



## Legislation Text

---

**File #:** 22-577, **Version:** 1

---

Presentation on Proposed General Plan and Zoning Amendments Related to the 2023-2031 Housing Element Update

### **COUNCIL PRIORITY**

- Public Safety
- Housing and Homelessness
- Sustainability & Resiliency
- Community Engagement and Outreach
- Race and Equity Initiatives
- Community & Business Development

### **SUMMARY**

This work session provides an update to the General Plan and Zoning Code amendments related to the 2015-2023 Housing Element including:

- Land Use Element and Zoning Amendments; and
- New Environmental Justice Element in compliance with SB1000;
- Updated Environmental Hazards (Safety) Element in compliance with AB747 and SB99, and Government Code Section 65302.

### **RECOMMENDATION**

There are no formal actions required at this time. Staff recommends that the City Council take public comment and provide feedback on the proposed amendments. The related General Plan and Zoning Code amendments will be considered by the City Council at a noticed public hearing concurrent with the 2015-2023 Housing Element Update in December 2022.

### **BACKGROUND**

The Housing Element is a mandatory element of a City's General Plan that provides goals, policies, and actions to plan for the community's existing and projected housing needs. State legislation requires local agencies to update their Housing Elements every eight years. The City of San Leandro began work on the 2023-2031 Housing Element Update in September 2021 and has conducted community engagement throughout. The draft Housing Element document was submitted to the State Department of Housing and Community Development (HCD) for initial review in mid-August and will be brought forward to the City Council for public hearing and adoption in December.

Related amendments to the General Plan and Zoning Code are proposed for compliance with State

law and to advance the goals and policies in the 2015-2023 Housing Element and draft 2023-2031 Housing Element.

## **Analysis**

### **LAND USE ELEMENT AND ZONING AMENDMENTS**

The Land Use Element and Zoning Code are proposed for amendment. The amendments are classified as follows:

- Implement select 2015-2023 Housing Element policies;
- Amend development standards to facilitate housing and comply with the Regional Housing Needs Allocation (RHNA);
- Address recent changes in State Law; and
- Miscellaneous amendments.

#### ***Implement Select 2015-2023 Housing Element Policies***

The following Zoning Code Amendments are proposed to advance implementation of the current 2015-2023 Housing Element:

- Action 53.01-C: U - Allow Multi-family and Mixed-Use Housing as a Permitted Use in Certain Areas of the CC District : Allow multi-family and mixed-use housing as a permitted use on parcels along Washington Street between Castro Street and San Leandro Boulevard and along MacArthur Boulevard between Durant Street and Foothill Boulevard. This will likely be achieved through establishment of a Housing Element Overlay Zone that would apply to the identified corridors. In other areas of the CC District, multi-family and mixed-use housing would continue to require a Conditional Use Permit.
- 59.01-B - Amend Zoning Code Provisions for Multi-Family Uses: Require a minimum density of 12 units/acre in R-1800, R-2000, and R-2500 Districts and a minimum density of 20 units/acre in the RM-875 District.

#### ***Amend Development Standards to Facilitate Housing and Comply with the RHNA***

The Housing Element evaluates constraints to housing production, including governmental constraints. Stakeholder interviews and detailed analysis of current development regulations revealed that specific development standards need to be modified to achieve the type of housing development anticipated in the 2035 General Plan, particularly in the Downtown (DA) and South Area (SA) Districts. The proposed increases in development standards (density, height, floor area ratio) will also assist the City with addressing the Regional Housing Needs Allocation (RHNA) on sites already zoned for infill development.

- Proposed Action 5.5: Height, Density, Floor Area Ratio (FAR) Standards
  - Increased height, density, FAR, and lot coverage to provide additional housing opportunities in the Downtown (DA) and South Area (SA) Zoning Districts and Corridor Mixed Use Land Use Designation, including:

- Increasing the maximum height limit in the DA-2 and SA districts from 50 feet to 65 feet and eliminating the maximum height in the DA-6 District;
- Increasing the maximum FAR in areas within the Corridor Mixed Use General Plan land use designation from 1.5 to 2.5; and
- Increasing the maximum density in the DA-2 and SA Districts to 85 units/acre, areas within the Downtown Mixed Use General Plan land use designation to 100 units per acre, and areas within the Transit-Oriented Mixed Use General Plan Land Use Designation to 125 units/acre.
- Eliminating the lower maximum density limitation on parcels less than 10,000 square feet since the achievable density is limited by the size of the lot and the additional limitation is not necessary.
- Proposed Action 14.2 - Remove Single Unit Allowances from Multi-Family Zoning Districts: Remove Single Family Residential as a permitted use in all Multi-Family Residential (RM) Districts to encourage multi-family development.

### ***Address Recent Changes in State Law***

The following amendments are proposed to address recent changes in State Law:

- Proposed Action 10.10: Affordable Housing Density Bonus: Amend Section 5.32.136 Density Bonus and Chapter 6.08 Residential Density Bonus for consistency with State law
- Proposed Action 15.4: Employee Housing: Define Employee Housing (for farmworkers) and add a new section which regulates employee housing for six or fewer employees the same as a single unit dwelling of the same type in the same zoning district, pursuant to State law.
- Proposed Action 16.15: Transitional and Supportive Housing: Amend Section 4.04.316 Supportive and Transitional Housing and associated parking requirements to allow supportive housing developments of up to 50 units to be permitted by right in all Zoning Districts where multi-family and mixed-use residential development are permitted, provided the development meets the standards otherwise applicable to multi-family and mixed-use residential development and satisfies the requirements of Government Code 65651.
- Proposed Action 16.16: Emergency Shelter Standards: Amend the definition of Emergency Shelter consistent with State law and expand the maximum number of beds and allowable locations beyond the Industrial Limited (IL) District to allow shelters in the General Industrial (IG) District.. Also add a new Section 4.04.384 Emergency Shelters to provide standards for aspects the City can regulate including location, staffing, hours of operation, screening, waiting areas, and personal space and to require a Shelter Management Plan.
- Proposed Action 16.18: Low Barrier Navigation Centers: Define Low Barrier Navigation Centers and add a new section that allows low barrier navigation centers consistent with State law under Government Code Section 65660 et seq, by right in all Zoning Districts where multi-family and mixed -use residential development are permitted, pursuant to State law. Low barrier navigation centers may be provided in a building or series of buildings, including “tiny homes”/”sleeping cabins” on a permanent foundation.

## ***Miscellaneous Amendments***

Several clean-up type amendments are proposed, as follows:

- Changes to Housing related terms and definitions: Refinements to the definitions of Group Housing; Hotels, Motels, and Time-Share Facilities; Manufactured Home; Mobile home; Residential Congregate Care Facilities; Residential Hotels; and Single-Family Residential to bring them up to date and provide better distinction between uses.
- Miscellaneous Clean-up Amendments: Miscellaneous clean up amendments to enable proper codification of previously repealed sections. Re-insertion of language that was inadvertently deleted through recent amendments.

## **NEW ENVIRONMENTAL JUSTICE ELEMENT**

The Environmental Justice (EJ) Element identifies goals, policies, and actions to reduce unique or compounded health risks, particularly for neighborhoods that face social, economic, and environmental burdens, by addressing the following topics:

- Pollution exposure and air quality
- Physical activity and public facilities
- Food access
- Civic engagement and investment prioritization
- Safe and sanitary homes

Senate Bill 1000 requires the City to assess whether there are “Disadvantaged Communities” (DACs) within its General Plan planning area. Senate Bill 535 defines DACs as areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation and/or areas with concentrations of people that are of low-income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment.

CalEPA developed the CalEnviroScreen tool to identify DACs throughout California. The tool uses existing environmental, health, and socioeconomic data to rank census tracts based on 20 distinct indicators in two primary groupings: Pollution Burden and Population Characteristics. The groupings are multiplied together to calculate the overall CalEnviroScreen score. In general, the higher the score, the more impacted a community is by pollution burdens and population vulnerabilities. Designated DACs are those communities that scored within the highest 25 percent of census tracts across California (CalEnviroScreen percentile scores of 75 or higher).

San Leandro has three identified DACs, including the following neighborhoods: Mulford Gardens, Davis West, southern portion of Eastshore-Davis Street, and Floresta Gardens. These neighborhoods are generally situated along the I-880 freeway, alongside industrial land uses, and adjacent to active rail lines. The draft EJ Element refers to DACs as “Environmental Justice Communities.”

A seven-person Community Advisory Committee (CAC) was convened in December 2021 to provide

guidance on the formation of the EJ Element. The CAC reviewed the existing conditions analysis and provided input on a draft policy framework. On September 14, 2022, an online Community Workshop was held with approximately 35 community members in attendance. Participants learned about key EJ findings and existing General Plan policies and actions. They then provided input on the draft EJ policies, which is summarized in Attachment B.

The draft EJ Element included as Attachment A builds on other EJ planning work done to date by the City, including the Climate Action Plan and Equity Work Plan. The draft document cross-references existing General Plan policies that advance EJ and incorporates feedback from the CAC and workshop participants on new policies and actions for the Council's consideration.

## **ENVIRONMENTAL HAZARDS (SAFETY) ELEMENT UPDATE**

The Environmental Hazards Element sets forth goals and policies to reduce the community's risk and advance its ability to prepare for hazards. The Environmental Hazards Element is being updated to address the following topics in compliance with State laws:

- Evacuation Planning - Recent legislation requires the City to assess the capacity of emergency evacuation routes (AB 747), identify residential areas with less than two evacuation routes (SB 99), and to identify evacuation locations (AB1409).
- Climate Change - Recent legislation requires the City to assess climate risks and identify goals, objectives, and policies that support its adaptation and resilience.
- Wildfire - The Board of Forestry and Fire Protection is now required to review the Safety Elements of local jurisdictions that contain Very High Fire Hazard Severity Zones as defined by CAL FIRE. Pursuant to Gov. Code, § 65302, subd. (g)(3), CAL FIRE has developed a Check-List of Safety Element requirements that the amendments will address.

A Technical Advisory Committee (TAC) was convened in February 2022 to guide the Environmental Hazards Element amendments, which includes staff from various City departments and outside agencies including Alameda County Fire Department and Office of Emergency Services. The TAC reviewed existing conditions analyses pertaining to climate vulnerability and evacuation scenarios. The TAC is currently reviewing the administrative draft amendments of the Environmental Hazards Element and their input will be incorporated into the final draft presented to Council for consideration concurrent with the public hearing package for the 2015-2023 Housing Element Update and related General Plan and Zoning Amendments.

## **Environmental Review**

The City of San Leandro, as the lead agency under the California Environmental Quality Act (CEQA), prepared a Supplemental Program Environmental Impact Report (SEIR) for the San Leandro 2015-2023 Housing Element and related General Plan and Zoning amendments. The Draft SEIR is now available for a 45-day public review period as specified by CEQA Guidelines Section 15105. The public comment period for the Draft SEIR began on September 16, 2022 and ends on October 31, 2022. Comments may be sent to Avalon Schultz at [aschutz@sanleandro.org](mailto:aschutz@sanleandro.org) during the comment period for consideration during preparation of the Final SEIR. The Final SEIR will include copies of comments and the City's responses to comments pertaining to the environmental analysis provided in the Draft SEIR.

## **Board/Commission Review and Actions**

The Planning Commission / Board of Zoning Adjustments is scheduled to hold a Work Session on the above amendments on Thursday, October 6, 2022 and any feedback received will be summarized at the Council Work Session. The Planning Commission will also make a recommendation to the City Council on the 2015-2023 Housing Element Update and related General Plan and Zoning amendments at a public hearing in advance of the Council taking final action in December 2022.

## **Summary of Public Outreach Efforts**

- Land Use Element and Zoning Amendments
  - Multi-Family Objective Standards Outreach, August 2020 - January 2022
  - Housing Element Outreach, September 2021 - present
- Environmental Justice Element
  - Community Advisory Committee, December 2021 - present
  - Online Community Workshop, September 14, 2022
- Environmental Hazards Element
  - Technical Advisory Committee, February 2022 - present

## **ATTACHMENTS**

*Attachment A: Draft Environmental Justice Element*

*Attachment B: Feedback from September 14, 2022 Environmental Justice Workshop*

*Attachment C: Presentation*

**PREPARED BY:** Avalon Schultz, AICP, Principal Planner, Community Development