



Legislation Text

File #: 20-046, **Version:** 1

ORDINANCE of the City of San Leandro City Council to Amend and Re-chapter the San Leandro Zoning Code to Accommodate Recent Changes in State law, to Make Corrections and Address Inconsistencies, and to Discontinue the Cap on Cannabis Product Manufacturing Permits

WHEREAS, the San Leandro City Council adopted the current 2035 General Plan Update in September 2016; and

WHEREAS, the San Leandro Zoning Code may be periodically amended to incorporate clarifications or corrections to existing designations, as well as substantive changes; and

WHEREAS, the San Leandro Zoning Code currently utilizes a two-tier numbering system, an organizational methodology that imposes certain limitations for online publishing, searching, hyperlinking, and indexing; and

WHEREAS, the proposed Amendments primarily consist of a re-chaptering to adjust the Zoning Code's indexing methodology to be consistent with the San Leandro Municipal Code and Administrative Codes; and

WHEREAS, the purpose of re-chaptering the Zoning Code is to improve its accessibility and ease of use, and does not modify, alter or affect the implementation of existing Zoning Code provisions; and

WHEREAS, the State of California passed a substantial number of new planning, zoning and housing laws that took effect on January 1, 2020, including additional provisions that necessitate changes to the City's regulation and processing of Accessory Dwelling Units and Large Family Home Child Care Facilities; and

WHEREAS, the proposed Amendments are in response to State legislative mandates and are necessary to bring the Zoning Code into compliance with State law; and

WHEREAS, the proposed Amendments include a provision that is consistent with City Council direction at its November 12, 2019 Work Session to conclude the City's pilot program limitations on Cannabis Product Manufacturing, which capped the number of facilities to five in total, established under Ordinance 2017-014 on July 17, 2017; and

WHEREAS, the proposed Amendments include non-substantive editing measures to clean-up identified errors, typos, and inconsistencies; and

WHEREAS, the proposed Amendments are consistent with the General Plan and other adopted Specific Plans; and

WHEREAS, the proposed Zoning Code amendments were determined to be non-substantive and necessary to achieve consistency with the goals, policies, and actions in the General Plan, other adopted plans and State law; and

WHEREAS, the proposed Zoning Code Amendments have been determined to not be subject to the California Environmental Quality Act (CEQA) because 1) the proposed Amendments constitute non-substantive corrections and adjustments that will not result in a direct or reasonably foreseeable indirect physical change in the environment; 2) the proposed Amendments are covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and 3) any project that has the potential to cause a significant effect on the environment will be evaluated through a separate environmental review process in accordance with CEQA; and

WHEREAS, the Planning Commission of San Leandro held a duly noticed Public Hearing for consideration of the Zoning Code Amendments on January 16, 2020 and, after considering all public comments and testimony received prior to and during the hearing, found them to be consistent with the General Plan and recommended by a 5-0 decision that the City Council adopt an Ordinance to amend and re-chapter the San Leandro Zoning Code; and

WHEREAS, the Community Development Department provided notice of this Ordinance to amend the Zoning Code by publishing a public hearing notice in the East Bay Times' Daily Review newspaper on February 24, 2020; and

WHEREAS, the City Council considered all public comments and testimony and the recommendation of the Planning Commission in its deliberations; and

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

NOW THEREFORE, the City of San Leandro City Council 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 Zoning Code Amendments have been determined to not be subject to the California Environmental Quality Act (CEQA) because 1) the proposed Amendments constitute non-substantive corrections and adjustments that will not result in a direct or reasonably foreseeable indirect physical change in the environment; 2) the proposed Amendments are covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and 3) any project that has the potential to cause a significant effect on the environment will be evaluated through a separate environmental review process in accordance with CEQA. The proposed amendments to the Zoning Code are necessary to comply with existing State mandates and are therefore exempt from CEQA under the general rule.

SECTION 3. AMENDMENT OF CODE. The San Leandro Zoning Code is amended as identified in "Exhibit A," attached hereto and incorporated herein by this reference.

SECTION 4. 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," attached hereto and incorporated herein by reference, are consistent with the 2035 General Plan adopted in September 2016. The City Council further finds that the consideration of the proposed Amendments complies with the notice and hearing provisions of the Zoning Code.

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 4. 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.