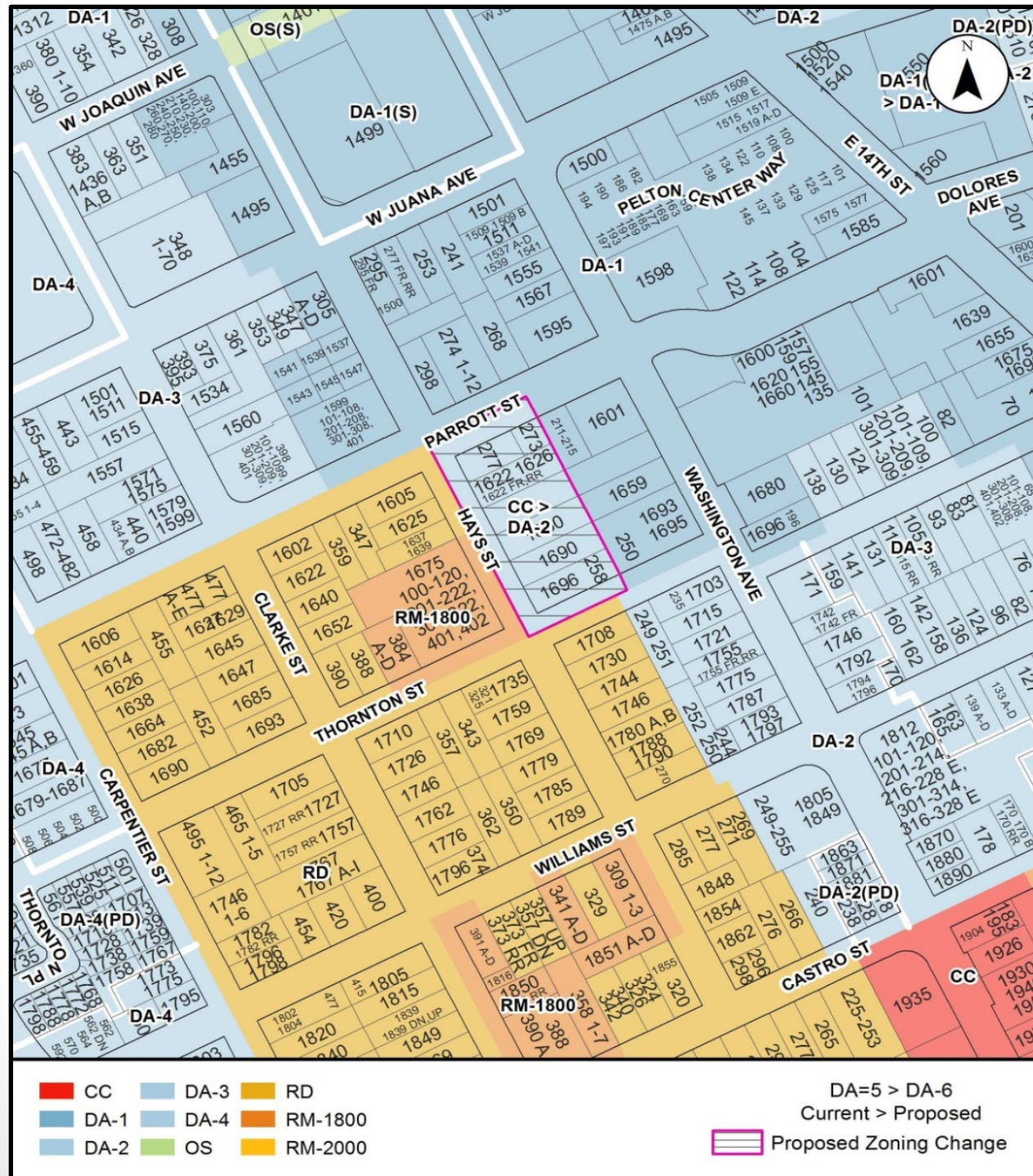
RM-1800 to DA-1: density allowed increases from 24 du/acre to 100 du/acre

Site located close to downtown core and should have been rezoned to DA in 2007

DA-4 to DA-1: no change, as 100 du/acre already allowed

Same density; allows greater range of commercial uses more suitable for area close to downtown core

Downtown, South

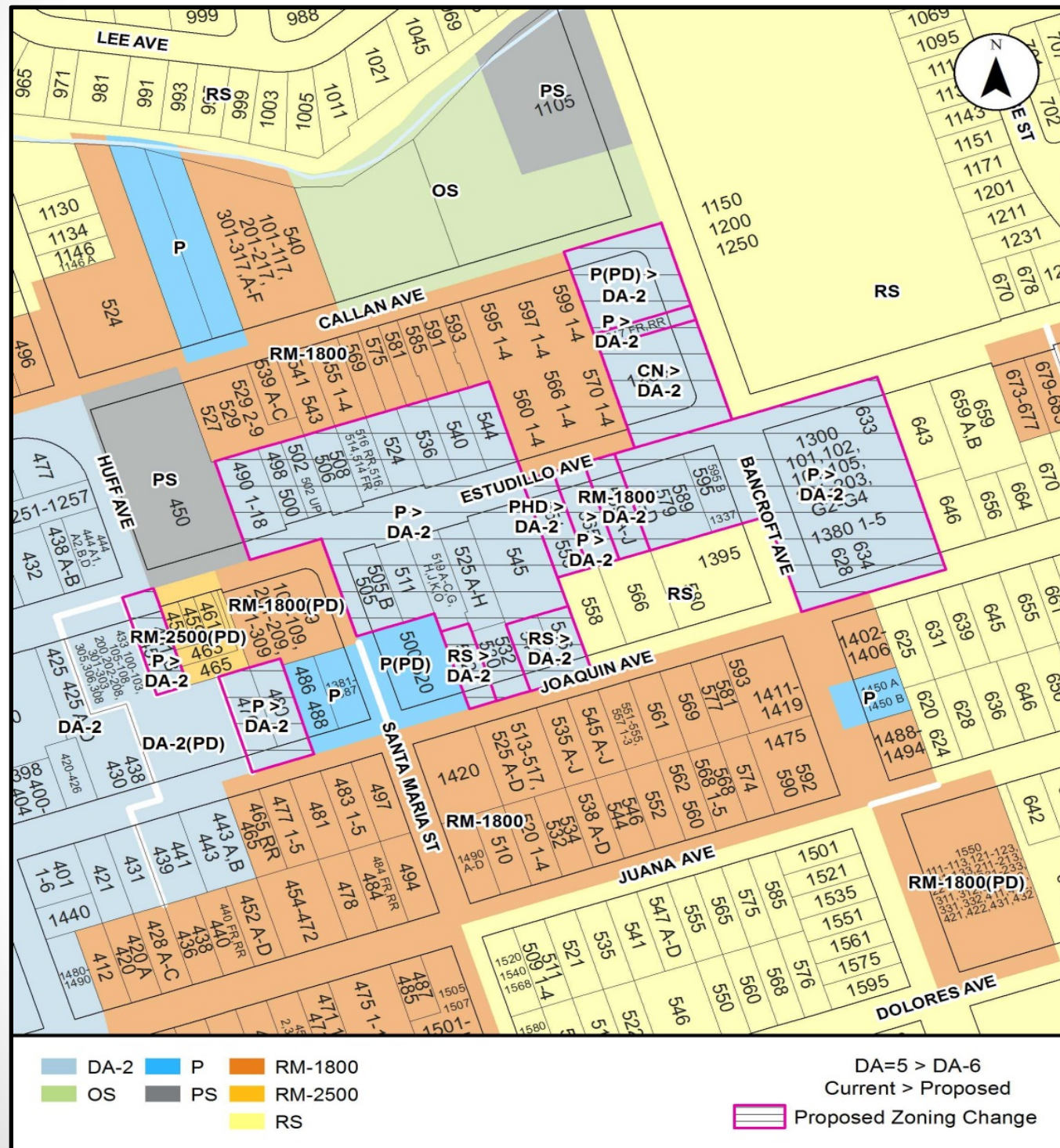


CC Community Commercial to DA-2

- Commercial use mix is reduced
- Density allowed increases from 22 du/acre to 40 du/acre
- Existing restaurant, single-family homes and duplexes still permitted
- Height transition required adjacent to low-density residential to provide adequate buffering

DA-2 Zoning more appropriate for this site as it lies within the downtown periphery

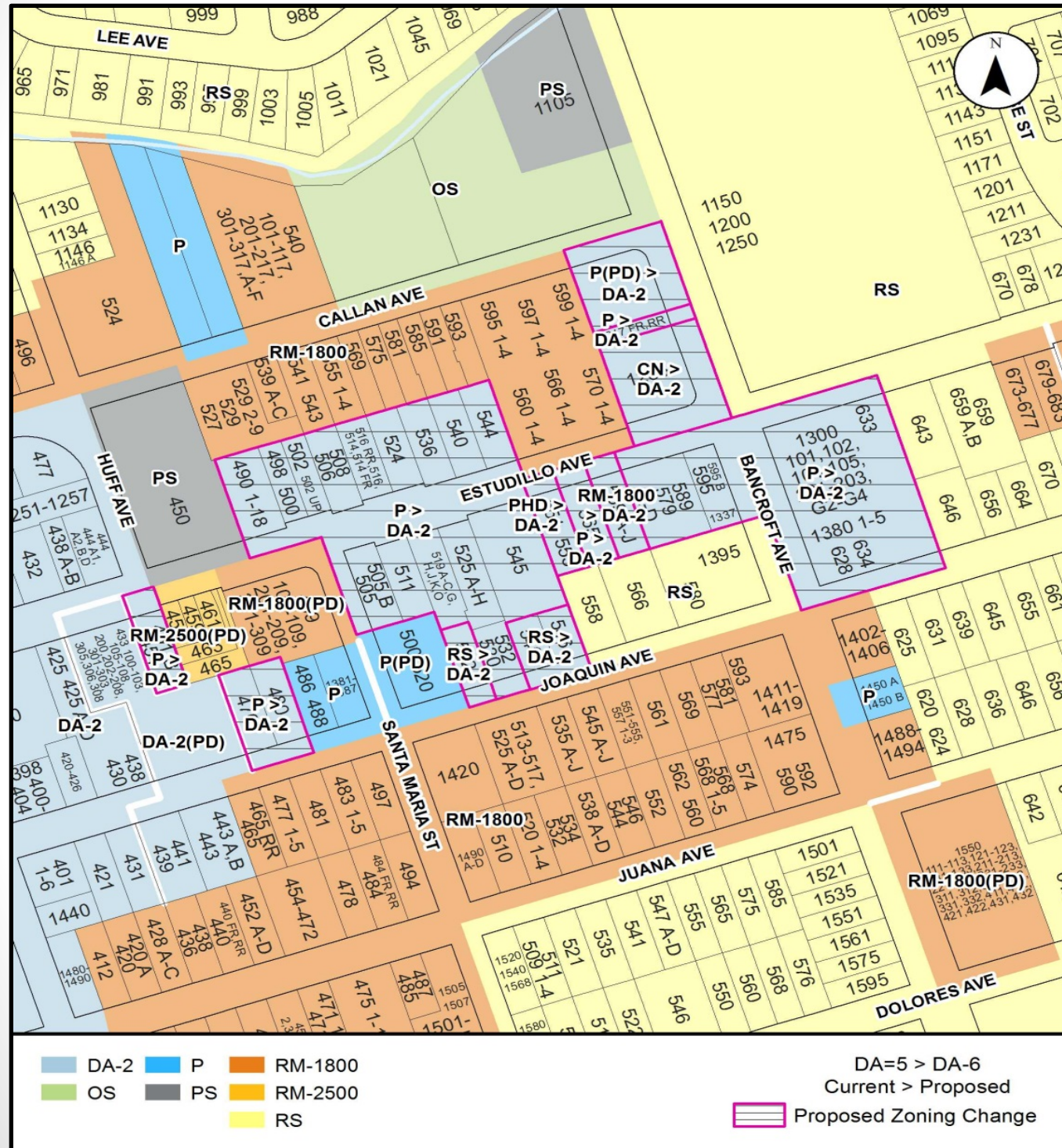
Downtown, East



- Zoning changes from P Professional, CN Commercial Neighborhood, and RS Residential Single-Family to DA-2
- Residential density allowed up to 40 du/acre
- Maximum height increases from 30' to 50' with height transition required adjacent to RS and RD
- Pre-existing single- and two-family residential uses are permitted and not considered non-conforming

The proposal implements changes proposed in General Plan 2035 which eliminates Office land use designation; buffers the existing adjacent lower density uses by applying DA-2 zoning, intended for downtown periphery

Downtown, East continued



New Commercial uses allowed with change from P to DA-2:

Permitted: Animal Grooming, Artists' Studios, Home Improvement, Custom Industry, Instruction and Improvement, and Retail Sales

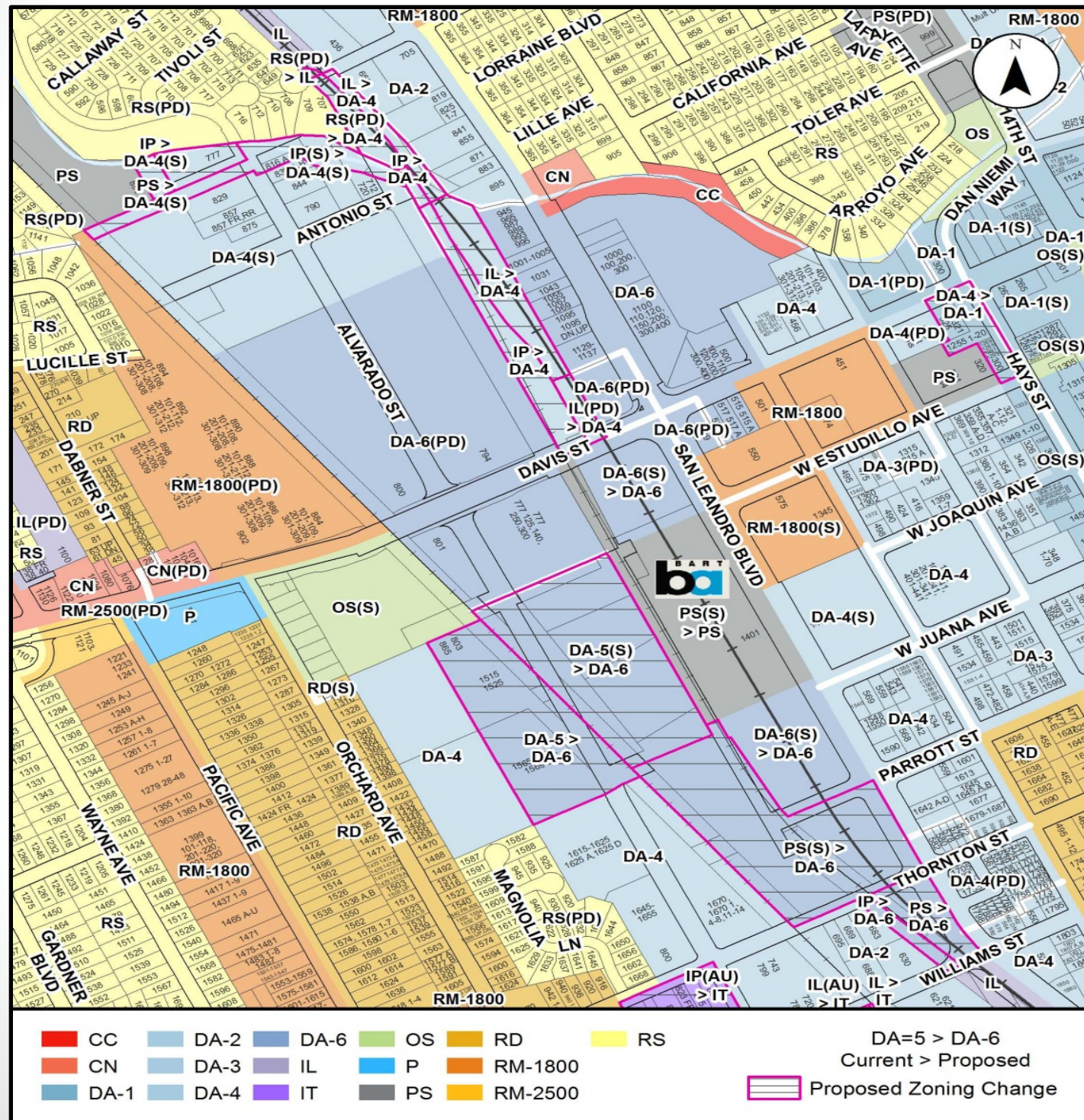
AR: Business and Trade Schools, Community Gardens, and Furniture Sales*

CUP: ATMs, Bars, Catering, Commercial Recreation, Drugstores, Entertainment Events, Small-Scale Fast Food*, Park and Recreation Facilities, Theaters

The proposal implements changes proposed in General Plan 2035 which eliminates Office land use designation; buffers the existing adjacent lower density uses by applying DA-2 zoning, intended for downtown periphery

**with corresponding change to DA-2 use regulations*

Downtown, West



- Consolidating zoning around the BART station to DA-6
- Updating zoning along the creek and parcels under the BART tracks to DA-4

This proposals update Zoning Map to accommodate new market forces dictating office uses and higher density and clean ups remnants left after TOD rezone in 2007

Proposed Amendments to Special Study Overlays

- Remove the “S” Overlay Zones in the Downtown TOD Areas identified as **“SP-1, Downtown South Gateway,”** and **“SP-8, BART/Westlake Properties Special Policies**

These two properties have been developed

- Implement minor wording changes in the **SP-2 Washington Plaza Shopping Center and San Leandro Plaza Special Policies** by replacing “must” with “should” regarding inclusion of a mixed-use component with either office or residential on upper floors

This allows for greater flexibility for this centrally located property

Proposed Amendments to Special Study Overlays

SP-3, Town Hall Square and Vicinity

- **Remove** “Mixed use development is required, with residential uses on the upper floors along Davis Street and Callan Avenue frontages in all new development.”
- **Remove** “the building setbacks along the west side of East 14th Street shall be approximately 12 feet to align with the Civic Center and create a minimum 25 foot wide sidewalk/pedestrian amenity zone.”
- **Add** the sentence “Reconfiguration and/or narrowing of Dan Niemi Way (Hays Street) is encouraged between East 14th Street and Davis Street to create an improved pedestrian experience, outdoor plazas, and increased interaction with the creek.
- **Add** “A building setback shall be provided to encourage development of a creek trail and open space along the San Leandro Creek.”

These changes are proposed to allow for greater flexibility to respond to market forces for redevelopment of Town Hall Square, 10 years after TOD policies adopted; as well as specify more clearly the purpose of setbacks along the SL Creek

Proposed Amendments Special Study Overlays

SP-4, Toler Parking Lot Special Policies

- **Remove** “The building setbacks along East 14th Street shall be 15 feet from the existing property line to align with the Civic Center and create a minimum 25 foot wide sidewalk/pedestrian amenity zone.”

This proposal allows for greater flexibility in the area of City Hall south parking lot, while still maintaining a 7-foot setback to create a 15-foot wide pedestrian area

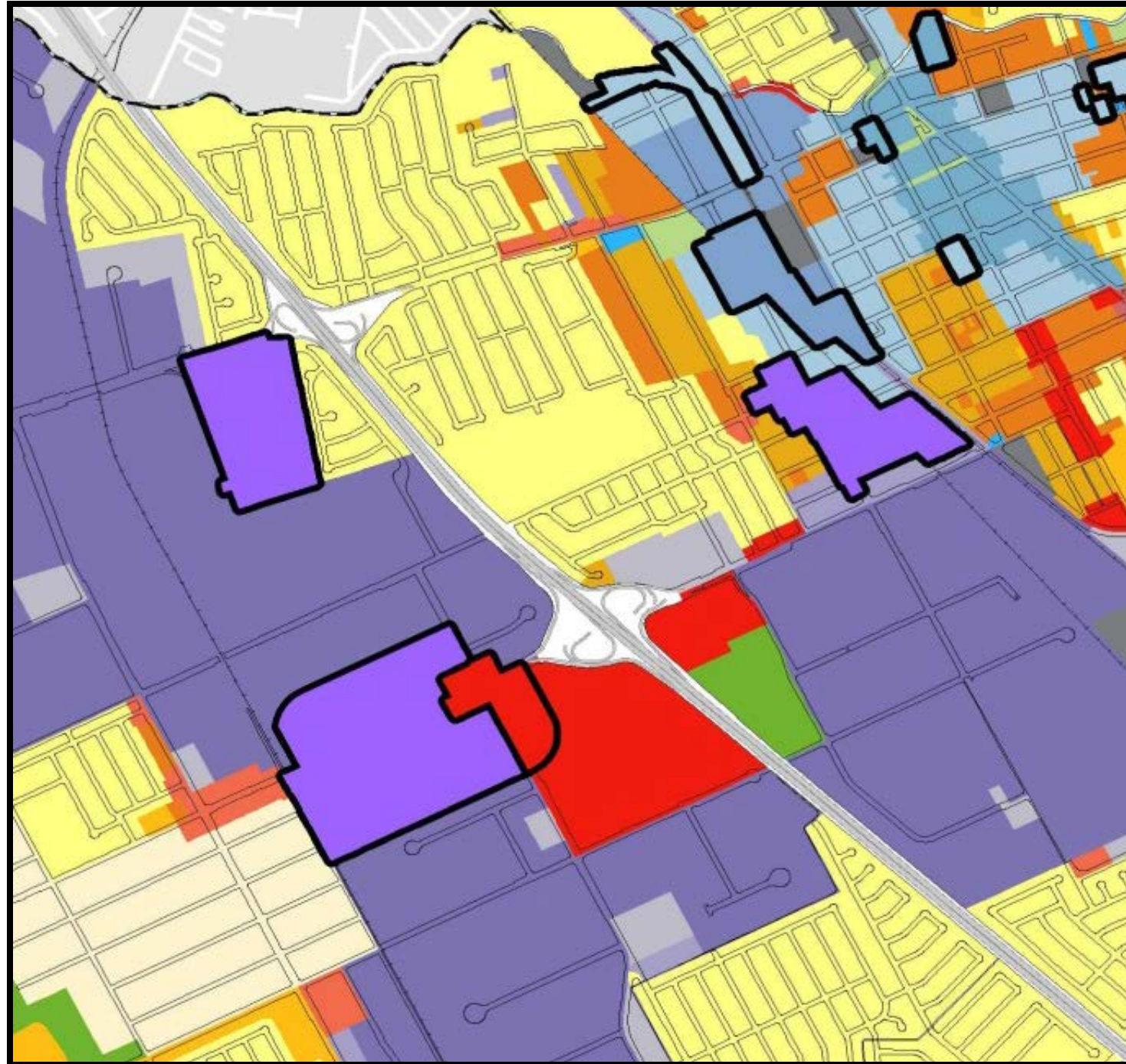
Proposed Amendments to Special Study Overlays

SP-5, North Alvarado Sites Special Policies

- **Remove** the 150-foot setback requirement from San Leandro Creek;
- **Add** “to encourage development of a creek trail and open space along the San Leandro Creek”; and
- **Remove** wording “for a linear park connection”.

This allows for greater flexibility for redevelopment of parcels along Alvarado in the Northwest portion of downtown

Zoning Map Amendments: Industrial Transition



PROPOSED ZONING	
■ CC	Commercial Community
■ DA-1	Downtown Area 1
■ DA-2	Downtown Area 2
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■ DA-6	Downtown Area 6
■ IT	Industrial Transition

Proposed Changes to Article 7, Industrial Districts

A new purpose for the Industrial Transition District is added:

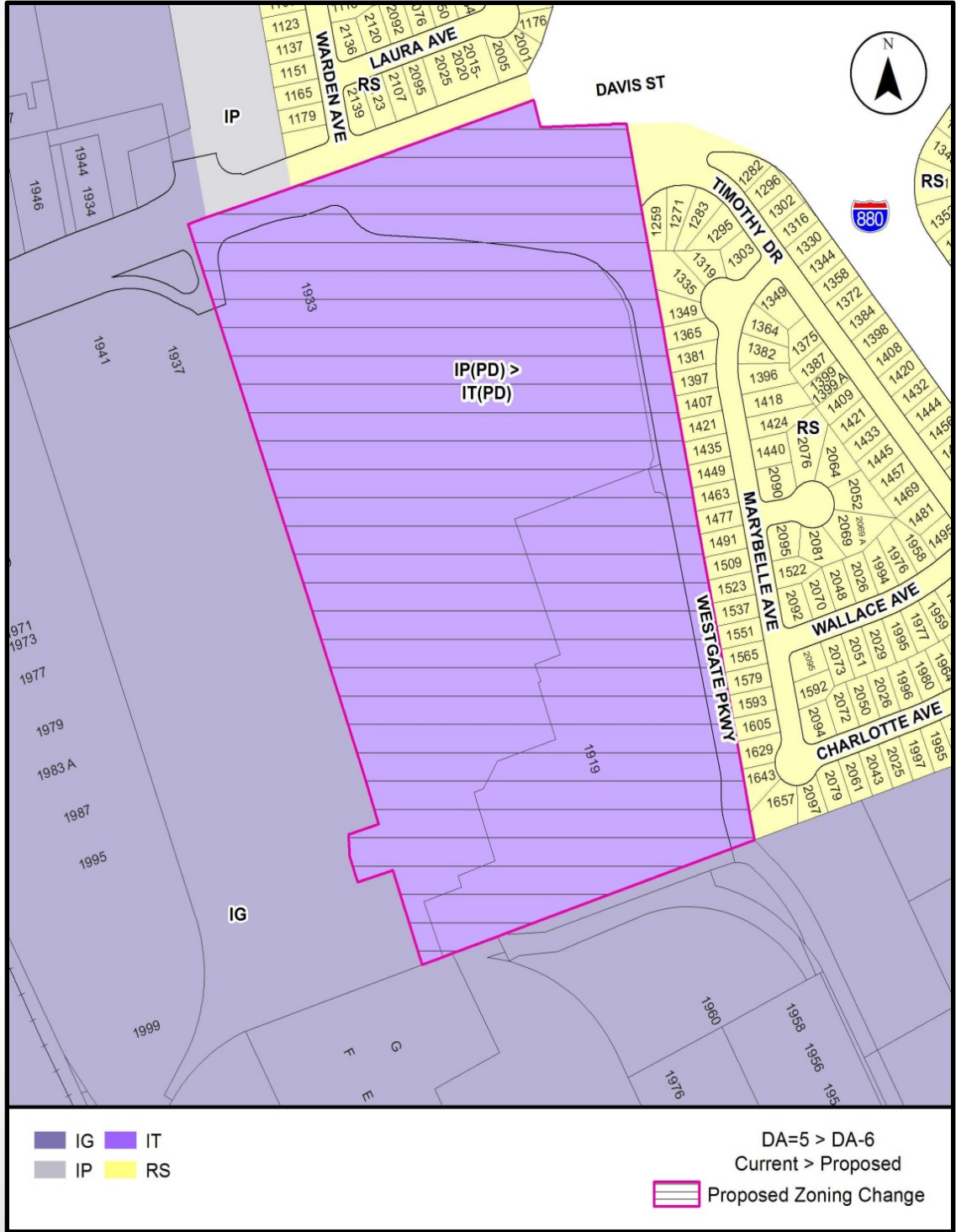
- **IT Industrial Transition District.** To provide and protect industrial lands for the development of emerging technologies, artisanal production, and light manufacturing methods, while preserving existing businesses and allowing additional commercial uses under specified limitations.

Proposed Changes to Article 7, Industrial Districts

The new code section (Section 2-710) for the **IT, Industrial Transition District:**

- Allows existing industrial uses to remain;
- Allows for a broader mix of industrial uses with some commercial
- Allows single-family, multi-family and mixed-use residential (maximum density of 40 dwelling units per acre) within ½ mile of a BART Station

Westgate: Industrial Park – IP (PD) to Industrial Transition IT (PD)



Planned Development overlay (PD) sets specific zoning for site; underlying zoning will inform any future PD modifications or new proposals

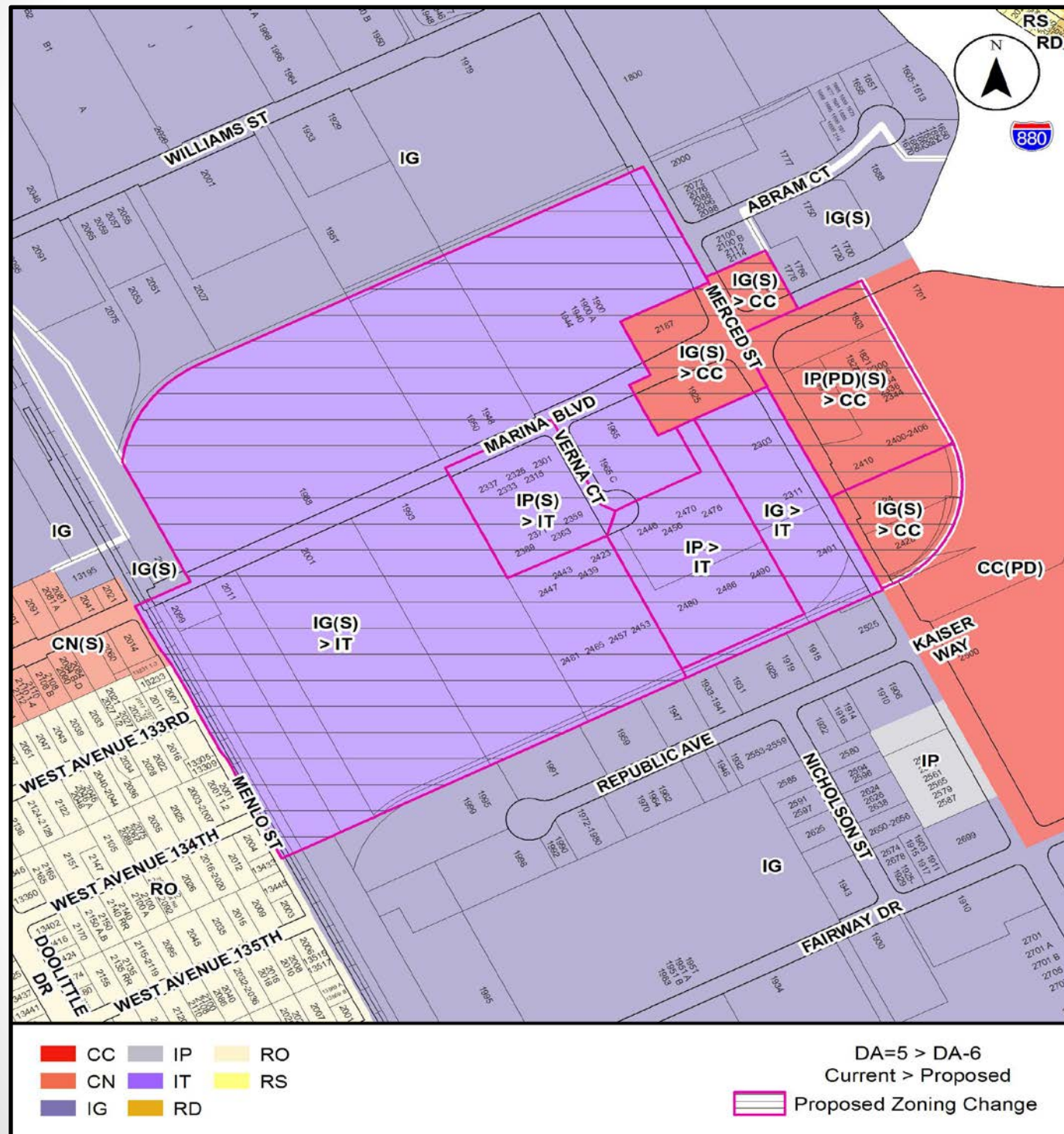
More restrictive:

- Hazardous Materials uses no longer allowed; Parcel Processing needs Administrative Review

More uses allowed:

- Assembly Uses, Entertainment, Recycling, allowed with Conditional Use Permit
- Commercial Recreation, Cultural Institutions, General Industry, Neighborhood Markets, Theaters allowed with Administrative Review
- Food Processing, Emergency Health Care, Restaurants, Retail Sales permitted

Marina West - IG to Industrial Transition IT



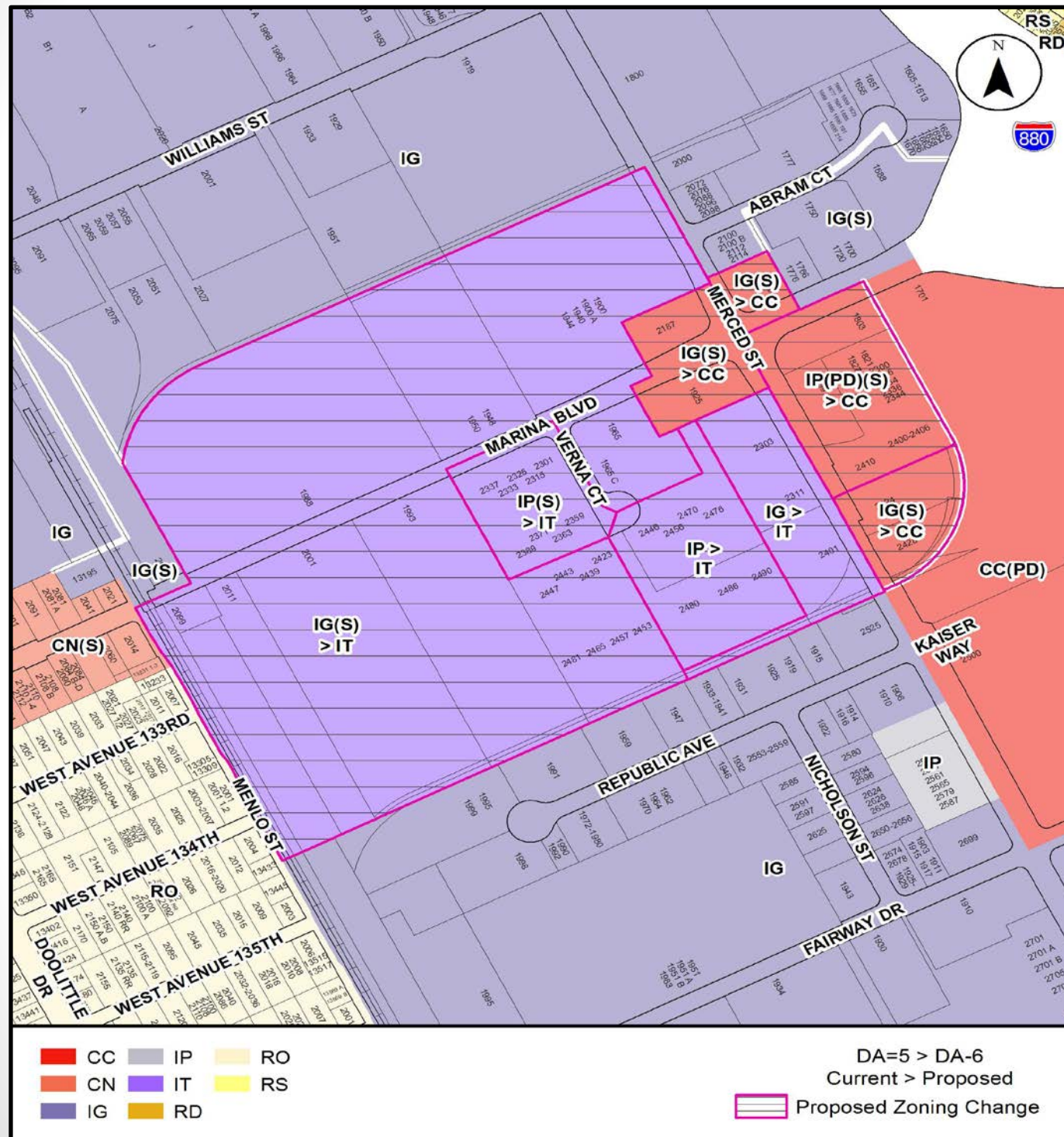
More restrictive:

- Trucking Terminals, Hazardous Materials uses no longer allowed
- Recycling needs Conditional Use Permit
- Industrial General, Parcel Processing needs Administrative Review

More uses allowed:

- Assembly Uses, Entertainment, Recycling allowed with Conditional Use Permit
- Commercial Recreation, Cultural Institutions, Neighborhood Markets, Theaters allowed with Administrative Review
- Restaurants, Retail Sales, Retail Services permitted

Marina West - IP to Industrial Transition IT



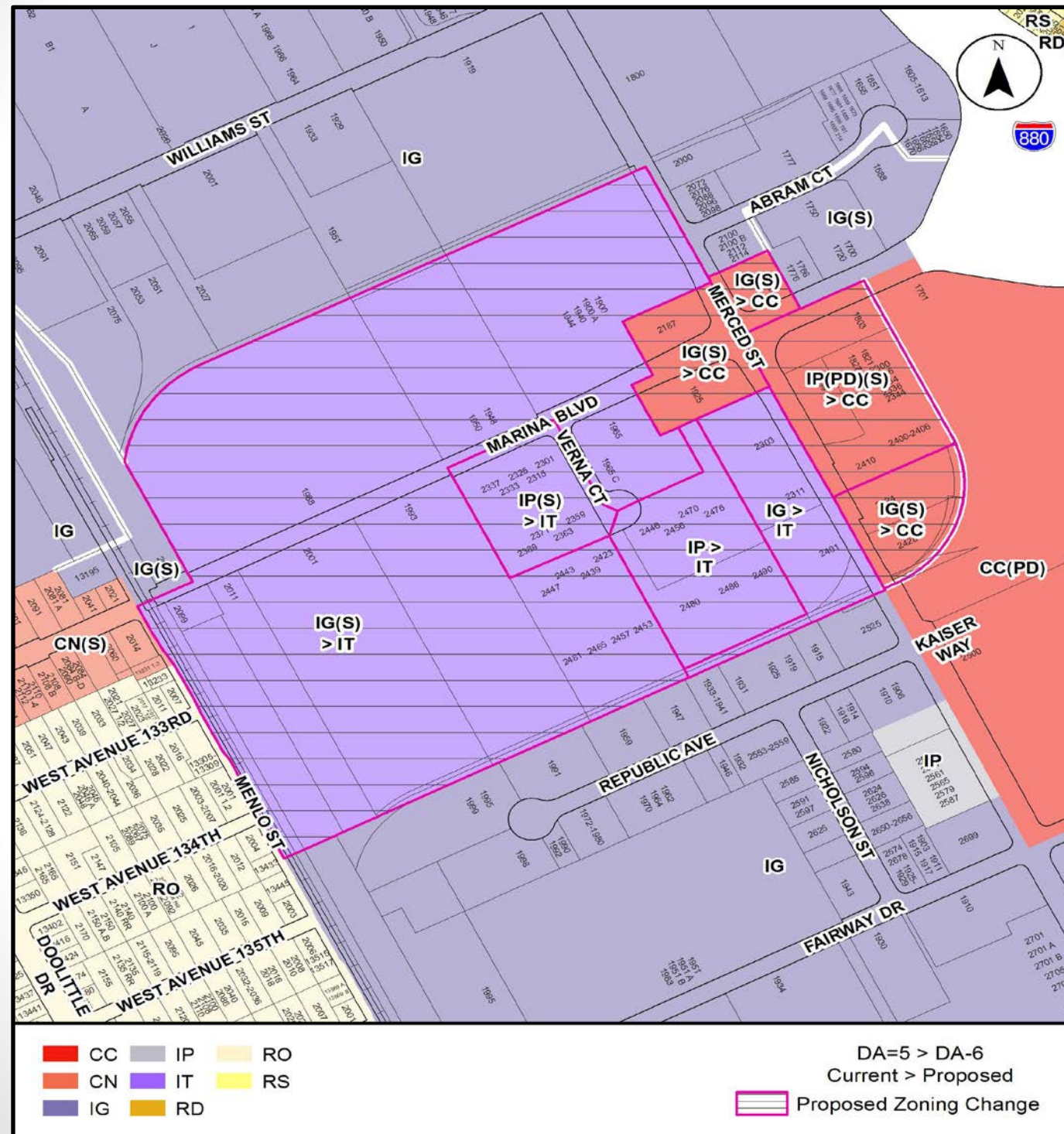
More restrictive:

- Hazardous Materials uses no longer allowed; Parcel Processing needs Administrative Review

More uses allowed:

- Assembly Uses, Recycling, allowed with Conditional Use Permit
- Commercial Recreation, Cultural Institutions, Entertainment, General Industry, Neighborhood Markets, Theaters allowed with Administrative Review
- Food Processing, Emergency Health Care, Restaurants, Retail Sales permitted

Marina West – IG to CC



Existing Uses

- Gas Station – UP in both
- Fast Food – UP in both
- Restaurant – now P from AR
- Bank – P in both
- Offices – P in both

Future development

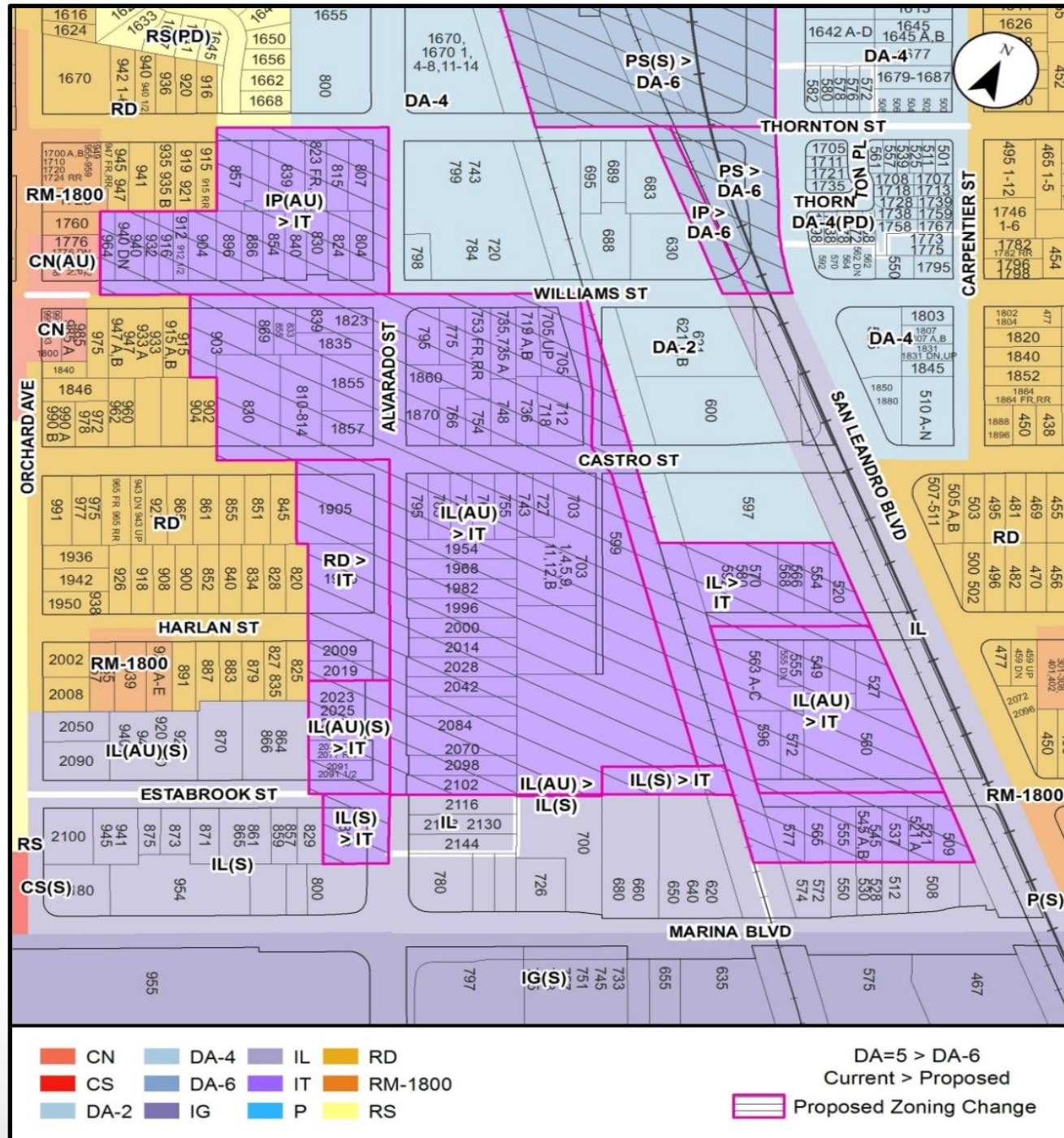
No longer allowed: Adult businesses, Industry, Food Processing, Hazardous Materials, Trucking, Warehouse, Parcel Processing, Public and Vehicle Storage

More restrictive: Contractor's Yards, Retail Big Box, Vehicle Dealers (now Conditional Use Permit)

More uses allowed: Residential, Entertainment, BnBs, Beer/Wine/Liquor Sales, Hotels, Hospitals, Secondhand Sales, Theaters (with Conditional Use Permit);

Animal Sales, Laundromats, Department Stores, Drugstores, Neighborhood Market (now P)

Marina East – IP to IT



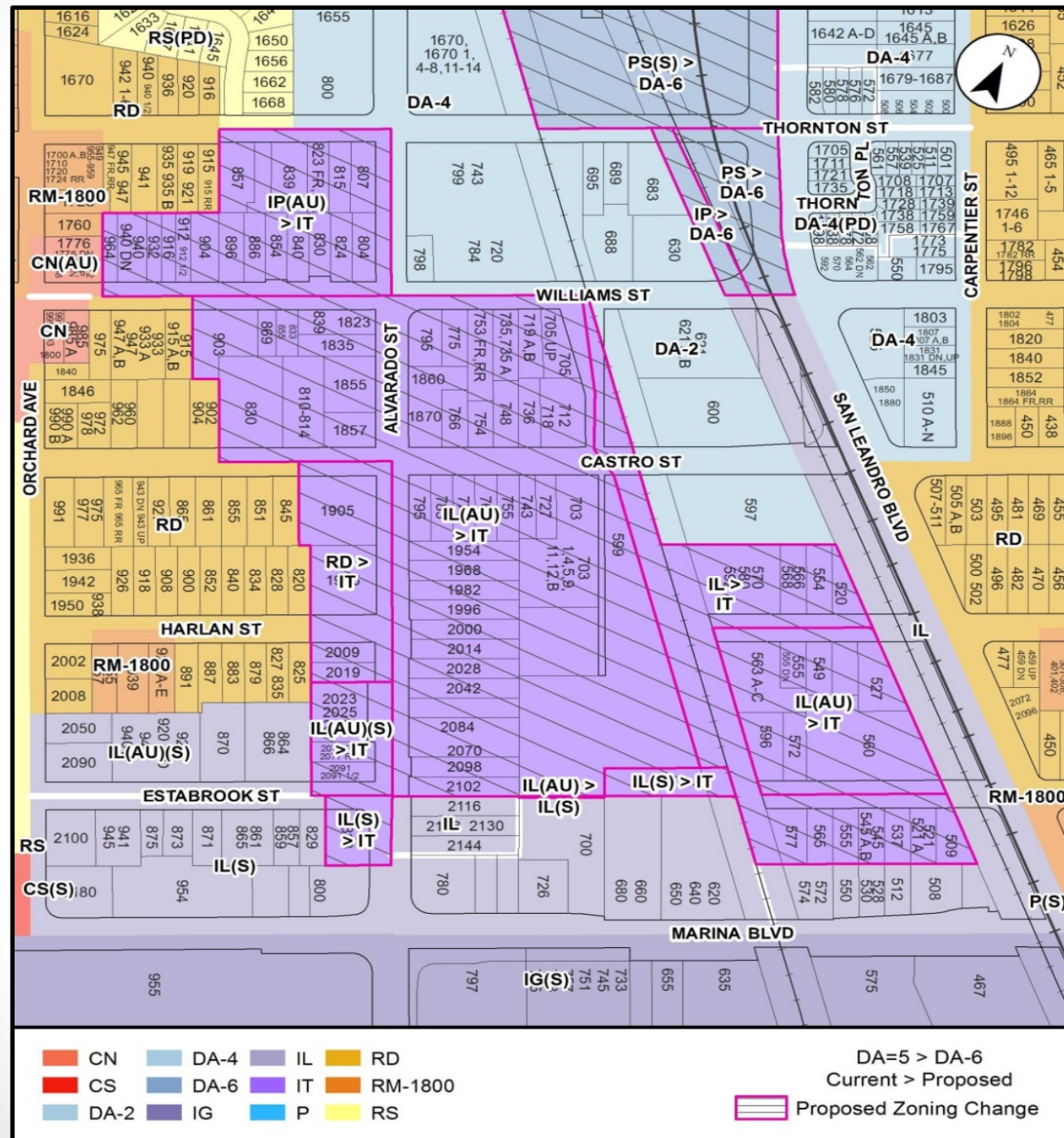
More Restrictive:

- Hazardous Materials uses no longer allowed; Parcel Processing needs Administrative Review

More Uses Allowed:

- Assembly Uses, Entertainment, Recycling allowed with Conditional Use Permit
- Commercial Recreation, Cultural Institutions, General Industry, Neighborhood Markets, Theaters allowed with Administrative Review
- Food Processing, Emergency Health Care, Restaurants, Retail Sales permitted
- Allows single-family, multi-family and mixed-use residential (maximum density of 40 dwelling units per acre) within ½ mile of a BART Station

Marina East – IL to IT



More Restrictive:

- Hazardous Materials uses no longer allowed; Parcel Processing, Animal Hospitals Light Recycling needs Administrative Review

More Uses Allowed:

- Commercial Recreation, Entertainment, Recycling allowed with Conditional Use Permit
- Cultural Institutions, General Industry, Neighborhood Markets, Theaters allowed with Administrative Review
- Food Processing, Emergency Health Care, Restaurants, Retail Sales permitted
- Allows single-family, multi-family and mixed-use residential (maximum density of 40 dwelling units per acre) within ½ mile of a BART Station

Proposed Changes to Article 3, Definitions:

- **Health and Fitness Centers:** Establishments with equipment for exercise and physical conditioning. This classification includes spas, gyms, tennis clubs, racquet ball clubs, pools, sports courts and fields, climbing walls, skating rinks, batting cages, diet centers, reducing salons, fitness studios, health studios, and massage therapy as an accessory use to another health and fitness center use. ~~Any such facilities that offer alcoholic beverage service shall be defined as commercial recreation.~~
- **Industry, General:** Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, laundry and dry cleaning plants, and auto dismantling within an enclosed building, ~~and stonework and concrete products manufacture.~~ This classification excludes the processing of recycled materials as a facility regulated by Section 4-1646: Recycling Facilities.

Additional Proposed Changes to Zoning Code

In addition to changes outlined above, staff will remove redundancies, outdated language and typographical errors, where applicable and add the new IT, Industrial Transition zoning designation where needed in

- **Article 16** (Development Regulations),
- **Article 18** (Sign Regulations), and
- **Article 25** (Site Plan Review) include:

Questions?

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Zoning Information: www.sanleandro.org/ZoningUpdate2016