



## Legislation Text

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**File #:** 15-535, **Version:** 2

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ORDINANCE Amending the San Leandro Zoning Code Related to Residential, Commercial, and Industrial Uses; Brewpubs; Consignment Stores; Day Care Facilities; Parking; Wireless Telecommunications Facilities; Supportive and Transitional Housing; Warehouse/Storage Facilities; and General Text Updates in Zoning Code Articles 3, 5, 6, 7, 8, 16, and 17, to Streamline, Update, and Bring the City's Zoning Code into State and Federal Compliance

**WHEREAS**, the City's relevant governing bodies review and make revisions to the Zoning Code to update it in response to recent changes in State and Federal legislation and to continue the ongoing effort to modernize the code and increase its flexibility; and

**WHEREAS**, the City proposes amendments to the Zoning Code to include new definitions, to revise existing definitions, to modify certain discretionary review processes, to implement the recently adopted Housing Element Update; to implement changes in federal legislation regarding wireless telecommunications facilities and processing timeframes, and other minor amendments, as shown in attached Exhibits A-G containing proposed amendments to Zoning Code Articles 3, 5, 6, 7, 8, 16, and 17, respectively; and

**WHEREAS**, the proposed Zoning Code amendments are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines which is the general exemption for projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and thus that the activity is not subject to CEQA. The categorical exemption in Section 15305, Minor Alteration in Land Use Limitations also applies; and

**WHEREAS**, on August 6, 2015, the Board of Zoning Adjustments met, reviewed, and commented on the proposed amendments and provided its comments to the Planning Commission; and

**WHEREAS**, the Planning Commission held a noticed public hearing on the proposed amendments on August 20, 2015, then adopted Resolution No. 2015-03, incorporated herein by reference, recommending that the City Council adopt the amendments; and

**WHEREAS**, a staff report dated September 21, 2015 and incorporated herein by reference, analyzed the proposed CEQA exemption and the proposed Zoning Code amendments for the City Council; and

**WHEREAS**, the City Council held a noticed public hearing on the proposed amendments on September 21, 2015, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City Council considered the staff report, the Planning Commission recommendation, the recommended CEQA exemptions, all oral and written testimony, and the materials in the record before taking action on the proposed amendments; and

**WHEREAS**, the Zoning Code amendments as recommended by the Planning Commission are shown in attached Exhibits A-G, which are incorporated herein by reference.

**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.** Approval of the Zoning Code amendments is exempt from further environmental review under the general rule in CEQA Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. The categorical exemption in Section 15305, Minor Alteration in Land Use Limitations also applies.

**SECTION 3. Findings.** Based on the entirety of the record, the City Council hereby finds that the proposed amendments to the Zoning Code as shown in Exhibits A-G are consistent with the policies of the General Plan, including the recently adopted Housing Element Update. The City Council further finds that consideration of the proposed amendments complied with the notice and hearing provisions of the Zoning Code.

**SECTION 4. Approval.** The City Council hereby approves the Zoning Code amendments as shown in the attached Exhibits A-G, described as follows:

- Exhibit A: Proposed Amended Article 3 Definitions (excerpts only)
- Exhibit B: Proposed Amended Article 5 Residential Districts (excerpts only)
- Exhibit C: Proposed Amended Article 6 Commercial and Professional Districts (excerpts only)
- Exhibit D: Proposed Amended Article 7 Industrial Districts (excerpts only)
- Exhibit E: Proposed Amended Article 8 Open Space District (excerpts only)
- Exhibit F: Proposed Amended Article 16 Development Regulations, Section 4-1656, Supportive and Transitional Housing; and Section 4-1686, Wireless Telecommunications
- Exhibit G: Proposed Amended Article 17 Off-Street Parking and Loading Requirements (excerpts only)

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.

Introduced by Councilmember Prola on this 21st day of September, 2015, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter (7)

NOES: None (0)

ABSENT: None (0)