



Legislation Details (With Text)

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**Title:** Professional Office (P) Zoning District and Commercial and Professional Development Regulations Zoning Code Updates  
**Sponsors:** Tom Liao  
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**Attachments:** 1. City Council Staff Report 18-042, 2. 11-6-18 Proposed P Zoning Code Updates Markup Copy

Date	Ver.	Action By	Action	Result
11/15/2018	1	Planning Commission		

Professional Office (P) Zoning District and Commercial and Professional Development Regulations Zoning Code Updates

**SUMMARY AND RECOMMENDATION**

Following direction from the City Council in February 2018, staff began work on clarifying and consolidating development regulations for the City’s Commercial and Professional Zoning districts, found in Article 6, Division 2 of the San Leandro Zoning Code. The principal proposed changes include reducing the building height for multi-family and mixed-use residential projects in the Professional Office (P) zoning district from 50 to 30 feet, revising floor area ratios and residential density to be consistent with the General Plan, and updating the Site Plan Review amenities criteria for mixed-use and multi-family residential development. The remaining proposed changes are primarily organizational and generally do not modify existing development standards.

**BACKGROUND**

The Zoning Code is the primary tool of implementation for the General Plan, the comprehensive policy guide for the City, as well as for specific plans such as the Downtown Transit Oriented Development (TOD) Strategy and the Bayfair TOD Specific Plan. The City regularly updates individual sections of the Zoning Code, primarily in response to specific issues, State legislative mandates or to bring the Zoning Code into conformance with General Plan or Specific Plan updates.

The last major update to the Zoning Code was approved in September 2016 in conjunction with the 2035 General Plan update. The changes were necessary to bring the Zoning Code into conformance with both the Downtown Transit Oriented Development (TOD) Strategy and the 2035 General Plan Update. During the 2016 Zoning Code amendment process, staff initially recommended eliminating the Professional Office (P) zoning district because of the removal of the General Plan’s “Office” land use designation, but public feedback in favor of retaining the P zone caused it to remain.

The adopted 2016 Zoning Code Updates enabled the addition of multi-family and mixed-use residential land uses in the P zoning district with a conditional use permit. At the time, the Commercial and Professional development standards were not updated to incorporate multi-family and mixed-use residential development uses. Instead, Section 2-696.A, “Additional Property Development Regulations for Residential Development,” directs residential projects in commercial and professional districts to apply the multi-family development standards of residential zoning districts. This cross-referencing established a conflict for the P zoning district because residential projects under RM-1800 have a 50 foot height limit, while commercial development in the P zoning has a 30 foot height limit.

Following concerns from residents regarding the conflicting 50 foot building height limit for residential projects in the Professional Office (P) zoning district, the City Council received a report from staff on February 5, 2018 (attached). During the meeting, staff recommended a more comprehensive Zoning Code update, including implementation of the Bayfair TOD plan. The City Council instead directed staff to proceed with a targeted update of the Zoning Code and established a budget for an outside consultant to assist with the effort. Staff noted that the Bayfair TOD implementation updates would return at a later date after these proposed targeted updates are completed.

## **DETAILS OF THE PROPOSAL**

Development regulations that pertain to Commercial and Professional zones in the City of San Leandro are found in Article 6, Division 2 of the Zoning Code. Following direction from the City Council, staff and the consultant team began work on clarifying and consolidating this code section. The proposed changes are primarily organizational and generally do not modify existing development standards. The proposed changes fall in the following categories:

1. Corrections of Obvious Errors or Redundancies
2. Updates for Language, Style, and Formatting Consistency
3. Streamlined and Clarified Standards
4. Minor Changes to Existing Standards

### Corrections of Obvious Errors or Redundancies

Changes included converting all footnotes into standard header style text, adding “n.a.”, “varies”, or a numerical range in tables where appropriate, and consolidating redundant rows in several tables (2-684 Lot Coverage, 2-688 Minimum Site Landscaping, 2-694 Open Space for Multi-Family Residential and Mixed-Use Residential Development). The term “varies” is necessary for limited situations where the underlying standards are based on specific plan criteria or different General Plan land use categories.

### Updates for Language, Style, and Formatting Consistency

Edits included ensuring that all headers and sub-headers used a consistent style; using consistent conventions with regards to capitalization, section header format, numbering format, and abbreviations; and clarifying references to other sections in the zoning code.

### Streamlined and Clarified Standards

The primary purpose of this effort was to make the standards for residential and mixed-use residential development in commercial and professional districts more comprehensible. To achieve this goal, several existing tables were modified and a new residential density standards table was introduced. Specifically:

- §2-680 Minimum Yards. To clarify rear and side setback requirements for properties abutting R Districts, a third column was added to the table for properties that abut residentially-zoned parcels.
- §2-680.J Daylight Plane Regulations for Parcels Adjacent to R Districts. New diagrams for daylight plane standards were created to effectively and correctly portray the three-dimensional impact of the 45-degree daylight plane regulations, and will replace the existing two-dimensional diagrams.
- §2-682 Height of Structures. Per direction from Council, height limits for residential multi-family and mixed-use development were incorporated. To clearly state the minimum and maximum height regulations that apply to residential multi-family and mixed use development in commercial districts, a separate set of columns was added to the heights table.
- §2-686 Floor Area Ratios. The Floor Area Ratio (FAR) column was updated to be consistent with the General Plan and other code sections, and to reflect the entire range of possible FARs in each zoning district. The table also now references specific General Plan land use designations and identifies a minimum FAR column for the DA-6 zoning district.

#### Minor Changes to Existing Standards

- As per direction from Council, the maximum height limit has been corrected for the P zoning district. The height limit for multi-family and mixed-use residential development is now established at 30 feet in P zones, which represents a reduction from the current 50 foot height limit.
- The underground/structured parking bonus is proposed for removal. The Zoning Code contains an unused floor area ratio (FAR) bonus provision whereby applicants could receive up to a 0.5 FAR bonus for providing underground parking. Feedback from applicants noted that the bonus does not provide a tangible benefit because the increase is negligible, the cost of underground parking outweighs the benefits of the FAR bonus, and the minimum parking requirements apply regardless. Staff have not seen this provision used and recommends it be removed.
- The Zoning Code currently omits a maximum density in the South Area (SA) Zones, with only a minimum density of 18 dwelling units per acre (du/ac) identified. Staff proposes identifying 35 du/ac as the maximum density for SA zones, consistent with the established criteria in the South Area Plan and other policy restrictions. The General Plan identifies a 1.5 maximum FAR in the SA zones.
- Open space requirements are recommended to be identified for the SA and DA zones consistent with provisions found elsewhere in the Zoning Code. Current Zoning Code language left the minimum open space up to discretionary approval through Site Plan Review,

which staff and applicants felt was too vague. The proposed standard of 60 square feet per dwelling unit corresponds to Section 2-558.B, RM Districts - Multi-Family Dwellings, Requirements for Open Space, which currently applies to proposed multi-family and mixed use residential development projects.

- Staff recommends adding more flexibility when determining compliance with wall offset/articulation standards. The language “*Alternative design solutions that achieve an equivalent level of building articulation and visual interest may be approved by the ZEO, or may be approved as part of the site plan review or other approval process by the approval authority*” was added to Section 2-690(A) to allow for more discretionary review of building articulation.
- Staff recommends adding more flexibility when determining setback standards for pre-existing residential development. Staff proposes adding clause to allow the Zoning Enforcement Official (ZEO) the discretion to determine setback standards for pre-existing residential based on the prevailing conditions on each block to Section 2-680(G), Pre-Existing Residential in DA Districts.
- Staff proposes modernizing and updating the menu of site amenity options for mixed use and multi-family residential projects. In Section 2-698, Review of Plans, staff has updated the list of site amenities to more closely reflect modern-day residential amenities and remove a duplicative provision for open space, which is already required.

## STAFF ANALYSIS

While many existing standards were clarified and daylighted in these proposed changes to the Zoning Code, the underlying existing numerical standards - such as required open space, maximum lot coverage, and maximum FAR/density - are largely maintained. Standards, such as maximum FARs in CC, CN, CR, C-RM, were revised or added to be consistent with the established General Plan land use designations, and the update provides previously nonexistent density standards for SA zones. Development standards such as height or FAR regulations that were previously only identified in the General Plan, specific plans or other locations, presented a significant inconvenience for applicants and developers to find and cross-reference. Those provisions are now clearly identified alongside other pertinent development standards. This update provides a necessary incremental improvement to the Zoning Code’s functionality.

## ENVIRONMENTAL REVIEW

The proposed Zoning Code Amendments have been determined to not be subject to the California Environmental Quality Act (CEQA) because 1) the proposed Amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment; 2) the proposed Amendments are covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and 3) any project that has the potential to cause a significant effect on the environment will be evaluated through a separate environmental review process in accordance with CEQA.

## PUBLIC OUTREACH

Planning staff hosted an informational neighborhood meeting to introduce and discuss the proposed

Zoning Code Amendments in the Sister Cities Conference Room at City Hall on Thursday, November 1<sup>st</sup> from 5:30pm to 7:00pm. About 30 people attended the meeting, which included a brief presentation and a question and answer session. The meeting was advertised in the City weekly newsletter, on social media and was identified on the Planning Commission public hearing notice. Staff fielded a number of questions but did not receive comments or suggestions regarding the draft proposal during the neighborhood meeting.

A legal advertisement for the Planning Commission public hearing was placed in the East Bay Times' Daily Review newspaper and, as a courtesy, public hearing notification letters were mailed to all property and business owners located within 500 feet of any parcels zoned Professional Office (P). No comments were received from the public regarding the proposed Zoning Code amendments at the time of the filing of this report.

## **RECOMMENDATION**

Staff recommends the Planning Commission adopt the attached Resolution with Exhibit A, recommending approval of the proposed Zoning Code amendments to the City Council.

## **ATTACHMENTS**

1. City Council Staff Report dated February 5, 2018.
2. Exhibit A (edited copy), proposed Zoning Code amendments, with strikeout deletions and underlined additions
3. Planning Commission Resolution and Exhibit A (clean copy)

### **PREPARED BY:**

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