



Legislation Text

File #: 24-239, **Version:** 1

Consideration of a resolution recommending that the City Council adopt an Ordinance amending various sections of the San Leandro Zoning Code to modify regulations pertaining to fencing, extend entitlements for qualified projects, and reflect the consolidation of the Board of Zoning Adjustments and the Planning Commission.

SUMMARY AND RECOMMENDATIONS

Staff periodically prepares updates to the City's Zoning Code to ensure that the regulations remain relevant, accurate and enforceable over time. The attached package of Zoning Code amendments has been prepared to address the following:

- **Security Fencing.** Modification of development standards related to fencing to provide property owners and business owners with a greater ability to secure their properties.
- **Extension of Entitlements.** Extension of entitlements for approved development projects for two (2) years to grant additional time for construction to proceed.
- **Consolidation of the Board of Zoning Adjustments and Planning Commission.** Replacement of references to the "Board of Zoning Adjustments" with the "Planning Commission" based on the planned consolidation of the two advisory bodies in the Administrative Code.

Staff recommends that the Planning Commission adopt a resolution recommending that the City Council adopt an Ordinance amending the San Leandro Zoning Code, as shown in Attachment 1, Exhibit A.

BACKGROUND AND ANALYSIS

Security Fencing

Staff is proposing to modify development standards related to fencing to provide property owners and business owners with a greater ability to secure their properties, while also maintaining the visual character of the community. In recent years, staff has received numerous requests from business and property owners to allow for more flexibility in fencing standards for security purposes. The proposed amendments to the Zoning Code were developed based on consultation with these business owners, as well as best practices employed in other communities:

- **Vacant Buildings and Property Fencing.** New provisions would exempt vinyl coated, mini-mesh chain link or similar fencing to secure vacant buildings and properties from the fencing standards of the Zoning Code.
- **Allowed Fencing Materials.** New provisions would identify acceptable fencing materials for each zoning district. Generally, accepted fencing materials include stone, brick, wood, composite wood, tubular steel, finished concrete, stucco, or other durable material.

- **Increased Allowable Fence Height in Street-Facing Setbacks Areas in Industrial Districts.** In Industrial Districts, the allowable fence height within front setback areas would be increased from three foot maximum to eight foot maximum, provided:
 - Portions of the fence over three feet in height are visually transparent.
 - The area between fence and property line is landscaped.
 - Driveway visibility requirements are met.
- **Security Fencing Standards.** Standards are included for security fencing that utilize razor/barbed wire materials. Razor/barbed wire materials must be angled inward toward property it is securing and a minimum six-foot clearance between the razor/barbed wire and the ground below must be maintained.
- **Electrified Security Fencing (IL and IG Districts only).** Electrified fencing (fencing carrying pulses of electric current to deter potential trespassers) is currently prohibited in the City of San Leandro. Standards are included for the Commission’s consideration to allow electrified fencing in the IL (Industrial Limited) and IG (Industrial General) Districts. Standards are also included to require that electrified fencing be completely surrounded by non-electrified fencing, require installation consistent with adopted codes and accepted best practices, require provisions for safe access by emergency personnel, and require the posting of safety warning signs.

During public outreach, staff noted concerns from the public about allowing electrified fencing, specifically that they may create safety hazards and that widespread use could contribute to a negative image of the city. To limit potential safety concerns, the proposed code amendments would require installation consistent with adopted codes and accepted best practices. The use of electrified fencing would also be limited to developed properties (not on vacant lots) in the IL and IG zoning districts. The IL and IG zoning districts contain the City’s heaviest industrial users and typically have low pedestrian-traffic (see Attachment 3). Businesses in the IL and IG zoning districts also commonly have outdoor storage of equipment and materials and are located on large properties that can be difficult to secure.

Extension of Existing Entitlements

Staff is proposing amendments to the Zoning Code to automatically extend active project entitlements for two (2) years. The automatic extension would apply to any project entitlements active as of March 1, 2024, and would be in addition to other discretionary extensions currently available under other sections of the Zoning Code.

The San Leandro Zoning Code establishes various deadlines, typically two years after issuance, for applicants to obtain grading or building permits for their approved entitlements, otherwise the entitlements will expire. The purpose of the automatic extension is to grant additional time for construction to proceed in recognition of current challenging economic conditions for residential, commercial and industrial development. The extension would delay the expiration of entitlements for numerous projects that are critical to the City’s housing and economic development goals. The City has more than 2,000 housing units in the development pipeline that have not yet proceeded to construction. Allowing these entitlements to expire would be detrimental to the City’s housing production goals set forth in the City’s Housing Element.

Consolidation of the Board of Zoning Adjustments and the Planning Commission

Staff is proposing amendments to the Zoning Code to change all references to the “Board of Zoning Adjustments” to the “Planning Commission.”

The City Council will be considering amendments to the City’s Administrative Code to officially combine the Board of Zoning Adjustments (BZA) and the Planning Commission (PC) into one singular advisory body (the Planning Commission). The BZA and PC have had the same membership and have conducted business as a single board since 2018, when the City Council adopted Resolution 2018-133 to consolidate the functions of the two advisory bodies. The proposed amendments to the Zoning Code would create consistency between the Administrative Code and Zoning Code.

GENERAL PLAN CONFORMANCE

The proposal is consistent with numerous goals and policies in the City’s General Plan, including:

- Housing Element Goal 1: Increase Housing Production by Providing Adequate Sites for a Variety of Housing Types and Removing Constraints to Residential Development
- Housing Element Policy P.1.1 Reduce Barriers to Housing Development. Facilitate innovative housing models and promote regulatory reforms that reduce the costs of housing production while also promoting broader citywide housing priorities.
- Economic Development Element Goal ED-1: Attract jobs and investment across all economic sectors.

PUBLIC OUTREACH

At the regular PC/BZA meeting of March 7, 2024, staff presented a public draft of the security fencing amendments to the Zoning Code (as well as other amendments to the Municipal Code). Staff posted the draft fencing amendments on the City’s website and reached out to various stakeholders to solicit public comments, including notifying Homeowners Associations. Presentations were also provided to the San Leandro Chamber of Commerce Board, the Downtown San Leandro Improvement Association (SLIA) Board and the Washington Manor Homeowners’ Association.

ENVIRONMENTAL REVIEW

Approval of the amendments is exempt from environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed Zoning Code amendments will have a significant effect on the environment.

RECOMMENDATION

Staff recommends the Board of Zoning Adjustments approve a Resolution recommending the City Council adopt a resolution amending various sections of the San Leandro Zoning Code to modify regulations pertaining to fencing, extending entitlements for qualified projects, and reflecting the

consolidation of the duties of the Board of Zoning Adjustments and the Planning Commission.

ATTACHMENTS

Attachment 1: Resolution 2024-XXX

Exhibit A: Amendments to the San Leandro Zoning Code

Attachment 2: Redline-Strikethrough Versions of the Proposed Zoning Code

Attachment 3: Map of Industrial Zones

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