



## Legislation Text

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ORDINANCE of the City of San Leandro City Council Adopting Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD) District, of the San Leandro Zoning Code, Amending the San Leandro Zoning Map, and Adopting Miscellaneous Related Amendments to the San Leandro Municipal Code and Zoning Code

**WHEREAS**, California Government Code Section 65300 *et seq.* requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

**WHEREAS**; in 2016, the City Council adopted the San Leandro 2035 General Plan; and

**WHEREAS**, Government Code Section 65450 *et seq.* permits a city to adopt a specific plan for the implementation of the general plan for part of the area covered by the general plan; and

**WHEREAS**, on February 20, 2018, the City Council adopted the Bay Fair Transit Oriented Development (TOD) Specific Plan (the "Specific Plan"); and

**WHEREAS**, the Bay Fair TOD Specific Plan Area encompasses 154 acres and is generally bound by East 14 Street to the northeast, Hesperian Boulevard to the west, and the border between the City and unincorporated Alameda County to the south and southwest (the "Specific Plan Area"); and

**WHEREAS**, the Bay Fair BART Station and parking lots, Bay Fair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14<sup>th</sup> corridors are included within the Specific Plan Area; and

**WHEREAS**, the Specific Plan implements the City's General Plan, which identifies the Specific Plan Area as one of the City's most significant areas of potential change, and envisions the area as a dynamic, walkable, transit-oriented area with a mix of uses; and

**WHEREAS**, the Specific Plan provides a vision for a sustainable, vibrant, and safe transit-oriented village with a diversity of land uses serving local and regional populations; and

**WHEREAS**, the Specific Plan includes goals and policies related to land use, transportation/traffic, infrastructure, and design to fulfill the vision for the Specific Plan Area, and establishes uses and development standards for the Specific Plan Area; and

**WHEREAS**, the Specific Plan includes text and diagrams specifying the distribution, location, and extent of the uses of land within the area covered by the plan, as well as the location, and extent and intensity of major components of public and private transportation and other essential facilities

located within the Specific Plan Area; and

**WHEREAS**, the Specific Plan identifies standards and criteria by which development will proceed; and

**WHEREAS**, the City Council desires to update the San Leandro Zoning Code, by adding Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD) District, to implement the Specific Plan and more specifically identify the standards for development within the Specific Plan Area; and

**WHEREAS**, the proposed changes to the Zoning Code will enable the development of a mixed-use urban village that supports housing, retail, office, entertainment, and civic uses with safe pedestrian and bicycle connections to public transit, services and employers; and

**WHEREAS**, new residential and non-residential uses in the Specific Plan Area will be required to provide certain minimum amounts of publicly accessible open space, as further specified in the Specific Plan and Zoning Code Chapter 2.10; and

**WHEREAS**, parks, green space, plazas, and other public open space encourage pedestrian activity, which is an important element of creating a sustainable, vibrant, and safe transit-oriented village; and

**WHEREAS**, Land Use Policy 11 of the TOD Specific Plan is to allow a variety of public open spaces, pedestrian oriented streetscapes, and gathering spaces to meet the needs of new and existing residents, visitors, workers and businesses; and

**WHEREAS**, Chapter 5 of the Specific Plan contains standards and guidelines for both public and private open space in the Specific Plan Area; and

**WHEREAS**, the City currently provides parks, recreational facilities, and open space to the community, and both the General Plan and Specific Plan have stated goals and policies related to the creation and maintenance of parks, recreational facilities, and open space; and

**WHEREAS**, development of new residential and commercial projects encourages new residents to move to the City, as well as new non-residents to come to the City for work, shopping, and recreations. These new residents and visitors create increased demand for parks, recreational facilities, and open space suitable for a variety of ages and uses; and

**WHEREAS**, this demand is not created solely by residents, but also by employees of, and visitors to, commercial spaces, who use parks, recreational facilities, and open space before and after work, during lunch and other breaks, and after visiting commercial establishments; and

**WHEREAS**, if publicly accessible parks, recreational facilities, and open space are not provided in the Specific Plan Area, the demand created by new development in the Specific Plan Area will be directed elsewhere, and will overburden such facilities in surrounding areas, increase crowding, and decrease access; and

**WHEREAS**, the publicly accessible open space requirements are necessary to assist the City

in meeting its stated goals for parks, recreational facilities and open space in the General Plan and Specific Plan and accommodate the demand for such open space created by the new residential and non-residential development in the plan area; and

**WHEREAS**, a conservative and reasonable estimate of build-out associated with the proposed Specific Plan through 2035 would include development of up to 2,540 housing units and 300,000 square feet of office space, as well as the removal of an estimated 161,000 square feet of retail space; and

**WHEREAS**, as population and densities within the Specific Plan Area increase, publicly accessible open space becomes an essential neighborhood amenity and a counterbalance in the built environment; and

**WHEREAS**, the publicly accessible open space requirements for residential and commercial development adopted by the Specific Plan and Zoning Code Chapter 2.10 are roughly proportionate to the demand for such open space created by new residential and commercial development, and there is a reasonable relationship between the amount of the publicly accessible open space requirement and the need for such open space; and

**WHEREAS**, the San Leandro Municipal Code currently requires certain types of developments to dedicate park land or pay the Park Facilities Development Impact Fee, the purpose of both of which is to create or finance the creation of park facilities to reduce the impacts caused by new development; and

**WHEREAS**, publicly accessible open space required by the Specific Plan and Zoning Code Chapter 2.10 will count toward the parkland dedication requirements of Municipal Code Chapter 7-1 and/or be a credit toward payment of the Park Facilities Development Impact Fee required by Municipal Code Chapter 7-13; and

**WHEREAS**, the City Council desires to amend the Zoning Map to ensure consistency with the General Plan and Specific Plan; and

**WHEREAS**, the City Council also desires to make certain amendments to the City's Municipal Code and Zoning Code to ensure consistency with the General Plan and Specific Plan, and related to the creation of the B-TOD Zoning District and elimination of the C-RM (Commercial-Regional Mall) District; and

**WHEREAS**, the City Council also desires to add Chapter 5.14, Development Plan Approval, to the San Leandro Zoning Code to govern the processing and approval of development plans, which shall be required for sites over 5 acres; and

**WHEREAS**, the City released the proposed text of Zoning Code Chapter 2.10 for a two-week public review on or before August 21, 2020 and held a virtual public community meeting to solicit feedback on the zoning update on September 1, 2020; and

**WHEREAS**, public input was further solicited through a dedicated project website and through a meeting of the Planning Commission on July 2, 2020; and

**WHEREAS**, the proposed adoption of San Leandro Zoning Code Chapter 2.10 and other amendments to the San Leandro Zoning Code, the proposed amendments to the Bay Fair TOD Specific Plan, the proposed amendments to the San Leandro General Plan, and the proposed amendments to the San Leandro Municipal Code are collectively referred to as the “Project”; and

**WHEREAS**, the City prepared an Environmental Impact Report (“EIR”) to identify the potential environmental impacts of the Bay Fair TOD Specific Plan; and

**WHEREAS**, on February 20, 2018, the City Council adopted Resolution No. 2018-008 certifying a Final Environment Impact Report (the “EIR”) entitled, “Bay Fair Transit Oriented Development (TOD) Specific Plan Environmental Impact Report SCH#2017032016” and adopting a Mitigation Monitoring and Report Program for the Specific Plan; and

**WHEREAS**, the City prepared an addendum to the certified EIR documenting that the Project consists of only minor technical changes or additions and will not have significant new impacts or substantially increase previously identified significant impacts; and

**WHEREAS**, on December 7, 2020, the City Council adopted Resolution No. 2020-149 adopting an Addendum to the Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016 for the Project; and

**WHEREAS**, a staff report dated November 5, 2020, incorporated herein by reference, described and analyzed the proposed Project for the Planning Commission; and

**WHEREAS**, the City of San Leandro Planning Commission held a duly noticed Public Hearing on November 5, 2020 for consideration of the proposed Project, and did consider all information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

**WHEREAS**, the Planning Commission recommended approval of the proposed Project to the City Council on a 7-0 vote; and

**WHEREAS**, a staff report dated December 7, 2020 and incorporated herein by reference, described and analyzed the Project and the related Addendum to the EIR for the City Council; and

**WHEREAS**, on December 7, 2020, the City Council reviewed the staff report and the draft Addendum to the EIR at a duly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City’s General Plan, Zoning Code, and Municipal Code, as well as the Specific Plan, are incorporated herein by reference, and are available for review on the City’s website.

**NOW, THEREFORE**, the City Council of the City of San Leandro does ordain as follows:

**SECTION 1. RECITALS.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. FINDINGS.** The City Council makes the following findings in support of adopting this ordinance, based on the whole of the record:

1. The amendments to the Zoning Code, Zoning Map, and Municipal Code are consistent with the General Plan, Bay Fair TOD Specific Plan, as amended, and the purposes of the Zoning Code as described in Zoning Code Section 1.04.108;
2. The amendments to the Zoning Code, Zoning Map, and Municipal Code will not be detrimental to the public interest, health, safety, or welfare of the City.

**SECTION 3. AMENDMENT OF ZONING CODE.** The San Leandro Zoning Code is hereby amended to add Chapter 2.10, Bay Fair Transit-Oriented Development (TOD) District, and to make miscellaneous other amendments as shown in attached Exhibit A and incorporated herein by reference.

**SECTION 4. AMENDMENT OF ZONING MAP.** The San Leandro Zoning Map is hereby amended as shown in attached Exhibit B and incorporated herein by reference.

**SECTION 5. AMENDMENT OF MUNICIPAL CODE.** The San Leandro Municipal Code is hereby amended as shown in attached Exhibit C and incorporated herein by reference.

**SECTION 6. ENVIRONMENTAL REVIEW.** Pursuant to CEQA and the CEQA Guidelines, the City adopted Resolution No. 2020-149 incorporated herein by reference, adopting an Addendum Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016.

The Zoning Code, Zoning Map and Municipal Code Amendments implement the Project and were analyzed in the Addendum as part of the Project. No subsequent environmental impact report or additional environmental analysis is required in connection with the approval of the Project or this Ordinance, in that the City Council finds and determines that none of the conditions set forth in Public Resources Code Section 21166, State CEQA Guidelines Section 15162(a) have occurred.

**SECTION 7. 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 8. 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.