



## Legislation Text

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**File #:** 21-759, **Version:** 1

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ORDINANCE of the City of San Leandro City Council Adopting Zoning Code Section 4.04.336, Multi-family and Mixed-Use Residential Development, and Miscellaneous Zoning Code Amendments Related to Objective Development Standards for Multi-Family and Mixed-Use Residential Development Citywide

**WHEREAS**, the State of California and the City of San Leandro face an unprecedented housing shortage and affordability crisis. In 2019, the Legislature concluded that “California has a housing supply and affordability crisis of historic proportions”; and

**WHEREAS**, the Housing Accountability Act, Government Code section 65589.5, restricts the City of San Leandro’s ability to deny or reduce the density of all housing development projects (including residential development, transitional and supportive housing, and residential mixed use development) that are consistent with objective development standards; and

**WHEREAS**, per Senate Bill 35 (“SB 35”) (2017), Government Code section 65913.4 establishes a developer-initiated process to streamline the review and approval of housing developments (i.e., those proposing two or more multifamily units) meeting specific criteria, including affordable housing requirements and labor requirements. Such housing projects will be eligible for ministerial approval, which means the project is exempt from environmental review under CEQA and will only be subject to “objective” development standards; and

**WHEREAS**, the City seeks to adopt measurable and clear objective development standards applicable to multi-family and mixed-use developments (“Objective Standards”), in accordance with State law; and

**WHEREAS**, such Objective Standards will be applicable to multi-family and mixed-use housing development projects, as defined by the Housing Accountability Act, and as mandatory standards for all qualifying projects seeking streamlined, ministerial review under SB 35; and

**WHEREAS**, the State provided grant funding to the City of San Leandro to develop Objective Standards through the SB2 Planning Grants Program; and

**WHEREAS**, the City solicited input from community members throughout the multi-year process to create Objective Standards, including stakeholder interviews, a community design preference survey, two online workshops, an online survey tool, releasing a public review draft, and holding virtual office hours; and

**WHEREAS**, the proposed Zoning Code amendments would establish objective development and design standards to achieve high-quality multi-family and residential mixed-use development projects consistent with the City of San Leandro General Plan, which provides for the following policies:

- **Policy CD-5.4 Architectural Consistency.** In established neighborhoods, protect architectural integrity by requiring infill housing, replacement housing, and major additions or remodels to be sensitive to and compatible with the prevailing scale and appearance of adjacent development.
- **Policy LU-6.1 Downtown Plans.** In accordance with the adopted Downtown Plan and Urban Design Guidelines and the Downtown San Leandro Transit Oriented Development Strategy, ensure that new downtown development is attractive and creates an image conducive to revitalization.
- **Housing Element Policy 59.01 Zoning Regulations.** Ensure that the development standards, use restrictions, parking requirements, and other regulations contained in the San Leandro Zoning Code enable the production of housing for all income groups. Overly restrictive or redundant requirements should be strongly discouraged.

**WHEREAS**, a staff report dated November 4, 2021, incorporated herein by reference, described and analyzed the proposed amendments for the Planning Commission; and

**WHEREAS**, the City of San Leandro Planning Commission held a duly noticed Public Hearing on November 4, 2021 for consideration of the proposed amendments, at which time all interested parties had the opportunity to be heard, and did consider all information pertaining to the proposed amendments, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

**WHEREAS**, the Planning Commission recommended approval of the proposed Zoning Code amendments to the City Council on a 6-0 vote (one Commissioner absent); and

**WHEREAS**, a staff report dated January 4, 2021 and incorporated herein by reference, described and analyzed the proposed amendments for the City Council; and

**WHEREAS**, on January 4, 2021, the City Council held a duly noticed Public Hearing for consideration of the proposed amendments, at which time all interested parties had the opportunity to be heard, and did consider all information pertaining to the proposed amendments, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing.

**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. FINDINGS.** The City Council makes the following findings in support of adopting this ordinance, based on the whole of the record:

1. The amendments to the Zoning Code are consistent with the General Plan and the purposes of the Zoning Code as described in Zoning Code Section 1.04.108;
2. The amendments to the Zoning Code will not be detrimental to the public interest, health, safety, or welfare of the City.

**SECTION 3. AMENDMENT OF ZONING CODE.** The San Leandro Zoning Code is hereby amended to adopt Section 4.04.336, Multi-family and Mixed-Use Residential Development, and Amendments to the San Leandro Zoning Code as shown in the attached "Exhibit A," which is incorporated herein by reference.

**SECTION 6. ENVIRONMENTAL REVIEW.** Pursuant to CEQA and the CEQA Guidelines, the City Council finds that the proposed amendments are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment as the Ordinance has no potential to result in a direct, or reasonably foreseeable indirect impact on the environment, and because the amendments implement State law.

**SECTION 7. 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 8. 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.