



Legislation Text

File #: 12-034, **Version:** 2

Ordinance No. 2012-001, an Ordinance Amending Article 5, Sections 2-516 and 2-574 (Large Family Day Care); Article 5, Section 2-546 (Accessory Structure); Article 17, Section 4-1718 (Paving in Residential Front Yard); and Article 16, Section 4-1682 (Fences in the Residential Single-Family View Preservation Overlay District) of the San Leandro Zoning Code

WHEREAS, in 2002, the City of San Leandro adopted a new General Plan, which states that the City's Zoning Code regulations "strive to maintain a quality environment" in San Leandro's residential neighborhoods; and

WHEREAS, the City of San Leandro performs periodic reviews of the Zoning Code and has determined that some revisions and updates are recommended for the residential uses listed in the Zoning Code; and

WHEREAS, on January 5, 2012 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 apply to Large Family Day Care, Accessory Structures, Paving in Residential Front Yards in Residential Districts, and Fences in the Residential Single-Family View Preservation Overlay District; and

WHEREAS, on January 19, 2012, the Planning Commission of the City of San Leandro passed Resolution No. 2012-001PC, recommending adoption of the zoning ordinance amendments relating to Large Family Day Care in Article 5, Sections 2-516 and 2-574; Accessory Structures in Article 5, Section 2-546; Paving in Residential Front Yards in Article 17, Section 4-1718; and Fences in the Residential Single-Family View Preservation Overlay District in Article 16, Section 4-1682; and

WHEREAS, on February 21, 2012 the City Council conducted a properly noticed public hearing to consider approval of the proposed Zoning Code amendments; and

WHEREAS, the proposed amendments to the Zoning Code are exempt from CEQA since the proposed amendments do not approve or allow the construction of any project and, therefore, have no potential for resulting in physical change in the environment, directly or ultimately. Therefore, adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act pursuant to Public Resources Code section 21065 based on the finding that the proposed amendments are not a "project" within the meaning of Section 15378 of the State CEQA Guidelines and section 15061(b) as a minor clean up of zoning code sections to clarify existing policy; and

WHEREAS, the documents incorporated herein by reference are available for review in the City Planning department at the San Leandro City Hall, during normal business hours. The location

and custodian of the Notice of Exemption and other documents that constitute a record of proceedings for the Project is the City of San Leandro, 835 E. 14th Street, San Leandro, CA 94577; and

NOW, THEREFORE, the City Council of the City of San Leandro ordains as follows:

Section 1. Incorporation. The recitals above are true and correct and incorporated herein by this reference.

Section 2. Findings for the Zoning Code amendment. As required under State law, the City Council finds as follows:

a. The proposed Zoning Code amendments are consistent with the City's General Plan, pursuant to Gov. Code section 65855 and sections 5-2708 and 5-2712 of the Zoning Code. The proposed amendments are consistent with the following policies of the General Plan:

Policy 1.06 Day Care Centers in Neighborhoods: *To the extent permitted by State law, maintain regulations for large-family day care facilities (as defined by the State) and child care centers which ensure that impacts on residential neighborhoods are minimized*

Policy 2.05 Alterations, Additions, and Infill: *Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods*

Policy 1.07 Fences: *Require that any fencing in residential neighborhoods meets high aesthetic and safety standards. Residential fencing should not obstruct vehicle sight lines, should be compatible with the architectural design of nearby structures, and should make a positive contribution to the character of the neighborhood*

Policy 1.04 Front Yards: *Encourage the attractive treatment of front yards and other areas in residential neighborhoods that are visible from the street. Establish limits on the paving of front yard areas.*

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 Article 27, "Amendments".

c. The proposed amendment furthers and is reasonably related to the public health, safety, and welfare in that the amendments uphold the General Plan goals and policies that emphasize maintaining and improving the attractiveness of San Leandro's neighborhoods.

Section 3: Adoption of the Zoning Code Amendments. Based on the entirety of the record, as described above, Sections 2-516, 2-546 and 2-574 of Article 5; Section 4-1718 of Article 17; and Section 4-1682 of Article 16 of the San Leandro Zoning Code are hereby amended as set forth in Exhibit A, attached hereto and incorporated into this Ordinance by this reference.

Section 4. Effective Date of Ordinance. This Ordinance shall take effect thirty (30) days after adoption. The City Clerk of the City of San Leandro shall cause the title of the Ordinance to be

published once prior to adoption.

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of San Leandro hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Introduced by Councilmember Souza on this 21st day of February, 2012, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Prola, Reed, Souza, Starosciak	(6)
NOES:	None	(0)
RECUSED:	Mayor Cassidy	(1)
ABSENT:	None	(0)