



Legislation Text

File #: 18-627, **Version:** 1

ORDINANCE of the **City of San Leandro City Council** to Amend Article 6, Division 2 of the San Leandro Zoning Code, Related to the Development Regulations of Commercial and Professional Zoning Districts.

WHEREAS, the San Leandro City Council adopted the current General Plan in September 2016; and

WHEREAS, the San Leandro Zoning Code may be periodically amended to incorporate clarifications or corrections to existing designations, as well as substantive changes; and

WHEREAS, the Zoning Code Amendments are consistent with the General Plan and other adopted specific plans, and are consistent with other provisions of the Zoning Code; and

WHEREAS, the Zoning Code Amendments have been determined to be non-substantive and are necessary to achieve consistency with the goals, policies, and actions in the General Plan and other adopted plans; and

WHEREAS, the Zoning Code Amendments clarify and consolidate established provisions of the Zoning Code and do not increase or intensify development standards such as density, lot coverage, building heights, or setbacks; and

WHEREAS, the Zoning Code Amendments to Article 6, Division 2 are determined to not be subject to the California Environmental Quality Act (CEQA) because the proposed Amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment, 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 because 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; and

WHEREAS, on November 1, 2018, the Community Development Department hosted an informational meeting at City Hall to introduce the proposed Zoning Code Amendments to the public and to receive comments; and

WHEREAS, the Planning Commission of the City of San Leandro held a duly noticed Public Hearing for consideration of the Zoning Code Amendments on November 15th, 2018 and, after considering all public comments and testimony received prior to and during the hearing, found them to be consistent with the General Plan and recommended by a 4-2 decision that the City Council adopt an Ordinance to amend Article 6, Division 2 of the San Leandro Zoning Code with a provision to enable a 50 foot height limit for certain properties 10,000 square feet in size or larger in the Professional Office (P) zoning district when surrounding properties are also zoned to allow a 50 foot

height; and

WHEREAS, the City Council considered all public comments and testimony and the recommendation of the Planning Commission in its deliberations; and

WHEREAS, the Community Development Department provided notice of this Ordinance to amend the Zoning Code by publishing a public hearing notice in the East Bay Times' Daily Review newspaper on December 7, 2018; and

WHEREAS, the City's General Plan, Zoning Code, and Municipal Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

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 Amendments to Zoning Code Article 6, Division 2 are determined to not be subject to the California Environmental Quality Act (CEQA) because the proposed Amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment, 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 because 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.

SECTION 3. AMENDMENT OF CODE. Article 6, Division 2 of the San Leandro Zoning Code is amended as identified on "Exhibit A," attached hereto and incorporated herein by this reference.

SECTION 4. 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," 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 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 Council of the City of San Leandro 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.