



City of San Leandro

Meeting Date: January 22, 2019

Ordinance

File Number: 18-627 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.F.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE of the City of San Leandro City Council to Amend Article 6, Division 2 of the San Leandro Zoning Code, Related to the Development Regulations of Commercial and Professional Zoning Districts.

WHEREAS, the San Leandro City Council adopted the current General Plan 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 Zoning Code Amendments are consistent with the General Plan and other adopted specific plans, and are consistent with other provisions of the Zoning Code; and

WHEREAS, the Zoning Code Amendments have been determined to be non-substantive and are necessary to achieve consistency with the goals, policies, and actions in the General Plan and other adopted plans; and

WHEREAS, the Zoning Code Amendments clarify and consolidate established provisions of the Zoning Code and do not increase or intensify development standards such as density, lot coverage, building heights, or setbacks; and

WHEREAS, the Zoning Code Amendments to Article 6, Division 2 are determined to not be subject to the California Environmental Quality Act (CEQA) because the proposed Amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment, 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 because 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, on November 1, 2018, the Community Development Department hosted an informational meeting at City Hall to introduce the proposed Zoning Code Amendments to the public and to receive comments; and

WHEREAS, the Planning Commission of the City of San Leandro held a duly noticed Public Hearing for consideration of the Zoning Code Amendments on November 15th, 2018 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 4-2 decision that the City Council adopt an Ordinance to amend Article 6, Division 2 of the San Leandro Zoning Code with a provision to enable a 50 foot height limit for certain properties 10,000 square feet in size or larger in the Professional Office (P) zoning district when surrounding properties are also zoned to allow a 50 foot height; and

WHEREAS, the City Council considered all public comments and testimony and the recommendation of the Planning Commission in its deliberations; 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 December 7, 2018; and

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

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. CEQA. The Amendments to Zoning Code Article 6, Division 2 are determined to not be subject to the California Environmental Quality Act (CEQA) because the proposed Amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment, 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 because 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.

SECTION 3. AMENDMENT OF CODE. Article 6, Division 2 of the San Leandro Zoning Code is amended as identified on "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," incorporated herein by reference, are consistent with the 2035 General Plan adopted in September, 2016. The City Council further finds that 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 6. 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.

Exhibit A

Division 2. Development Regulations

2-676 Property Development Regulations: CN, CC, CS, CR, C-RM, P, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, and DA-6 Districts

The following sections set forth the property development regulations of the CN, CC, CS, CR, C-RM, P, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, and DA-6 districts. In addition, development in the SA-1, SA-2 or SA-3 Districts shall be consistent with the Design Guidelines in the East 14th Street South Area Development Strategy. Development in the DA-1, DA-2, DA-3, DA-4, and DA-6 Districts shall be consistent with the provisions contained in the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy. (Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-678 Minimum Lot Area and Minimum Lot Width

Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)
CN, P	5,000	50
CC, CS, NA-1, NA-2	10,000	100
CR	10,000	n.a.
C-RM	25 acres ^(A)	n.a.
DA-1, DA-6	10,000 ^(A)	100
DA-2, DA-3, DA-4	5,000 ^(A)	50
SA-1, SA-2, SA-3	5,000	50

- A. Exceptions to Minimum Lot Size – C-RM and DA Districts. The Zoning Enforcement Official may administratively approve an exception to the minimum lot size to allow for lots less than the minimum size required by this section if adequate shared ingress, egress and access to parking facilities can be provided to accommodate each proposed new lot. Ord. 2016-012 § 4; Ord. 2007-020 § 2; Ord. 2005-002 § 1; Ord. 2004-007 § 2; Ord. 2001-015 §1)

2-680 Minimum Yards

- A. Minimum Building Setback. The minimum setback for building placement, is as prescribed below. Additional building setback may also apply as specified in Subsections B, C, D, E, F, G, H, and I.

Zoning District	Front (ft.)	Side (ft.)	Corner Side (ft.)	Rear (ft.)	Yards Abutting R Districts
CC	10	0	10	0	15 ft. side or rear ^(J)
CN, P	10	0	10	0	15 ft. side or rear ^(J)
CR	20	0	20	0	15 ft. side or rear ^(J)
C-RM	0	0	0	0	40 ft. from a structure in an R District ^(C)
CS	10	0	10	0	15 ft. side or rear ^(J)
DA-1	Varies ^{(D)(G)}	0	0	Varies ^{(D)(G)}	Varies ^(J)
DA-2; DA-3, DA-6	Varies ^{(E)(G)}	0	0	Varies ^{(E)(G)}	Varies ^(J)
DA-4	Varies ^{(F)(G)}	0	0	Varies ^{(F)(G)}	Varies ^(J)
NA-1	0	4	0	5	n.a.
NA-2	20 or 25 ^(H)	15 ^(H)	20 ^(H)	15 ^(H)	25 ft. rear for second story 35 ft. rear for third story ^(H)
SA-1, SA-3	0 ^(I)	0	0 ^(I)	0	8 ft. side or rear ^(J)
SA-2	Varies ^(I)	0	0	0	8 ft. side or rear ^(J)

B. Additional Regulations – All Commercial and Professional Districts.

1. Front, side, corner side, and rear yards shall be subject to the regulations of Section 4-1654: Building Projections into Yards and Courts.
2. Double-frontage lots shall provide the minimum front setback on each frontage.

C. Additional Building Setback Requirements – CR-M District. No building in the C-RM District shall be constructed within 40 feet of a structure in an R District. Any other restriction on yards shall be as established pursuant to a conditional use approval or development agreement.

D. Additional Building Setback Requirements – DA-1 District.

1. Along East 14th Street, a minimum front setback of seven feet is required to create a minimum 15-foot wide pedestrian zone.
2. Rear yards shall be consistent with the prevailing condition on each block.

E. Additional Building Setback Requirements – DA-2, DA-3, and DA-6 Districts.

1. Front setbacks shall be consistent with the prevailing condition on each block.
2. Where ground floor residential is proposed, a minimum front setback of 10 feet and a maximum of 15 feet shall be provided
3. For mixed-use buildings, the front setback shall not exceed 10 feet.
4. Rear yards shall be consistent with the prevailing condition on each block.

F. Additional Building Setback Requirements – DA-4 District.

1. Front setbacks shall be consistent with the prevailing condition on each block.
2. Rear yards shall be consistent with the prevailing condition on each block.
3. Along the San Leandro Creek, the Zoning Enforcement Official shall determine the applicable building setback for a creek trail and open space.

G. Pre-Existing Residential in DA Districts. The Zoning Enforcement Official shall determine the applicable building setback standards for modifications or additions to pre-existing residential development based on the prevailing conditions on each block.

H. Additional Building Setback Requirements – NA-2 District.

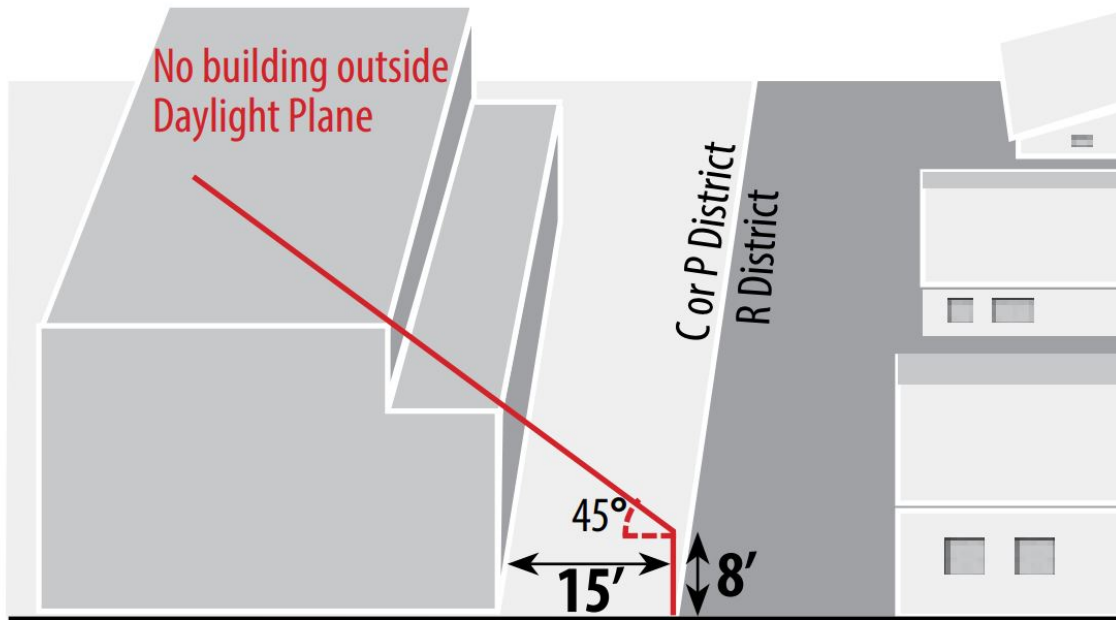
1. The front setback in the NA-2 District shall be as follows: 20 feet for one and two story buildings and 25 feet for three story buildings.
2. Side setbacks in the NA-2 District shall be 15 feet or one-half the building height, whichever is greater.
3. Corner side setbacks in the NA-2 District shall be 20 feet, or one-half the building height, whichever is greater.
4. Rear yard requirements in the NA-2 District, when adjoining RS Districts, shall be increased to 25 feet for the second story and 35 feet for the third story. Rear yards in the NA-2 District, when adjoining RD or RM Districts, shall be increased to 25 feet.

I. Additional Building Setback Requirements – SA-1, SA-2, and SA-3 Districts.

1. If ground floor residential is proposed, a 10-foot building setback shall be required.
2. South of Blossom Way: Front setbacks will vary to achieve a 13.5-foot wide sidewalk. No front setback is required.
3. North of Blossom Way: Front setbacks will vary to achieve a 13-foot wide sidewalk. A minimum 4.5-foot setback shall be required.

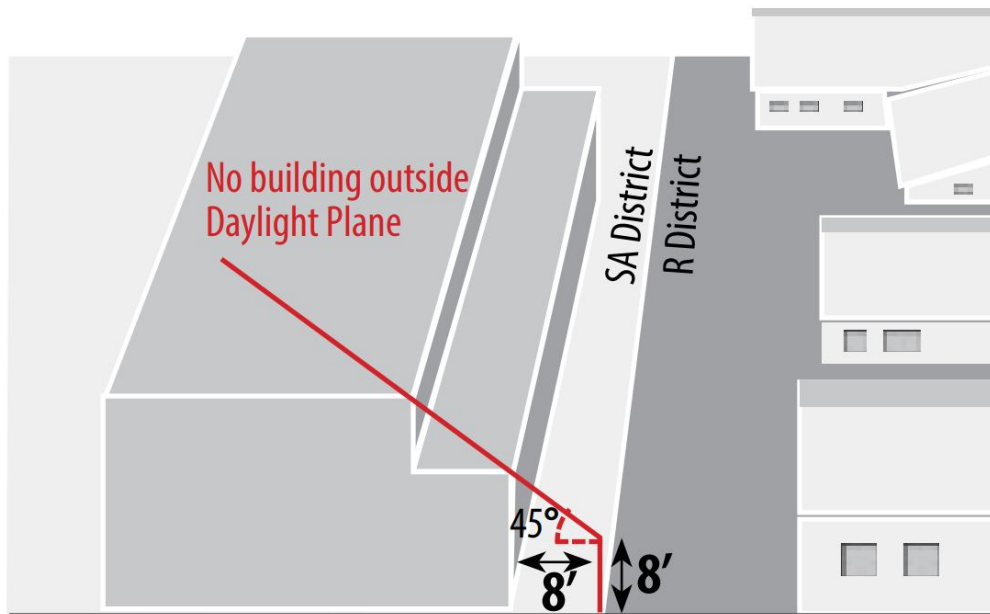
J. Daylight Plane Regulations for Parcels Adjacent to R Districts.

1. For C and P Districts, structures shall not intercept a one-to-one (1:1) or forty-five degree (45°) daylight plane inclined inward from a height of eight (8) feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—C or P Districts.”)



Required Daylight Plane at Adjoining Districts—C or P Districts
 (The diagram is illustrative)

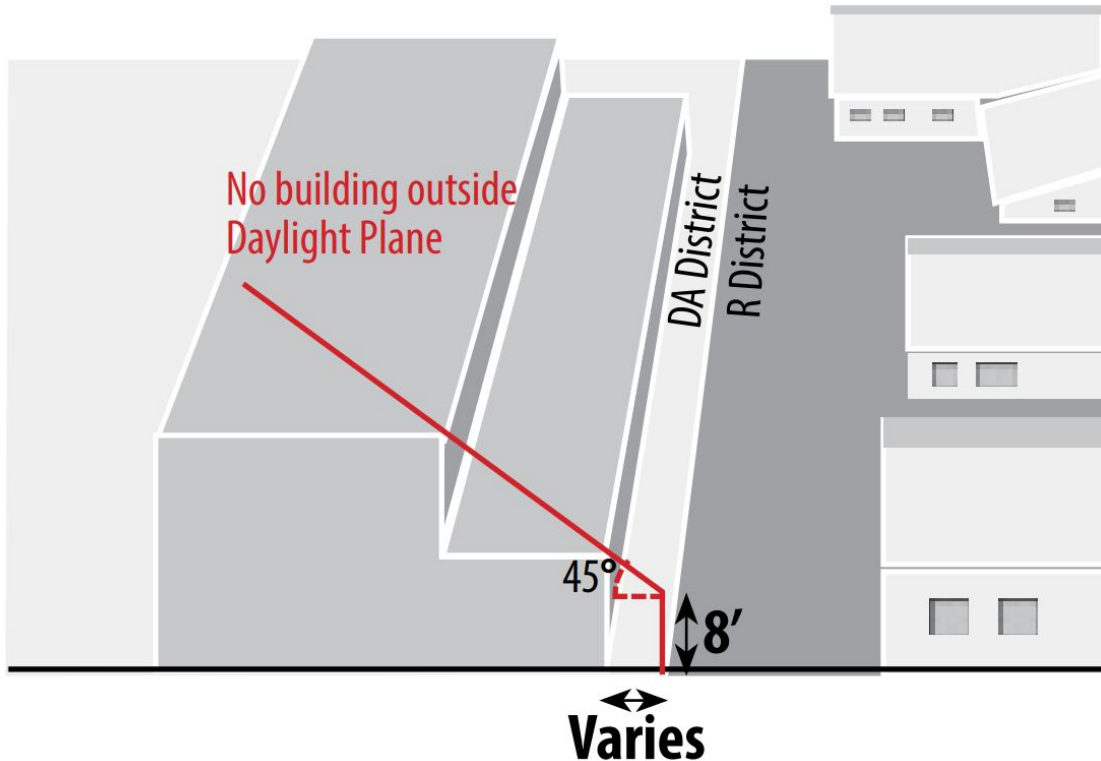
2. For SA districts, structures shall not intercept a one-to-one (1:1) or forty-five degree (45°) daylight plane inclined inward from a height of eight feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—SA Districts.”)



Required Daylight Plane at Adjoining Districts—SA Districts

(The diagram is illustrative. Also refer to the East 14th Street South Area Design Guidelines)

3. For DA districts, structures shall not intercept a one-to-one (1:1) or forty-five degree (45°) daylight plane inclined inward from a height of eight feet above existing grade at an RS or RD District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—DA Districts.”)



Required Daylight Plane at Adjoining Districts—DA Districts

(The diagram is illustrative. Also refer to the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy)

4. In instances in which the zoning district boundary is located at the centerline of an adjacent public right-of-way, the daylight plane shall be measured from the nearest property line.
5. The Zoning Enforcement Official may approve an Administrative Exception if an applicant cannot meet these provisions per Section 2-699 Administrative Exceptions.

2-682 Height of Structures

Zoning District	Non-Residential Development		Residential and Mixed-Use Residential Development	
	Minimum Height (ft.)	Maximum Height (ft.)	Minimum Height (ft.)	Maximum Height (ft.)
CC	n.a.	50	n.a.	50
CN, NA-1, NA-2	n.a.	30	n.a.	50
CR, CS	n.a.	40	n.a.	n.a.
C-RM	n.a.	80 ^(A)	n.a.	50
DA-1	n.a. or 24 ^(B)	75 ^(C)	n.a. or 24 ^(B)	75 ^(C)
DA-2	n.a. or 24 ^(B)	50 ^(C)	n.a. or 24 ^(B)	50 ^(C)
DA-3	n.a.	50 ^(C)	n.a.	50 ^(C)
DA-4	n.a.	60-75 ^(C)	n.a.	60-75 ^(C)
DA-6	n.a.	75 ^(C)	n.a.	75 ^(C)
P	n.a.	30	n.a.	30
SA-1, SA-2, SA-3	24	50	24	50

- A. Exceptions to Maximum Height – C-RM District. No building in the C-RM District shall exceed a height of 80 feet or four stories unless a greater height is expressly permitted by a Conditional Use Permit or development agreement.
- B. Exceptions to Minimum Height – DA-1 and DA-2 Districts. The 24-foot minimum height standard only applies along East 14th Street between Chumalia Street and Georgia Way. No minimum height applies elsewhere in the DA-1 or DA-2 districts.
- C. Specific Heights and Height Exceptions – DA Districts. The Downtown San Leandro Transit-Oriented Development Strategy Figure 8 establishes the locations of specific height limits. Exceptions to the maximum height requirement may be allowed subject to the approval of a Conditional Use Permit.
- D. Other Exceptions to Height Limits. The maximum height of structures shall be subject to the regulations of Section 4-1658: Exceptions to Height Limits. (Ord. 2016-012 § 4; Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-684 Lot Coverage

Zoning District	Maximum Lot Coverage
CC, CN, CS, P	50%
CR	25%

C-RM, DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, SA-1, SA-2, SA-3	100%
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(Ord. 2016-012 § 4; Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-686 Floor Area Ratio (FAR)

Zoning District	Minimum FAR	Maximum FAR
CC	n.a.	1.0
CN	n.a.	0.5
CR	n.a.	1.0
C-RM	n.a.	1.0
CS	n.a.	0.5
DA-1	n.a.	3.5
DA-2	n.a.	1.0 – 5.0 ^{(A)(B)(C)(D)}
DA-3	n.a.	3.5 – 4.0 ^(B)
DA-4	n.a.	4.0 – 5.0 ^(C)
DA-6	1.0	4.0 – 5.0 ^(C)
NA-1, NA-2	n.a.	1.0 – 1.5 ^(D)
P	n.a.	0.5 – 3.5 ^(A)
SA-1, SA-2, SA-3	n.a.	1.0 – 1.5 ^(D)

- A. Maximum FAR in Downtown Mixed Use – DA-2, DA-3, and P Districts. Maximum of up to 3.5 FAR allowed for parcels within the General Plan Downtown Mixed Use land use category.
- B. Maximum FAR in Transit-Oriented Mixed Use – DA-2, and DA-3 Districts. Maximum of up to 4.0 FAR allowed for parcels within the General Plan Transit-Oriented Mixed Use land use category.
- C. Parcels Adjacent to BART – DA-2, DA-3, DA-4, and DA-6 Districts. Maximum of up to 5.0 FAR allowed for parcels adjacent to a BART station.
- D. Maximum FAR for Residential or Mixed-Use Residential Developments – DA-2, NA-1, NA-2, SA-1, SA-2, and SA-3 Districts. Maximum of up to 1.5 FAR for residential or mixed-use residential development.

2-688 Minimum Site Landscaping

- A. General Landscape Requirements. In addition to the general requirements prescribed in Article 19 Landscape Requirements, the following requirements for minimum site landscaping apply to all property within commercial and professional districts. The

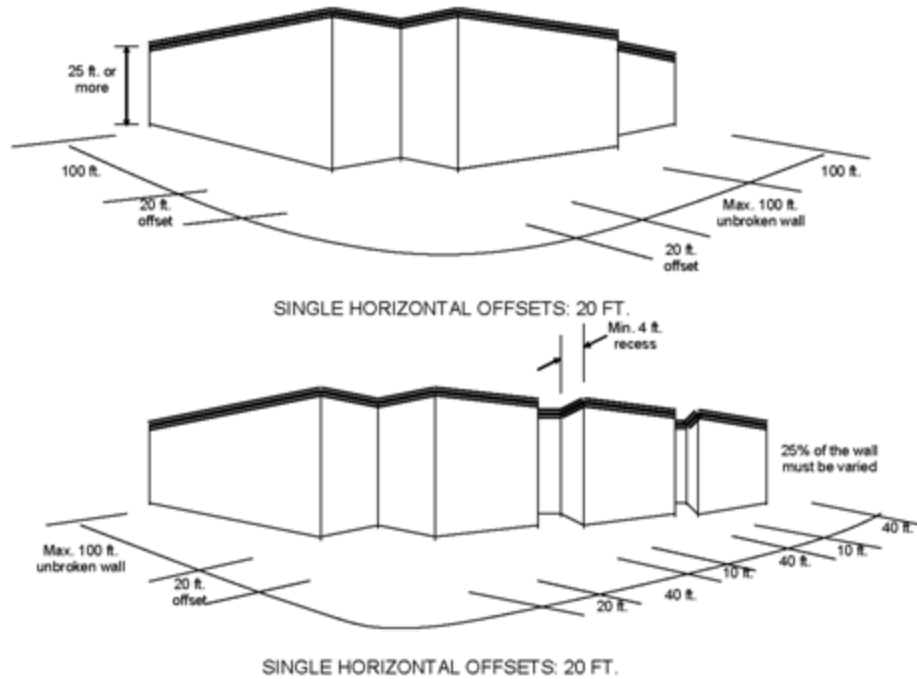
minimum percentage of the site that shall be used for landscaping shall be as prescribed below:

Zoning District	Minimum Site Landscaping
CN, NA-1, P, SA-1, SA-3	5% ^{(C)(D)}
CC, CS, NA-2, SA-2	10% ^{(C)(D)}
CR, C-RM, DA-1, DA-2, DA-3, DA-4, DA-6	Determined at the time of project Site Plan Review, pursuant to Article 25 ^(C)

- B. Landscape Requirements in All Districts. Notwithstanding the minimum setback and landscaped yard requirements of this Article, all open areas within, and adjacent to, a required front or corner side yard, other than areas used for walks, drives or parking and loading facilities, shall be landscaped. For projects requiring Site Plan Review pursuant to Article 25 Site Plan Approval, all landscaping shall be installed consistent with Article 19 Landscape Requirements.
- C. Minimum Site Landscaping – CN, CC, CR, CS, P, and NA-2 Districts. A landscaped yard or planter strip with a minimum depth of 10 feet shall be provided within the front and corner side setbacks prescribed in Section 2-680 Minimum Yards.
- D. Minimum Site Landscaping – SA-1, SA-2 and SA-3 Districts. A minimum five-foot landscaped yard or planter strip shall be provided for any parking facility or other open space area abutting a public street.
- E. Exceptions for Minimum Site Landscaping. As part of the Site Plan Review pursuant to Chapter 25 Site Plan Approval, exceptions to the requirements of this Subsection may be permitted if such requirements are found not to be practical due to pre-existing site constraints. (Ord. 2016-012 § 4; Ord. 2007-020 § 2; Ord. 2004-009 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-690 Wall Setback or Offsets

- A. Building Articulation. Buildings over 25 feet in height with walls that extend longer than 100 feet shall provide architectural details such as offsets, recesses, reveals, window patterns, columns, or pilasters. Alternative design solutions that achieve an equivalent level of building articulation and visual interest may be approved by the ZEO, or may be approved as part of the site plan review or other approval process by the approval authority. (Please refer to “Maximum Wall Length and Required Break” illustration.)



Maximum Wall Length and Required Break

(The diagram is illustrative)

(Ord. 2016-012 § 4; Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-692 Density for Multi-Family Residential and Mixed-Use Residential Development

- A. Density for Multi-Family Residential and Mixed-Use Residential Development. The minimum and maximum density for residential and mixed-use development is as prescribed below. For minimum and maximum density calculations that result in fractional amounts, numbers of 0.5 or greater shall be rounded up to the nearest whole integer, numbers less than 0.5 shall be rounded down to the nearest whole integer.

Zoning District	Minimum Density (Dwelling Unit / Acre)	Maximum Density (Dwelling Unit / Acre)
CC, CN, C-RM	n.a.	24 ^(B)
CR, CS	n.a.	n.a.
DA-1	Parcels < 10,000 SF: n.a. Parcels ≥ 10,000 SF: 35	Parcels < 10,000 SF: 24 ^(B) Parcels ≥ 10,000 SF: 100 ^(B)
DA-2	Parcels < 10,000 SF: n.a. Parcels ≥ 10,000 SF: 20	Parcels < 10,000 SF: 24 ^(B) Parcels ≥ 10,000 SF: 40 ^(B)
DA-3	Parcels < 10,000 SF: n.a. Parcels ≥ 10,000 SF: 20	Parcels < 10,000 SF: 24 ^(B) Parcels ≥ 10,000 SF: 60 ^(B)
DA-4	Parcels < 10,000 SF: n.a.	Parcels < 10,000 SF: 24 ^(B)

	Parcels ≥ 10,000 SF: 60	Parcels ≥ 10,000 SF: 100 ^(B)
DA-6	Parcels < 10,000 SF: n.a. Parcels ≥ 10,000 SF: 60	Parcels < 10,000 SF: 24 ^(B) Parcels ≥ 10,000 SF: n.a.
NA-1, NA-2, P	n.a.	24
SA-1, SA-2, SA-3	18 ^(C)	24-35

- B. Small Unit Density Bonus – DA Districts. A 20 percent density bonus for average unit size less than 750 square feet is allowed. This bonus may not be added to the state-required density bonus for affordable housing. Only one density bonus program may be applied to any given development.
- C. Exceptions to Minimum Density – SA Districts. Exceptions to this minimum density requirement may be approved at the discretion of the Zoning Enforcement Official.

2-694 Open Space for Multi-Family Residential and Mixed-Use Residential Development.

- A. In addition to the general Landscape Requirements prescribed in Article 19 and 2-688.A, the following requirements for minimum required open space apply to all multi-family residential and mixed-use residential development in the C, P, NA, DA or SA districts.

Zoning District	Required Open Space (SF / DU)
CN, CC, NA-1, NA-2, P	200
SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-6	60

2-696 Additional Property Development Regulations: CN, CC, CS, CR, C-RM, P, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, and DA-6 Districts

- A. Ground Floor Retail in DA-1. Retail uses required on ground floor on parcels fronting on East 14th Street and Washington Avenue, north of Parrott Street.
- B. Views into Buildings. On commercial ground floors in the DA and SA Districts, not less than 50 percent of the first story of that portion of a building facing a street shall consist of opening or clear or tinted glass windows providing views of merchandise displayed, building interiors, or courtyards.
- C. Security Roll-Up Doors. Retractable security gates, window bars, and mall-style roll-up doors shall be installed to the inside of existing windows or glass doors for installation of physical security measures on a building façade. A mall-style roll-up door must not be visible during business hours. Metal gates, stored in a wall pocket or similar enclosure so as not to be visible during business hours, and scissor-style security grilles, retracted into casing during business hours, are subject to the review and approval of the Zoning Enforcement Official.

D. Other Requirements: C-RM (Commercial - Regional Mall) District. The following additional requirements shall apply to development approvals in the C-RM District at the time when new improvements are constructed and only in that area of the site that is related to such new construction.

1. All signs shall be subject to the Article 18 Signs with respect to requirements for installation permits and maintenance.
2. All outdoor storage and surface mounted mechanical equipment shall be screened from view from public streets, on-site parking and vehicular or pedestrian circulation areas open to the public.
3. Roof-mounted mechanical equipment either shall be screened from view from public streets, the elevated BART line, and on-site public parking and vehicular or pedestrian circulation areas open to the public, or such equipment shall be designed or treated so as to be unobtrusive or visually attractive.
4. All utilities on-site shall be placed underground. (Ord. 2016-012 § 4; Ord. 2014-011 § 2; Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-698 Amenities, Design Criteria for Multi-Family Residential, Mixed-Use Residential Developments

A. Projects subject to Site Plan Review shall include amenities and design criteria that enhance the quality of tenants' living or the appearance of the project and not cited elsewhere in this Division. Projects shall include at least seven of these amenities. Amenities and criteria may include:

1. Fitness Center
2. Lap Pool
3. Common areas that are not private balconies
4. Tenant activity areas (Examples: joint eating and cooking areas, clubhouse, play areas, screening room)
5. Electric vehicle (EV) charging stations or 220 V power outlet for 15% of required parking spaces.
6. Use of three or more colors
7. Use of three or more materials on the façade
8. Public art
9. Storage rooms
10. Main door-staffed with attendant
11. Bicycle lockers
12. Permeable concrete pavers in driveway and parking areas
13. Indoor and outdoor furniture in common areas
14. Façade or corner modulation of minimum 18-inch depth. (Examples: Bay windows, corner feature)
15. Playground

16. Pet Relief Area
17. Pet Washing Facility
18. On-Site Commercial Child Care Facility
19. Study Room and/or Library
20. Conference Room (Ord. 2016-012 § 4; Ord. 2008-011 § 1; Ord. 2007-020 § 2;
Ord. 2004-007 § 2; Ord. 2001-015 § 1)