



## Legislation Text

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**File #:** 14-208, **Version:** 2

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ORDINANCE Amending the Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals Related to Increased Flexibility in Industrial and Commercial Uses; Adding Community Gardens Use and Regulations; Revising Regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; Clarifying and Revising Planning Entitlement Application Processing; and Conducting General Text Updates (amends Zoning Code to increase flexibility in industrial and commercial uses; adds Community Gardens; revises regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; clarifies planning application processes; and provides general text updates)

The City Council of the City of San Leandro does **ORDAIN** as follows:

### **SECTION 1. PURPOSE.**

**WHEREAS**, in 2002, the City of San Leandro adopted a new General Plan, which states that “the San Leandro General Plan aspires to reshape the industrial areas of West and Central San Leandro to meet the demands of the new economy.” Furthermore, the General Plan states that “the guiding objectives in the City’s large business districts are to promote business retention and diversification”; and

**WHEREAS**, the City of San Leandro Planning Division has been tasked with periodic updates to the Zoning Code; and

**WHEREAS**, on January 30, 2014 the City of San Leandro Planning Commission and Board of Zoning Adjustments met in a joint worksession to review and provide recommendations on draft proposals to amend the Zoning Code; and

**WHEREAS**, on April 3, 2014 the City of San Leandro Board of Zoning Adjustments met, reviewed, and commented upon the proposed amendments to the Zoning Code, and such comments were provided to the Planning Commission; and

**WHEREAS**, the proposed amendments to the Zoning Code increase flexibility in industrial and commercial uses; add Community Gardens use and regulations thereof; revise regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; clarify and revise planning entitlement application processing; and conduct general text updates; and

**WHEREAS**, the Planning Commission reviewed the staff report and the findings that the proposed amendments to the Zoning Code are exempt from environmental review under subsections

(b)(3) of Section 15061 of the CEQA Guidelines because the General Rule exemption states that where it can be seen with certainty that there is no possibility that the activity in question may have significant effect on the environment that the activity is not subject to CEQA. In addition, CEQA defines “project” as an activity that may result in a direct physical change in the environment. Updating the City of San Leandro Zoning Code in the manner described herein does not alter the existing zoning regulations in any substantive manner such that there is a possibility for the amendments to result in any direct or indirect physical change in the environment or cause any significant environmental effects; and

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

**SECTION 2. AMENDMENT OF CODE.** San Leandro Zoning Code Article 3, Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals are hereby amended as shown in Exhibits A through M.

**SECTION 3. FINDINGS FOR THE ZONING CODE AMENDMENT.** As required under state law, the City Council finds as follows:

a. The amendments to San Leandro Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals are in general agreement with General Plan Policies 6.02, 7.02, 7.03, 7.04, 7.06, 8.02, 8.07, 10.01, 11.03, and 12.03, 33.01, 43.08, and 58.01 as further explained in the staff report associated with this ordinance.

b. The proposed Zoning Code amendments are internally consistent with the City’s Zoning Ordinance. The amendments meet the requirements and standards of the Zoning Ordinance and the procedural requirements of Government Code sections 65856 and 65867, and Article 27, “Amendments,” as required by sections 5-2708 and 5-2712 of the Zoning Code.

**SECTION 4. ADOPTION OF THE ZONING CODE AMENDMENTS.** Based on the entirety of the record, as described above, San Leandro Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16, Development Regulations; Article 17 Off-Street Parking and Loading Spaces Requirements; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals are hereby amended as set forth in Exhibits A through M, attached hereto and incorporated into this Ordinance by this 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.

Introduced by Councilmember Cutter on this 2nd day of June, 2014, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Cutter, Gregory, Lee, Prola, Souza; Mayor Cassidy (6)

NOES: None (0)

ABSENT: Councilmember Reed (1)