



Legislation Text

File #: 17-124, **Version:** 1

ORDINANCE Amending San Leandro Zoning Code Article 5, Section 2-576, “Secondary Dwelling Units,” and Related Conforming Amendments to Respond to New State of California Mandates for Accessory Dwelling Units.

WHEREAS, the State of California is facing a critical housing shortage, with the Department of Housing and Community Development (HCD) reporting that ongoing new housing production continues to fall far below the projected need; and

WHEREAS, Accessory Dwelling Units provide an important housing resource for low and very low income households, and a means of making home ownership more viable for moderate income homeowners; and

WHEREAS, the San Leandro General Plan adopted in 2016 supports construction of Accessory Dwelling Units in single family residential areas, and urges the City to “improve economic access to housing for all segments of the community;” and

WHEREAS, the San Leandro Housing Element adopted in 2015 recognizes Accessory Dwelling Units as an “essential part of the city’s housing stock” and a “resource for lower income households, students and young adults, extended families and small households;” and

WHEREAS, the adopted Housing Element further states in its action programs that zoning amendments should be developed to facilitate the construction of additional dwellings in single family neighborhoods; and

WHEREAS, San Leandro is committed to meeting its Regional Housing Needs Allocation for 2015-2023, which includes 504 very low income and 270 low income units; and

WHEREAS, the City has developed provisions in its Zoning Code for Accessory Dwelling Units in Article 5, Section 2-576 (currently entitled “Secondary Dwelling Units”); and

WHEREAS, these provisions are subject to periodic modification in response to new State laws and changes to the California Government Code; and

WHEREAS, Section 65852.2 of the California Government Code was amended in September 2016 as a result of the passage of Senate Bill 1069 and Assembly Bill 2299; and

WHEREAS, cities and counties across the State of California must revise their Accessory Dwelling Unit regulations by January 1, 2017 to implement the new requirements, and submit their revised regulations to the California Department of Housing and Community Development within 60 days after they become effective; and

WHEREAS, the amendments to Article 5, Section 2-576 would meet all requirements of the revised Government Code and are consistent with the new State guidelines for Accessory Dwelling Unit regulations published by the California Department of Housing and Community Development in December 2016; and

WHEREAS, amendments to the other sections of the San Leandro Zoning Code are contained within this Amendment to ensure internal consistency throughout the Code; and

WHEREAS, the Planning Commission of the City of San Leandro considered these amendments at its public hearing held on Thursday, February 16, 2017, found them to be consistent with the General Plan, and recommended City Council adoption by a 5-0 decision; and

WHEREAS, the revisions to the Zoning Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

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 amendments to the Zoning Code are statutorily exempt from the California Environmental Quality Act under Public Resources Code Section 21080.17.

SECTION 3. 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 and B and 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 4. Amendment of Zoning Code. Article 3, Definitions, Article 5, Residential Districts, Article 16, Development Regulations, Article 17, Off-Street Parking and Loading Regulations, Article 25, Site Plan Approval, and Article 30, Inclusionary Housing of the San Leandro Zoning Code are hereby amended, as shown in the attached Exhibits A and B, incorporated herein by reference.

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.