

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2022-013

ORDINANCE OF THE CITY OF SAN LEANDRO CITY COUNCIL AMENDING SECTIONS 5.08.136 AND 5.12.132 OF THE SAN LEANDRO ZONING CODE TO EXTEND ENTITLEMENTS FOR QUALIFIED HOUSING PROJECTS TWO YEARS

WHEREAS, California is suffering from a significant and prolonged housing crisis; and

WHEREAS, the housing crisis has caused significant increases in rent and home prices, making it difficult for households to find affordable housing in San Leandro and throughout the region; and

WHEREAS, San Leandro’s Regional Housing Needs Assessment (“RHNA”) allocation for the 5th Housing Element Cycle (2015-2023) was 2287 units across all income levels, but less than 500 units have been produced during that time period; and

WHEREAS, San Leandro’s RHNA allocation for the 6th Housing Element Cycle (2023-2031) is 3855 units across all income levels; and

WHEREAS, the City’s General Plan and Housing Element include various goals and policies focused on increasing the supply of residential units within San Leandro, including both market-rate and affordable units; and

WHEREAS, in recent years, the City has approved entitlements for multi-family residential developments consisting of over 2,000 units;

WHEREAS, these approved projects will provide critically needed new housing units; and

WHEREAS, an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19 Pandemic”) occurred in March 2020; and

WHEREAS, the COVID-19 Pandemic has had a significant impact across all sectors of the national, state, and local economies; and

WHEREAS, in the early months of the COVID-19 Pandemic, stringent public health orders made it impossible to pursue construction projects; and

WHEREAS, even after health orders have been lifted, the COVID-19 Pandemic continues to cause significant negative impacts to the global supply chain; and

WHEREAS, the COVID-19 Pandemic’s impact on the economy and rising interest rates make it difficult for developers to obtain necessary financing to commence construction; and

WHEREAS, the San Leandro Zoning Code requires applicants to obtain permits to undertake new residential development projects, such as use permits, variances, and/or site development review; and

WHEREAS, the San Leandro Zoning Code establishes various deadlines for applicants to perfect approved entitlements or the entitlements will expire; and

WHEREAS, the disruptions and uncertainty caused by the COVID-19 Pandemic are significant and ongoing and have made it difficult for some applicants to exercise their entitlements; and

WHEREAS, allowing entitlements to expire will result in those residential development projects ceasing and necessary residential units not being constructed; and

WHEREAS, the City desires to automatically extend all entitlements for residential projects issued after January 1, 2019 for two (2) years in order to allow such projects to proceed and prevent the expiration of entitlements for critically needed housing units; and

WHEREAS, San Leandro Zoning Code section 5.08.136 governs the expiration and extension of use permits and variances; and

WHEREAS, San Leandro Zoning Code section 5.12.132 governs the expiration and extension of site plan review; and

WHEREAS, the Planning Commission reviewed the proposed Ordinance at a noticed public hearing held on July 7, 2022 and, upon consideration of the staff report and providing opportunity for public comment, recommended City Council approval of the proposed Ordinance by a 5-0 decision with two commissioners absent; and

NOW, THEREFORE, the City Council of the City of San Leandro hereby ORDAINS as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. AMENDMENTS TO THE ZONING CODE. The San Leandro Zoning Code is hereby amended to adopt Sections 5.08.136 and 5.12.132 as identified in attached "Exhibit A" and "Exhibit B" and incorporated herein by this reference.

SECTION 3. FINDINGS. Based on the entirety of the record, the City Council hereby finds that the Zoning Code Amendments, as shown in the attached "Exhibit A" and "Exhibit B" incorporated herein by reference, are consistent with the 2035 General Plan adopted in September, 2016. The City Council further finds that consideration of the proposed Amendments complies with the notice and hearing provisions of the Zoning Code.

SECTION 4. ENVIRONMENTAL REVIEW. Approval of the amendment is exempt from further environmental review under the general rule in California Environmental Quality Act

(CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Because the proposed text amendments extend the validity period of previously reviewed and approved residential entitlements and are limited in timeframe and scope, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City of San Leandro City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Ballew and passed to print on the 6th day of September 2022 by the following called vote:

Members of the Council:

AYES: Councilmembers Aguilar, Azevedo, Ballew, Cox, Lopez, Simon and Cutter (7)
NOES: None (0)
ABSENT: None (0)

Passed and adopted the 19th day of September 2022 after publication on September 9, 2022 by the following called vote:

Members of the Council:

AYES: (0)
NOES: (0)
ABSENT: (0)

ATTEST: _____
Kelly B. Clancy, Acting City Clerk