



Legislation Details (With Text)

File #: 16-459 **Version:** 1 **Name:** ORD Zoning Code & Map
Type: Ordinance **Status:** Passed
In control: City Council
On agenda: 9/19/2016 **Final action:** 10/3/2016
Enactment date: 10/3/2016 **Enactment #:** Ordinance 2016-012
Title: ORDINANCE Amending Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Article 16, Development Regulations; Article 18 Signs; Article 25 Site Plan Review, and the City of San Leandro Zoning Map to Bring the San Leandro Zoning Code and Zoning Map into Conformance with the 2035 General Plan, and General Text Updates

Sponsors: Cynthia Battenberg

Indexes:

Code sections:

Attachments: 1. Exhibit A Article 3 Excerpt, 2. Exhibit B Article 6, 3. Exhibit C Article 7, 4. Exhibit D Article 16, 5. Exhibit E Article 18, 6. Exhibit F Article 25, 7. Zoning Exhibit G Map

Date	Ver.	Action By	Action	Result
10/3/2016	1	City Council	Adopted	Pass
9/19/2016	1	City Council	Adopted as Amended	Pass

ORDINANCE Amending Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Article 16, Development Regulations; Article 18 Signs; Article 25 Site Plan Review, and the City of San Leandro Zoning Map to Bring the San Leandro Zoning Code and Zoning Map into Conformance with the 2035 General Plan, and General Text Updates

WHEREAS, the City of San Leandro recently adopted the 2035 General Plan, which states that “the San Leandro General Plan aspires to update its zoning regulations and zoning map to ensure consistency with the updated General Plan Map and Land Use categories. Furthermore, to comply with State General Plan Guidelines, the City has updated its General Plan to ensure that it remains relevant and reflects local physical and demographic patterns”; and

WHEREAS, the 2035 General Plan aspires to update the zoning regulations for the Downtown Area (DA) zones, and envisions changes around the City’s BART stations, in its industrial districts, and along major arterials such as East 14th, recognizing existing patterns and accommodating a diverse mix of uses in the future, among other things; and

WHEREAS, the 2035 General Plan would establish a new designation of Industrial Transition (IT) in the Land Use Chapter and Land Use Map, corresponding to “areas that historically have been industrial but have transitioned or may transition in the future to include a more diverse mix of uses, including general commercial activities”; and

WHEREAS, the following 2035 General Plan goals and policies would be implemented with the creation of the IT Industrial Transition zoning district use and development regulations: Policy

3.11 Conversion of Non-Residential Land; Goal LU-7 Sustain dynamic innovation districts; Policy LU-7.2 Adaptive Re-Use; Policy LU-7.3 Zoning Flexibility; Action LU-7.3.A. Zoning Review; Policy LU-7.9 Business Amenities; Policy LU-7.12 Alvarado from Marina to Thornton; Policy LU-8.12 Marina Boulevard; Policy LU-10.1 Zoning; Policy LU-10.3 Buffering; Action LU-10.3.C. Warehouse Conversion; Policy ED-1.3 Industrial Land Use Efficiency; Policy ED-2.3 Development Review and Permitting; Policy ED-3.1 Innovation Ecosystem; Policy ED-3.2 Business Infrastructure; Policy ED-3.3 Leading Edge Economic Sectors; Policy ED-3.5 Sustainable Manufacturers; and Policy ED-4.7 Employee-Serving Retail; and

WHEREAS, the 2035 General Plan includes the land use designations of Downtown Mixed-Use, which allows “a range of uses...(including) retail shops, services, offices, cultural activities, public and civic uses, and similar and compatible uses, including upper story residential uses” and “allowable residential densities ranging from 24 to 100 units per net acre”; and Transit-Oriented Mixed Use, which “provides for a mix of high-intensity land uses that capitalize on proximity to the San Leandro BART station” and “specify minimum densities (generally 60 to 80 units per acre) and minimum floor area ratios”; and

WHEREAS, the following 2035 General Plan goals and policies would be implemented with amendments to the Zoning Code text for the Downtown Area (DA) zones, land uses and development regulations: Goal LU-2 Preserve and enhance the district identities of San Leandro neighborhoods; Policy LU-2.7 Location of Future Multi-Family Development; Policy LU-2.8 Alterations, Additions, and Infill; Policy LU-2.9 Density Transitions; Goal LU-3 Provide housing opportunities and improve economic access to housing for all segments of the community; Policy LU-3.1 Mix of Unit Types; Policy LU-3.4 Promotion of Infill; Policy LU-3.5 Mixed Use on Transit Corridors; Goal LU-6 Foster the development of Downtown San Leandro as a vibrant pedestrian oriented destination; Policy LU-6.1 Downtown Plans; Action LU-6.1.C Downtown Zoning Changes; Action LU-6.1.D. Minimum and Maximum Densities; Policy LU-6.3 Retail-Service Improvements; Action LU-6.3.A. Removal of Zoning Constraints; Policy LU-6.2 Downtown Sub-Districts; Policy LU-6.4 Office Development; Policy 6.6 Downtown Housing Diversity; Policy LU-6.9 Urban Design; Action LU-6.9 Building Height; Policy LU-6.11 Coordination; Policy LU-6.13 BART Station Area Transit Village; Action LU-6.13.C. BART Area Housing; Policy LU-6.15 Conservation of Lower Density Downtown Areas; Action CD-6.3.A. Daylight Plane Regulations; Policy ED-1.8 Expand the Local Office Market; Goal ED-4 Create attractive, economically vibrant commercial areas; Policy ED-4.5 Downtown San Leandro; and

WHEREAS, the following 2035 General Plan goals and policies would be implemented with the amendments to the City’s zoning map: Goal LU-2 Preserve and enhance the district identities of San Leandro neighborhoods; Policy LU-2.7 Location of Future Multi-Family Development; Policy LU-2.8 Alterations, Additions, and Infill; Policy LU-2.9 Density Transitions; Goal LU-3 Provide housing opportunities and improve economic access to housing for all segments of the community; Policy LU-3.1 Mix of Unit Types; Policy LU-3.4 Promotion of Infill; Policy LU-3.5 Mixed Use on Transit Corridors; Goal LU-6 Foster the development of Downtown San Leandro as a vibrant pedestrian oriented destination; Policy LU-6.1 Downtown Plans; Action LU-6.1.C Downtown Zoning Changes; Action LU-6.1.D. Minimum and Maximum Densities; Policy LU-6.3 Retail-Service Improvements; Action LU-6.3.A. Removal of Zoning Constraints; Policy LU-6.2 Downtown Sub-Districts; Policy LU-6.4 Office Development; Policy 6.6 Downtown Housing Diversity; Policy LU-6.9 Urban Design; Action LU-6.9 Building Height; Policy LU-6.11 Coordination; Policy LU-6.13 BART Station Area Transit Village; Action LU-6.13.C. BART Area Housing; Policy LU-6.15. Conservation of Lower Density Downtown Areas; Action CD-6.3.A. Daylight Plane Regulations; Policy ED-1.8 Expand the Local Office Market;

Goal ED-4 Create attractive, economically vibrant commercial areas; Policy ED-4.5 Downtown San Leandro; and

WHEREAS, the Planning Division was tasked with preparing zoning text and map amendments for consistency with the 2035 General Plan, and with periodic updates to the Zoning Code; and

WHEREAS, proposed amendments to the Zoning Code text are set forth in attached **Exhibits A through F**; proposed amendments to the City's Zoning Map are set forth in attached **Exhibit G**, all of which exhibits are incorporated herein by reference; and

WHEREAS, the City prepared an Environmental Impact Report (EIR) for the 2035 General Plan and related zoning text and map amendments in compliance with the California Environmental Quality Act; and

WHEREAS, between May 27 and July 25, 2016, staff held seven community meetings with Industrial Transition property owners, Downtown Area property owners, the San Leandro Improvement Association, the Downtown Association, the Chamber of Commerce, the Estudillo Estates Homeowners Association, and other interested parties to present the proposed amendments and receive public comments on the proposed zoning changes; and

WHEREAS, on June 16, 2016 the Planning Commission held a work session to review and provide recommendations on the draft zoning text and map amendments and to receive public comments on the proposed changes. The City Council held similar work sessions on July 5, 2016 and July 25, 2015; and

WHEREAS, a staff report dated August 25, 2016 and incorporated herein by reference, described and analyzed the proposed zoning text and map amendments for the Planning Commission; and

WHEREAS, the Planning Commission reviewed the staff report and the proposed zoning text and map amendments at a duly noticed public hearing on August 25, 2016, at which time all interested parties had the opportunity to be heard. In addition to legally required notice, the City also sent courtesy notices to property owners affected by the amendments and other interested parties; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 2016-002 recommending City Council certification of the Final Environmental Impact Report, Resolution 2016-003 recommending City Council approval of the 2035 General Plan, Resolution 2016-004 recommending City Council approval of amendments to the S-overlay zone districts, and Resolutions 2016-005 and 2016-006 recommending City Council approval of proposed zoning amendments, including the text and map amendments, which resolutions are incorporated herein by reference; and

WHEREAS, a staff report dated September 19, 2016 and incorporated herein by reference, described and analyzed the proposed zoning amendments for the City Council; and

WHEREAS, the City Council held a noticed public hearing on the proposed zoning amendments on September 19, 2016, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council considered the staff report, the Planning Commission recommendations on the zoning amendments, the EIR, all oral and written testimony, and the materials in the record before taking action on the proposed zoning amendments; and

WHEREAS, following the public hearing, the City Council adopted Resolution ____ certifying the EIR and making required CEQA findings, Resolution _____ adopting the 2035 General Plan, and Ordinance _____ approving amendments related to the S-overlay zone.

NOW, THEREFORE, the City Council of the City of San Leandro does **ORDAIN** as follows:

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

SECTION 2. CEQA. The proposed zoning text and map amendments are within the project analyzed in the Environmental Impact Report certified by the City Council in Resolution _____ on September 19, 2016.

SECTION 3. Findings. Based on the entirety of the record, the City Council hereby finds that the proposed zoning text amendments shown in Exhibits A-G and the proposed zoning map amendments shown in Exhibit H are consistent with the recently adopted 2035 General Plan. The City Council further finds that consideration of the proposed zoning amendments complied with the notice and hearing provisions of the Zoning Code.

SECTION 4. Approval. The City Council hereby approves the zoning text amendments as shown in attached Exhibits A-F, and the zoning map amendments as shown in Exhibit G, described as follows:

- Exhibit A: Amended Article 3 Definitions (excerpts only)
- Exhibit B: Amended Article 6 Commercial and Professional Districts
- Exhibit C: Amended Article 7 Industrial Districts
- Exhibit D: Amended Article 16 Development Regulations
- Exhibit E: Amended Article 18 Signs
- Exhibit F: Amended Article 25 Site Plan Approval
- Exhibit G: Amendments to the City Zoning Map

Attached Exhibits A-G are incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Publication and Effective Date. This Ordinance shall take effect thirty (30)

days after adoption. The City Clerk of the City of San Leandro shall cause the Ordinance to be published in accordance with Section 36933 of the Government Code of the State of California.

2703520.1