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## 3 Housing Constraints

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Constraints to providing adequate housing for all income levels are caused by many factors, including the housing market and cost of construction, governmental controls, availability of infrastructure, and environmental considerations. These constraints may increase the cost of housing or render residential construction physically or economically infeasible for developers.

According to Government Code 65583, local governments are required to analyze governmental and non-governmental constraints to the production, maintenance, and improvement of housing for persons of all income levels and those with special needs and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing as part of housing elements updates.<sup>1</sup> Where constraints to housing production due to the City's regulations are identified, appropriate policies and actions to mitigate these constraints are included in the Housing Element.

Local governments must also demonstrate in their constraints analysis local efforts to remove barriers to achieving regional goals for housing production and housing for persons with special needs.

### 3.1 Non-governmental Constraints

The regional housing market affects several aspects of housing costs. For example, land value, cost of construction materials, and labor costs contribute to the cost of housing and can hinder the production of affordable housing. Additionally, the availability of financing can limit development or access to homeownership for some households. The following section is an in-depth analysis of market constraints.

#### 3.1.1 Housing Market and Affordability

Market forces on the economy and the subsequent effects on the construction industry may act as a barrier to housing production, supply, and affordability.<sup>2</sup> As described in the *Housing Needs Assessment*, the median home value in 2022 in San Leandro was \$1,000,000, which reflects a 62 percent increase over the City's 2015 median home value (adjusted for inflation). San Leandro's median home values rose at a faster rate than for Alameda County as a whole, which rose 52 percent from 2015, and was the second-highest increase among surrounding East Bay cities.<sup>3</sup>

San Leandro renters generally pay less in rent than other areas of the county (except for the City of Oakland). For developers, when considering a new construction project, this translates into less rental proceeds once a building is leased-up. This further translates into the inability of the rented property to support the debt that was needed to construct it. This reduces the potential profit margin of rental developments compared to neighboring cities when hard costs, such as construction and materials, are not dependent on project location.

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<sup>1</sup> State of California. 2021. California Legislative Information.

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65583](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65583). Accessed October 29, 2021

<sup>2</sup> National Association of Home Builders. 2021. Material Cost Affect Housing Affordability. <https://www.nahb.org/advocacy/top-priorities/material-costs>. Accessed October 27, 2021.

<sup>3</sup> Redfin. 2022. <https://www.redfin.com/city/17447/CA/San-Leandro>. Accessed June, 2022

Housing affordability is also measured by the California Association of Realtors, which tracks housing affordability for first-time homebuyers. According to second-quarter results for 2020 (the latest available data), Alameda County’s median home price of \$1,105,000 (which suggests a monthly payment of \$5,310 including taxes and insurance) would require a qualifying household income of \$159,300.<sup>4</sup> According to the 2015-2019 American Community Survey, the household median income in San Leandro is \$78,003; therefore, housing affordability is a significant constraint for San Leandro residents who would like to become homeowners if they are not already. The City will implement programs to support housing production affordable to households of all economic levels and support homeownership opportunities, as outlined in Chapter 6, *Housing Plan*.

## **Construction Costs**

Construction costs depend on several factors, including the type of construction, custom versus tract development, cost of materials, site conditions, finishing details, amenities, size, and structural configuration. The International Code Council estimates the average price of labor and materials for typical Type V-A protected wood-frame housing, which is commonly used to construct newer apartment buildings where no visible wood is exposed. Estimates are based on “good-quality” construction, providing for materials and fixtures above the minimum required by state and local building codes. Since the 2008 recession, national construction costs for multi-family projects have risen by 25 percent, which can reduce the feasibility of housing projects.<sup>5</sup>

The International Code Council estimated in 2021 that the national average cost per square foot for good-quality housing was approximately \$125 for multi-family housing, \$139 for single-family homes, and \$157 for residential care/assisted living facilities.<sup>6</sup> The per-square-foot hard costs for constructing multifamily housing in California climbed 25 percent over the course of a decade, after adjusting for inflation.<sup>7</sup> Cost increases have been most pronounced in the line-item categories for finishes and for wood, plastics, and composites. In a roundtable discussion hosted by the Alameda County Housing Collaborative on November 29, 2021, housing developers noted that uncertainty in construction costs are a challenge to develop housing. Wood is still the most cost-effective building material but cannot be used for construction beyond 85 feet pursuant to State law, which may pose challenges for development above six or seven stories.<sup>8</sup>

The Bay Area has consistently been an expensive area to construct housing, in part due to comparatively higher construction wages than elsewhere in California. In 2018, the average cost to construct multi-family housing in California and the Bay Area was \$222 per square foot and \$303, respectively. Materials and labor make up the hard costs of this construction. Several factors likely contribute to the rapid escalation of construction costs in the Bay Area. One contributing factor is that wages are higher in the region, reflecting higher costs of living. However, when adjusted for inflation using the local consumer price index (which considers the cost of living in the Bay Area by accounting for changes in gas, shelter, food, energy, and other consumer goods), wages in the

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<sup>4</sup> California Association of Realtors. 2021. Available: <https://www.car.org/marketdata/data/countysalesactivity>. Accessed October 25, 2021

<sup>5</sup> Turner Center for Housing Innovation, The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California. 2020. [https://turnercenter.berkeley.edu/wp-content/uploads/2020/08/Hard\\_Construction\\_Costs\\_March\\_2020.pdf](https://turnercenter.berkeley.edu/wp-content/uploads/2020/08/Hard_Construction_Costs_March_2020.pdf)

<sup>6</sup> International Code Council Building Valuation Data. 2021. Available: <https://www.iccsafe.org/wp-content/uploads/BVD-BSJ-FEB21.pdf>. Accessed October 26, 2021

<sup>7</sup> Turner Center for Housing Innovation. 2020. The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California. [https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Hard\\_Construction\\_Costs\\_March\\_2020.pdf](https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Hard_Construction_Costs_March_2020.pdf)

<sup>8</sup> Alameda County Housing Collaborative, 2021. Available at: <https://drive.google.com/file/d/1XYrwZxd3Re0VFWGz119bj8uqS9vdUN4H/view>

region have fallen in real terms. The failure of wages to keep pace with local price increases may contribute to the challenges and delays in attracting labor reported by developers and builders.<sup>9</sup>

Housing construction costs can affect affordability as increases in costs are borne by buyers and renters. Rising construction prices may also impact the ability or desire of single-family homeowners to construct ADUs. Therefore, higher construction costs can be a constraint to the development of all housing types. The City will implement programs to reduce barriers to housing development, including ADU development, as described in Chapter 6, *Housing Plan*, to help offset impacts of high construction costs. The City will also meet with labor groups at least once annually to discuss the ways in which the City can support an adequate supply of labor to build housing.

### 3.1.2 Land Costs

Land costs affect the feasibility of residential development. The land prices depend on location, zoning (allowable density), availability of improvements, current use of the site, and whether the site is vacant or has an existing use that will need to be removed or converted to accommodate future residential development. Available improvements can consist of improvements to streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements, and landscaping. Improvement standards establish infrastructure or site requirements to support new residential development. While these improvements are necessary to ensure that new housing meets the local jurisdiction's development goals, the cost of these requirements can represent a significant share of the cost of producing new housing.<sup>10</sup>

Additionally, land costs depend on whether the site is vacant or has an existing use that will need to be removed or converted. Most available sites for residential uses in San Leandro are developed with improvements that will need to be demolished or converted for residential development to take place. Land costs and value are difficult to average on a citywide basis as land value is assessed based on the characteristics unique to each property. In addition, environmental constraints can also impact the cost of land. Measure D, administered by the Alameda County Planning Department in 2000, established a countywide urban growth boundary and discouraged the annexation of rural open space for future residential development by Alameda County's 14 cities.<sup>11</sup> Measure D limits San Leandro's ability to grow outwardly and to expand housing to the vacant land lying northeast of San Leandro.<sup>12</sup> Because fewer vacant land options exist, San Leandro's growth focuses on redevelopment of existing sites, which are developed with existing infrastructure that would need to be demolished or converted before new development can occur. Demolition costs can add to the overall project cost. However, nonvacant land may offer cost-saving benefits such as existing utility connections.

### 3.1.3 Availability of Financing

Financing in the housing market includes federal, State, and local funding for affordable housing, capital used by developers for initial site preparation and construction; and capital used by homeowners and investors to finance the purchase of housing units. The City will explore ways to

<sup>9</sup> The Turner Center for Housing Innovation at UC Berkeley. 2020. Available: [https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Hard\\_Construction\\_Costs\\_March\\_2020.pdf](https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Hard_Construction_Costs_March_2020.pdf). Accessed December 1, 2021

<sup>10</sup> California Department of Housing and Community Development. 2021. Available: <https://www.hcd.ca.gov/community-development/building-blocks/constraints/codes-and-enforcement-on-offsite-improvement-standards.shtml>. Accessed October 27, 2021

<sup>11</sup> Alameda County Community Development Agency. 2019. Available:

[http://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaPlan\\_10\\_29\\_19/5MeasureD.pdf](http://www.acgov.org/board/bos_calendar/documents/DocsAgendaPlan_10_29_19/5MeasureD.pdf). Accessed November 10, 2021.

<sup>12</sup> Alameda County Community Development Agency. 2010. Available: [https://acgov.org/cda/planning/documents/12\\_APPJ-ReferenceMaps.pdf](https://acgov.org/cda/planning/documents/12_APPJ-ReferenceMaps.pdf). Accessed November 10, 2021.

increase and leverage finance resources for affordable housing development, as described in Program 10 of Chapter 6, *Housing Plan*.

## **Financial Resources**

There are a variety of funding sources for affordable housing, preservation, and rehabilitation from federal, State, and local sources. The California Department of Housing and Community Development (HCD) and the U.S. Department of Housing and Urban Development (HUD) administers grants which can assist developers, local governments, and non-profits in constructing housing units.

The most significant barrier for the City of San Leandro in recent years is the dissolution of the Redevelopment Agency and its related loss of affordable housing financing support. From 2006 to 2011 the City, on average, had just under \$3 million annually for its affordable housing program that included first time homebuyer loans and new affordable housing production. However, there are significant efforts both regionally and at the State level to address decreased funding for affordable housing development.

### *Permanent Local Housing Allocation (State)*

The 2017-18 Regular Session of the California State Legislature passed one bill (of many other housing-related legislation) sought to generate, and distribute directly to cities, funds for new affordable housing production. The Building Homes and Jobs Act (SB 2, Atkins 2017) established a permanent source of funding for affordable housing through a \$75 fee on real estate document filings. In fiscal year 2020-2021, the City received its first entitlement from the resulting program “Permanent Local Housing Allocation” in the amount of just under \$350,000 from filing fees during calendar year 2019.

### *Affordable Housing and Sustainable Communities Program (State)*

The statewide Greenhouse Gas Reduction Fund’s Affordable Housing and Sustainable Communities program is a competitive funding program that encourages collaboration between affordable housing developers, jurisdictions, and transit agencies to fund affordable housing development and transportation infrastructure and amenities. City staff will continue work with their colleagues in various departments to best position affordable housing and sustainable infrastructure planning to align with this program. Additionally, staff will continue seeking partnerships with area technical assistance programs, affordable housing developers, and area transit agencies to collaborate in an application for funding when a viable and competitive housing and transportation development is ready to move forward.

### *State Low Income Housing Tax Credits (State)*

The federal government through the Internal Revenue Service enacted the Low Income Housing Tax Credit Program in 1986. This program has been the largest producer of affordable multifamily rental housing since its inception. Each state has a financing agency that administers the LIHTC Program, and in California that is the Tax Credit Allocation Committee (TCAC). Institutional investors or syndicates are incentivized to invest in long term affordable rental housing projects to receive tax credits. Nonprofit and private developers are eligible to apply for State LIHTC for acquisition, new construction and/or rehabilitation of affordable rental housing.

### *HOME Funding (Local)*

The Home Investment Partnerships Program (HOME) assists cities, counties, and non-profit community housing development organizations to create and retain affordable housing for lower-income renters or owners. HOME funds are available as loans for housing rehabilitation, new construction, and acquisition and rehabilitation of single- and multifamily projects and as grants for tenant-based rental assistance. San Leandro is one of eight jurisdictional members of the Alameda County HOME Consortium. In fiscal year 2020-2021, the City was allocated \$238,792 through the Alameda County HOME Consortium of which \$13,684 was used to cover the City's staff administrative overhead. Of the remaining balance of \$225,128, a final reimbursement to the HOME construction pool in the amount of \$57,710 was subtracted from this remaining balance. Given this, there was \$167,418 in HOME funds available for use by the City. When available, HOME funds will be used for affordable rental or ownership housing projects, including new construction or acquisition and rehabilitation.

HUD requires that Cities that receive HOME funds provide matching funds for all HOME fund expenditures awarded since 1993. HUD requires that the HOME funds must be matched with an equivalent to twenty-five percent of the total amount of funds expended in the fiscal year. Historically, the City has exceeded the required HOME match.

### *Local and Regional Affordable Housing Financing (Regional)*

An example of regional affordable housing financing is the 2016 Alameda County Measure A-1. This voter-approved initiative authorized a \$580 million general obligation bond to invest in efforts across Alameda County to address the lack of affordable housing. A portion of A-1 funds were specifically designated for affordable rental housing development. The City of San Leandro received a base allocation of these funds in the amount of over \$10 million. City staff have used these funds for three affordable housing projects:

- La Vereda (84 apartments with 12 financed with A-1 funds)
- Loro Landing (61 apartments with 57 financed with A-1 funds and 25 for those at or below 20% AMI)
- 15101 Washington Avenue (71 apartments financed with A-1 funds and 15 for those at or below 20% AMI)

City staff continue to monitor developments in the Bay Area Housing Finance Agency that will provide regional leadership to establish financing for affordable housing infrastructure using tools such as Measure A-1. Staff will seek City Council support of these efforts and will work to position local affordable housing and community development projects to be competitive in applying for these funding resources if and when they become available.

### *CDBG Funding (Locally controlled federal funds)*

As the lead agency of the Consortium, Alameda County coordinates long-range planning and annual applications to HUD for both HOME and Community Development Block Grant (CDBG) funding.

CDBG funds are directly awarded to San Leandro as an entitlement jurisdiction. HUD's CDBG annual allocation to the City has been approximately \$750,000 and funds are typically allocated to general administration of the City's CDBG program, fair housing services, an owner-occupied minor home repair grant program, public services (including operating funds for mental health, services for those experiencing homelessness, and food programs for residents in need. Additionally, CDBG funds

support public facilities and infrastructure including the purchase and rehabilitation of a motel to be used for a shelter and navigation center as well as upgrades to the existing San Leandro Shelter.

#### *Affordable Housing Trust Fund (Local)*

The City's Affordable Housing Trust Fund (AHTF) was established to receive fees and/or monies in connection with approval of development projects. The AHTF is financed by deposits from in-lieu fees from market-rate housing developments or residential condominium conversions. Monies deposited in the AHTF must be used to increase and improve the supply of housing affordable to moderate-, low-, and very low-income households in the city or support affordable housing programs. Fund monies are used to construct or convert a development to affordable housing or assist other governmental entities, private organizations, or individuals to do so. All AHTF monies are currently committed to affordable housing projects.

#### California Housing and Community Development Department Programs (State)

- The State Multifamily Housing Program makes low-interest, long-term deferred-payment permanent loans for new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower-income households.
- The State Predevelopment Loan Program makes short-term loans for activities and expenses necessary for the continued preservation, construction, rehabilitation, or conversion of assisted housing primarily for low-income households.
- The State Project Homekey is an opportunity for regional, and local public entities to develop a broad range of housing types for people at risk of or currently experiencing homelessness, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing, and to convert commercial properties and other existing buildings to permanent or interim housing.

#### *Affordable Low/Mod Asset Fund (Local)*

This funding source is primarily from loan repayments from affordable housing development projects, first time homebuyer loans and housing rehabilitation loans made by the former Redevelopment Agency of the City of San Leandro. This fund may be used for a variety of affordable housing activities including new loans to affordable rental housing development projects. The fund currently has a balance of approximately \$1.2 million that has been fully committed and will leverage other affordable housing financing.

### **Mortgage and Rehabilitation Financing**

The availability of financing affects the ability of residents to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary purpose of reviewing the lending activity is to determine whether home financing is available to city residents. The data presented in this section includes the disposition of loan applications submitted to financial institutions for home mortgages, home improvement, and refinance loans in San Leandro.

In 2017, the most recently available dataset, a total of 3,087 households applied for conventional mortgage loans in San Leandro. Table 3.1 shows that 77 percent of conventional mortgage applications were approved, 10 percent were denied, and 13 percent were withdrawn or closed for



incompleteness. A substantially lower number of households (486) applied to use government-backed loans to purchase homes in San Leandro. The approval rate of these loans was 70 percent, 7 percent lower than the approval rate of conventional loans, with approximately the same percentage being denied. Additionally, 220 San Leandro households applied for home improvement loans in 2017. Approximately 73 percent of these applications were approved, and 14 percent were denied. Applications to refinance existing mortgages totaled 2,161 applications.

**Table 3.1 Disposition of Loan Applications in 2017**

Applications	Total	Approved	Denied	Other
<b>By Loan Type</b>				
Conventional	3,087	77%	10%	13%
Government Backed	486	70%	11%	19%
Home Improvement	220	73%	14%	14%
Refinancing	2,161	71%	12%	17%

Notes:

“Approved” includes loans approved by the lenders regardless of acceptance by the applicants.

“Other” includes loan applications that were either withdrawn or closed for incomplete information.

Source: LendingPatternsTM, HMDA data, 2017.

Alameda County averages for loan approval and denial were similar to averages for San Leandro. Conventional approval of loans for the county was at 76 percent, while 10 percent were denied. Alameda County had a slightly higher denial of government backed, home improvement, and refinancing of loans at 14 percent, 15 percent, and 12 percent. The average rate of approval was 88 percent in California and 86 percent nationwide.<sup>13</sup>

Given the high approval rates, refinancing and home purchase loans are generally available and overall, not considered to be a major constraint in San Leandro. However, as discussed in the AFFH analysis provided in Chapter 5, Black/African American, Hispanic/Latino, and American Indian/Alaska Native residents were underrepresented for mortgage applications and had higher denial rates for mortgage loans than Asian American and non-Hispanic white residents. As described in Chapter 6, *Housing Plan*, the City contracts with Bay Area Affordable Homeownership Alliance (BAAHA) to administer first-time homebuyer seminars, homebuyer education and counseling, and below market rate ownership units under the Inclusionary Housing Program. The City provides educational seminars on housing resources and financial planning to increase housing mobility in neighborhoods with higher concentrations of low-income and minority residents.

### Federal Housing Administration (FHA) Loans

The FHA loan program was designed to make it easier for first-time homebuyers to get financing and afford a home. FHA loans are only allowed on one to four living-unit properties. These properties can be purchased with an FHA loan if the owner occupies one of the units. Alameda County qualifies as a high-cost area and has a higher loan limit than the national average through FHA loan program. In 2022, prospective home buyers could receive a loan of up to \$970,800 for a single-family home and \$1,867,275 for a four-plex through an FHA loan.<sup>14</sup>

<sup>13</sup> Lending Tree. “Nearly 86% of Mortgage Refinances Are Approved, and These States Have the Highest (and Lowest) Approval Rates.” <https://www.lendingtree.com/home/refinance/highest-lowest-refinance-approval-rates-study/>. Accessed: November 23, 2021.

<sup>14</sup> FHAloans.guide. 2022. Alameda County, CA 2022 FHA Loan Limits. <https://fhaloans.guide/loan-limits/california/alameda-county>

## 3.2 Governmental Constraints

City policies and regulations can impact the feasibility and cost of housing development. Policies and regulatory actions include land use controls, site improvement requirements, building codes, and development fees. The following section describes these governmental constraints.

### 3.2.1 Land Use Controls

#### Land Use Designations

San Leandro's Land Use Element is a component of the City's General Plan which sets forth the vision, goals and policies for the city's urban form and land use patterns, including residential development. The Land Use Element includes land use categories which define the use and building intensity throughout the city.

There are different housing types in the city, including single-family dwellings, duplexes, multi-family apartments, condominium buildings, town houses, mobile homes, and accessory dwelling units (ADUs). Residential densities in San Leandro cover a wide spectrum that promote the development of the various housing types, as demonstrated by the density ranges in the various land use categories (shown in dwelling units per acre [du/acre]):

- Garden Density Residential: 1-4 du/acre
- Low Density Residential: 3-6 du/acre
- Low-Medium Density Residential: 7-11 du/acre
- Medium Density Residential: 12-18 du/acre
- Medium-High Density Residential: 19-25 du/acre
- High Density Residential: 26-50 du/acre (smaller parcels are permitted a maximum of 24.2 du/acre)
- Downtown Mixed Use: 24-100 du/acre (dependent upon the zoning district of the site)
- Transit-Oriented Mixed Use (60-80 du/acre)
- Corridor Mixed Use: residential density is defined by the maximum FAR, which is 1.5 for projects with housing
- Bay Fair Transit-Oriented Development (TOD): residential density is defined by the maximum FAR, which is 3.0 for projects with housing

Lower density residential land use categories are generally located throughout the city's northeastern, central, southern, and eastern areas. Higher density residential land use categories are generally located in the eastern portion of the city along major transit corridors such as San Leandro Boulevard, Alvarado Street, and Antonio Street and the Bay Fair TOD area. As shown in Table 3.2, the City has several land use categories that permit high density residential uses that support the development of low and moderate-income housing.

Residential land use categories comprise 50.8 percent of San Leandro's land area. Commercial land use categories cover 4.8 percent, mixed use 6.8 percent, industrial 20.4 percent, and public and open space 17.2 percent.<sup>15</sup> Due to the industrial history of the eastern San Francisco Bay Area, the

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<sup>15</sup> City of San Leandro General Plan Land Use Element. 2016. Available: <https://civicaadmin.sanleandro.org/civicax/filebank/blobdload.aspx?BlobID=26481>. Accessed October 28, 2021

percentage of land designated for industrial use in San Leandro is similar to other cities in the eastern Bay Area.

## Zoning Regulations

The City's Zoning Code is the mechanism by which the vision, goals, and policies of the General Plan are implemented. The Zoning Code regulates the type, location, density, and scale of residential development through height limits, setbacks, Floor Area Ratio (FAR), parking requirements, and other standards. Table 3.2 summarizes the City's residential land use categories and corresponding zoning district. The table also includes conditionally compatible zoning districts, which are zones that would be acceptable in the corresponding land use category if the types of development are consistent with General Plan goals and policies.

San Leandro has eight residential base zoning districts: Residential-Outer (RO), Residential-Single-Family (RS), Residential-Duplex (RD), and Residential-Multi-Family (RM). The RM subdistricts permit multi-family densities ranging from 14.5 to 50 du/acre. The City recently established the RM-875 zoning district, a RM subdistrict, which permits up to 50 du/acre, consistent with the City's High Density Residential land use category. Multi-family and mixed-use development is also permitted or conditionally permitted in several commercial/mixed-use zoning districts including the Bay fair TOD (B-TOD), Commercial Community (CC), Commercial Neighborhood (CN), Downtown Area 1 (DA-1), Downtown Area 2 (DA-2), Downtown Area 3 (DA-3), Downtown Area 4 (DA-4), Downtown Area 6 (DA-6), North Area 1 (NA-1), North Area 2 (NA-2), Professional Office (P), South Area-1 (SA-1), South Area-2 (SA-2), and South Area-3 (SA-3) Districts. Maximum densities in these zones range from 24 du/acre to 100 du/acre. The B-TOD and DA-6 Districts do not have a maximum density. The City plans to increase densities in several districts concurrently with the Housing Element adoption, as discussed in greater detail in Chapter 4, *Housing Resources*, and Chapter 6, *Housing Plan*.

## Specific Plans and Strategy Plans

In addition to the General Plan land use categories and zoning districts, the City implements specific plans and strategy plans to guide the development of certain areas within the city. The North Area Specific Plan and Bay Fair TOD Specific Plan are discussed in greater detail below. Although not a specific plan, the East 14<sup>th</sup> South Area Strategy is also discussed as it relates to a Priority Development Area (PDA).

The purpose of a specific plan or strategy plan is to implement the goals and policies of the General Plan Land Use Element in a focused manner for a particular geographic area, and sets forth policies, land use regulations, development and design standards and implementation programs for these areas. San Leandro adopted the North Area Specific Plan in 1991 and the Bay Fair TOD Specific Plan in 2018.

### *North Area Specific Plan*

The North Area Specific Plan includes a revitalization plan to attract new commercial business and investment in the northern area of San Leandro. This plan covers a 12-block long corridor bordered by the City of Oakland to the north, I-580 to the east, Estudillo Avenue to the south, and Bay Area Rapid Transit (BART) right of way to the west.

**Table 3.2 General Plan Land Use Category and Zoning Districts**

General Plan Land Use Category	Corresponding Zoning District	Conditionally Compatible Zoning Designations	Primary Uses	Residential Density (du/acre)	Floor-to-Area Ratio
Garden Residential	RO	RS, PS	Detached single-family homes	1-4	Varies (see Table 3.4, Residential Development Standards for details)
Low Density	RS, RS-40, RS (VP)	RS (PD), RD, PS, CN	Detached single-family homes	3-6	Varies (see Table 3.4, Residential Development Standards for details)
Low-Medium Density Residential	RS (PD)	RD, RS, PS	Attached and detached single-family homes	7-11	Varies (see Table 3.4, Residential Development Standards for details)
Medium Density Residential	RD, RM-3000, RM-2500, RM-2000	RS (PD), RD, PS	Townhomes and duplexes, higher density single-family planned unit developments, and mobile home parks	12-18	n/a
Medium-High Density Residential	RM-1800	RM-2000, RM-2500, RM3000, PS	Multi-family residential development, such as garden apartments, town homes, two-story condominiums, and single-family homes	19-25	n/a
High Density Residential	RM-875	RM-1800	Multi-family residential development, such as multi-story apartments and condominiums often in larger complexes, with shared amenities such as swimming pools, patios, and recreation rooms	26-50	n/a
Downtown Mixed Use	DA-1, DA-2, DA-3, P	RM-875, RM-1800, CN, PS	Upper story residential uses with retail, services, offices, cultural activities, public and civic buildings, and similar and compatible uses on the ground floor	24-100	3.5 maximum
Transit Oriented Mixed Use	DA-2, DA-3, DA-4, DA-6	RM-875, RM-1800, PS	High-intensity, transit focused developments of housing and/or office/retail in close proximity to BART	The maximum number of residential units on any given property is dictated by floor area ratio limits in some zoning districts and maximum density limits in others.	4.0 maximum, up to 5.0 on sites adjacent to a BART station

General Plan Land Use Category	Corresponding Zoning District	Conditionally Compatible Zoning Designations	Primary Uses	Residential Density (du/acre)	Floor-to-Area Ratio
Corridor Mixed Use	NA-1, NA-2, SA-1, SA-2, SA-3, DA-2	RM-875, RM-1800, RM-2000, RM-2500, RM-3000, CN, CC, P, PS, IL	Mix of commercial and free-standing or mixed use residential projects along major transit-served arterials	Maximum residential density in this category is dictated by the above floor area ratio limits rather than limits on housing units per acre.	1.0 maximum, up to 1.5 for projects with housing
Bay Fair TOD Development (B-TOD)	B-TOD	B-TOD	Mixed-use urban village that includes high density housing, retail, office, entertainment, and civic uses with safe pedestrian and bicycle connections to public transit, services, and employment.	Sub-Area 1: 65 units/acre Minimum Sub-Area 2: 60 units/acre Minimum Sub-Area 3: 20 units/acre Minimum	3.0 maximum <sup>1</sup>

\* San Leandro offers density bonuses of up to 20 percent above density maximums for projects with average unit sizes below 750 square feet. These bonuses 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.

<sup>1</sup> Maximum residential density in this category is dictated by floor area ratio limits rather than limits on housing units per acre.

sf = square feet

**Definitions**

- Conditionally Compatible Zoning Designations – the proposed land use is acceptable if the types of development allowed by that zone are consistent with General Plan goals and policies
- CC – Commercial Community
- CN – Commercial Neighborhood
- DA-1 – Downtown Area 1 Retail Mixed- Use
- DA-2 – Downtown Area 2 Multi-Use Infill
- DA-3 – Downtown Area 3 TOD – Transition Mixed Use
- DA -4 – Downtown Area 4 TOD – Residential Mixed Use
- DA-6 – Downtown Area 6 Office Mixed use
- IL – Industrial Limited
- NA-1– North Area 1
- NA-2 – North Area 2
- P – Professional Office
- PD – Planned Development
- PS – Public and Semi-Public
- RD – Residential Duplex
- RM- Residential Multi-Family
- RM – 875 – Residential Multi-Family (50 dwelling units per gross acre)
- RM – 1800 – Residential Multi-Family (24 dwelling units per gross acre)
- RM – 2000 – Residential Multi-Family (22 dwellings per gross acre)
- RM – 2500 – Residential Multi-Family (17.5 dwellings per gross acre)
- RM – 3000 – Residential Multi-Family (17.5 dwellings per gross acre)
- RO – Residential Outer
- RS – Residential Single-Family
- RS – 40 – Residential Single-Family (minimum front yard setback 40ft)
- SA-1 – South Area -1
- SA-2 – South Area -2
- SA-3 – South Area - 3

Source: San Leandro Multi-Family Development Standards – Development Constraints, 2020

The North Area Specific Plan provides development standards and design guidelines for four revitalization districts and the major thoroughfares of East 14<sup>th</sup> Street, San Leandro Boulevard, Park Street, Bancroft Avenue, and MacArthur Boulevard. Development standards in the North Area Specific Plan address uses, building height and envelope, setbacks, landscape, site access, and parking. The North Area Specific Plan established zoning districts North Area 1 (NA-1) and North Area 2 (NA-2) to implement revitalization districts 1 and 2 along East 14<sup>th</sup> Street. The area south of Georgia Way was subsequently rezoned DA-2 to be part of the Downtown TOD Strategy area. The NA-1 District now applies to only one parcel – a 4,000 square foot lot currently developed with a duplex. As discussed in further detail in the commercial and mixed use district standards section below, while the NA districts residential density limits of 24 du/acre do not promote the development of high-density housing, the associated land use designation (Corridor Mixed Use) has no maximum density requirements and relies on FAR to determine the number of units that can fit into a proposed development.

#### *Bay Fair TOD (B-TOD) Specific Plan*

The B-TOD Specific Plan encompasses 154 acres on the City's southeastern edge. The B-TOD Specific Plan Area is surrounded by single-family neighborhoods and I-580, I-238, and I-880. The B-TOD Specific Plan was created to transform the area around the Bay Fair BART station into a walkable, transit-oriented community hub. This hub would consist of public gathering spaces and a mix of retail, neighborhood services, high density housing, and office space. The B-TOD Specific Plan area includes the Bayfair Center, other shopping centers, and properties along major arterials including Hesperian and East 14<sup>th</sup> Street.

The B-TOD Specific Plan Area contains three sub-areas with varying development regulations. Residential densities for multi-family residential and mixed use residential development are as follows:

- Sub-Area 1: 65 du/acre minimum
- Sub-Area 2: 60 du/acre minimum
- Sub-Area 3: 20 du/acre minimum

San Leandro updated its Zoning Code in November 2021 by adding the B-TOD Zoning District and new design and development regulations for the Bay Fair area consistent with the B-TOD Specific Plan.

#### *East 14<sup>th</sup> South Area Development Strategy*

In 2004, the City adopted the South Area Development Strategy in response to concerns over the quality and quantity of new businesses along the East 14<sup>th</sup> Street corridor. The East 14<sup>th</sup> Street corridor stretches for over 2 miles from Downtown to the Bay Fair BART Transit Village area and is part of the City's South Area Development Strategy. This area includes auto-oriented strip malls, former car dealerships, churches, schools, older multi-family housing, and a hospital. The Strategy includes the transformation of the unbroken commercial strip into a series of mixed use districts, the creation of a more pedestrian-friendly environment on East 14<sup>th</sup> Street and the accommodation of high-quality multi-family housing along the corridor. The density, height, floor area, and lot coverage development standards of this area currently promote mixed use, multi-family development, but the current allowable floor area ratios and density limitations along the corridor do not support this type of development. There has been little redevelopment interest along the

corridor since the adoption of the Strategy, which may be attributable to the low development potential achievable under the SA-1, SA-2, and SA-3 density limits. The City plans to increase maximum allowable FAR, residential densities, and building heights in land use and zoning districts to promote higher-density redevelopment in priority development areas, as discussed in Chapter 4, *Housing Resources*.

## Overlay Zones

An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. The following overlay zones in San Leandro impact residential development.

### *Planned Development (PD) Overlay District and Planned Development Project Approval*

The PD Overlay District is a path that allows applicants of development projects to work with the City to modify (or request exemptions) from certain development standards on larger parcels to eliminate rigidity in the built environment. This process encourages innovative site planning techniques and allows for a mix of compatible uses. The following are the standards required for approval of a PD Overlay on a parcel:

- The minimum net area of a PD must be 10,000 square feet for any project.
- The number of dwelling units in a PD project shall be established at the time the PD project is approved.
- The minimum residential density in any South Area zoning district for a stand-alone residential development or a mixed use development is 18 du/acre.

To establish a PD Overlay, applicants may request a zoning amendment that must be adopted by Ordinance by the City Council after a recommendation by the Planning Commission.<sup>16</sup> The application for rezoning to a PD Overlay District must include:

- A conceptual site plan and a vicinity map showing the relationship of the site to the surrounding area.
- Preliminary calculations in tabular form showing compliance with applicable density, coverage, floor area, parking, and open-space regulations.
- Conceptual elevations of proposed structures and signs, with exterior materials and wall openings indicated.
- Photos of the site and of existing development in the immediate vicinity.

The Zoning Enforcement Officer (ZEO) also may require any of the following items, based on the type, location, and potential impacts of proposed development:

- A map showing proposed district boundaries and the relationship of the district to uses and structures directly affected by the proposed PD Overlay District.

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<sup>16</sup> City of San Leandro Zoning Code. 2021. Available: <http://www.qcode.us/codes/sanleandro-zoning/view.php?&frames=on>. Accessed October 27, 2021.

- Evidence establishing that the land proposed for rezone to PD Overlay District is owned by one individual or that the application is filed jointly by all property owners owning property in the proposed district or that the application is filed by an agency of the City.

Additional development conditions may be as established in the PD project approval. For PDs proposed in any South Area Zoning District, additional development conditions may be required to achieve consistency with the Design Guidelines that are contained in the East 14<sup>th</sup> Street South Area Development Strategy.

### *Mobile Home Park Overlay*

The City of San Leandro has nine mobile home parks with approximately 855 spaces located within the city limits. In 2021, the City adopted the Mobile Home Park (MHP) Overlay District to reserve land for the construction, use, and occupancy of mobile home parks, and prohibit all uses other than a mobile home park use. The MHP Overlay was applied to all existing parcels with mobile home parks. The MHP Overlay District may be combined with any zoning district. Chapter 5.28 of the San Leandro Zoning Code governs the conversion of mobile home parks within the city and requires City Council approval prior to the closure or conversion of a mobile home park. Applicants must submit a relocation plan for tenants of a mobile home park as part of the application for conversion of a mobile home park to another use.

## 3.2.2 Residential Development Standards

San Leandro's Zoning Code contains development standards to protect health and safety, ensure high quality urban design, and ensure compatibility with surrounding uses. When development standards limit the number of housing units that can be built on a particular site or the developable area of a site, the standards may be considered a constraint to housing development. Development standards and zoning code regulations are explained in handouts available on the City's website.<sup>17</sup>

### **Residential District Standards**

As previously noted, San Leandro has four residential base districts: RO, RS, RD, and RM. The RS and RM districts each include subdistricts with similar use standards but different setback or density requirements. Table 3.3 summarizes the City's residential district development standards.

To respond to the requirements of SB 35 and achieve high-quality, multi-family projects and predictability for developers and the community, San Leandro completed the Multi-Family Development Standards project. The project updated residential design and development standards throughout the Zoning Code to replace subjective standards with objective standards as well as establish the new RM-875 District. The following strategies were employed to achieve the Multi-Family Development Standards:

- Established the RM-875 District to implement the High Density Residential land use
- Replaced subjective design standards with objective standards
- Consolidated and standardized review procedures

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<sup>17</sup> Zoning Info Sheets (Handouts). <https://www.sanleandro.org/346/Zoning-Info-Sheets-Handouts>



The Multi-Family Development Standards project modified and relocated design standards that apply to all multi-family housing throughout the city and eliminated redundant and obsolete provisions in the Zoning Code.

**Table 3.3 Residential Development Standards**

Zoning District	Minimum Lot Area (sf)*	Setback (in feet)				Maximum Height (feet)	Maximum Density (Net)	Maximum FAR	Maximum Site Coverage (percent of lot)
		Front (feet)	Side (feet)	Corner Side (feet)	Rear (feet)				
RS	5,000 - 6,000	20	5	10	15	30	1 unit + 1 ADU + 1 JADU	50% for first 5,000 sf, 30% for area > 5,000 - 10,000 sf, then 10% for area >10,000 sf; + 500 sf if 2-car garage or 750 sf if 3 or more car garage	50%
RS-40	5,000 - 6,000	40	5	10	15	30	1 unit + 1 ADU + 1 JADU	50% for first 5,000 sf, 30% for area > 5,000 - 10,000 sf, then 10% for area >10,000 sf; + 500 sf if 2-car garage or 750 sf if 3 or more car garage	50%
RS-VP	5,000 - 6,000	20	5	10	15	18	1 unit + 1 ADU + 1 Junior ADU	50% for first 5,000 sf, 30% for area > 5,000 - 10,000 sf, then 10% for area >10,000 sf; + 500 sf if 2-car garage or 750 sf if 3 or more car garage	50%
RO	8,000	20	6-12	10	10-25	30	1 unit (additional units may be allowed based on lot size and unit type)	50% for first 5,000 sf, 30% for area > 5,000 - 10,000 sf, then 10% for area >10,000 sf; + 500 sf/unit if garage	33%
RD	5,000 - 6,000	20	5	10	15	30	2 units	50% for first 5,000 sf, 30% for area > 5,000 - 10,000 sf, then 10% for area >10,000 sf; + 500 sf if 2-car garage exists or 750 sf if 3 or more car garage	50%
RM-3000	6,000 - 7,000	20	Min 6; Avg. 10	20	15	40	14.5 du/acre	n/a	50%
RM-2500	7,500 - 8,500	15	Min 6; Avg. 10	15	15	45	17.5 du/acre	n/a	60%
RM-2000	10,000- 12,000	15	Min 6; Avg. 10	15	15	50	22 du/acre	n/a	60%

Zoning District	Minimum Lot Area (sf)*	Setback (in feet)				Maximum Height (feet)	Maximum Density (Net)	Maximum FAR	Maximum Site Coverage (percent of lot)
		Front (feet)	Side (feet)	Corner Side (feet)	Rear (feet)				
RM-1800	10,000 - 12,000	15	Min.6; Avg.10	15	15	50	24 du/acre	n/a	70%
RM-875	10,000 - 12,000	15	Min.6; Avg.10	15	15	50	50 du/acre	n/a	80%

\* Range for Minimum Lot Area is based on Interior and Corner Lots except for RO which has the same range.

Sf = square feet; du/acre = dwelling units per acre; min. = minimum; avg. = average; ADU = accessory dwelling unit; JADU = junior accessory dwelling unit

RD – Residential Duplex

RM – Residential Multi-Family

RO – Residential Outer

RS – Residential Single-Family

FAR – Floor Area Ratio

Source: San Leandro Zoning Code 2022

### *Density*

San Leandro's Zoning Districts provide for a range of residential densities. The RS districts promote single-family development, and, with the implementation of SB 9, allows 2 units per lot and allows a lot split if lots have a minimum of 1200 square feet. Because 2 units are allowed on each lot, a lot split can occur and the original lot would permit 4 units. One ADU would also be permitted on each of the two lots. The RD district promotes single-family and duplex dwellings with up to two units per lot. The RM districts provide opportunities for multi-family development with densities ranging from 14.5 to 50 du/acre. The RO District also promotes single-family and duplex dwellings but allows more than 2 units depending on size of the lot. For example, for lots larger than 14,000 square feet, the number of additional dwellings permitted shall be based upon a requirement of 7,000 square feet for the first single dwelling, 5,000 square feet additional for each additional single-family dwelling, and 7,000 square feet additional for each additional two-family dwelling.

The recent Multi-Family Development Standards project added the RM-875 District to be consistent with the High Density Residential land use designation and provide opportunity for multi-family housing with a maximum density of 50 du/acre.

### *Lot Standards*

The minimum lot size requirement for residential lots in San Leandro is 5,000 square feet in RS and RD zoning districts. The minimum lot size increases to 8,000 square feet in the RO district and ranges from 6,000 to 10,000 square feet in the RM districts. The maximum site coverage requirement is 50 percent in single-family and duplex districts and ranges from 60 percent to 80 percent in the RM districts.

Building setbacks depend on the zoning district. In residential districts, front building setbacks are generally 20 feet for RS and RD zoning districts and 15 feet in RM districts. Side setbacks range from 5 feet to 10 feet in RM districts. Rear setbacks are 15 feet except in the RO District, which ranges from 15 to 25 feet. Lot standards do not pose a potential constraint to development.

### *Height Limits*

Height limits are generally intended to maintain consistency within an area and compatibility between adjacent buildings. The maximum height in RS and RD zoning districts is 30 feet. Maximum heights in the RM districts range from 40 feet to 50 feet, with 50 feet permitted in the RM-2000, RM 1800, and RM-875 districts and do not pose a constraint to development.

### *Open Space Requirements*

Total open space on a site having three or more dwelling units in the RM districts must be at least 200 square feet per dwelling unit. Private open space meeting a portion of the requirement may be on patios or balconies within which a horizontal rectangle has no dimension less than 6 feet and a minimum area of 60 square feet for balconies above the first story and 120 square feet for patio or decks at grade level. Common open space, provided by non-street side yards, courts, patios, terraces, and rooftops must be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet and a minimum area of 300 square feet, shall be open to the sky, and must not include driveways, pedestrian access to units, or parking areas, or area required for front or street side yards. The Board of Zoning Adjustments (BZA) may allow up to 30 percent of the total roof top open space provided to be used to satisfy the open space requirement. In a roundtable discussion hosted by the Alameda County Housing Collaborative on November 29, 2021, housing

developers noted that inflexible open space requirements pose a challenge to housing development.<sup>18</sup> Therefore, the current open space requirements of the RM districts are considered a potential constraint. The City will monitor development standards and modify as needed to eliminate or reduce potential constraints to residential development, particularly for development that can accommodate lower-income households, as specified in Program 14 of Chapter 6, *Housing Plan*.

### *Storage Space Requirements*

Storage space is required for multi-family dwellings in RM districts and must be at least 250 cubic feet in size and have minimum dimensions of four feet by eight feet. Inflexible storage space requirements pose a challenge to housing development. Therefore, the current storage space requirements of the RM districts are considered a potential constraint.

The City will monitor development standards and modify as needed to eliminate or reduce potential constraints to residential development, particularly for development that can accommodate lower-income households, as specified in Program 14 of Chapter 6, *Housing Plan*.

## **Commercial and Mixed Use District Residential Standards**

In 2015, the City replaced former commercial designations with new designations that permit residential uses as a part of mixed use projects with the intent to promote multi-family housing. San Leandro has 17 commercial and mixed use zones which permit residential development. These zones and respective development standards are shown in Table 3.4:

- |  |  |
|--|--|
| ▪ Commercial Community   | ▪ Downtown Area 6 (DA-6) – Offices and Mixed Use |
| ▪ Commercial Neighborhood  | ▪ North Area 1 (NA-1)                            |
| ▪ Commercial Recreation  | ▪ North Area 2 (NA-2)                            |
| ▪ Commercial Services  | ▪ Professional Office                            |
| ▪ Downtown Area 1 (DA-1) – Retail Mixed Use                                    | ▪ South Area 1 (SA-1)                            |
| ▪ Downtown Area 2 (DA-2) – Multi-Use Infill                                    | ▪ South Area 2 (SA-2)                            |
| ▪ Downtown Area 3 (DA-3) – Transit Oriented Development Transition – Mixed Use | ▪ South Area 3 (SA-3)                            |
|  | ▪ B-TOD District                                 |

Most housing production during the 6<sup>th</sup> housing cycle and the next 20 years is anticipated within the Downtown Mixed Use, Corridor Mixed Use, Transit-Oriented Mixed Use, and B-TOD land use designations. Development types envisioned in the associated zoning districts (DA, NA, SA, and B-TOD) include mid-rise construction as standalone multi-family residential or mixed use development project, and some opportunities for townhouse style development. However, the Multi-Family Development Standards project found that the development standards in the Zoning Code for most commercial and mixed use districts would better promote high density housing if adjustments were made.

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<sup>18</sup> Alameda County Collaborative, 2021. Available at: <https://drive.google.com/file/d/1XYrwZxd3Re0VFWGz119bj8uqS9VdUN4H/view>

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**Table 3.4 Planned Commercial and Professional Development Standards**

Zoning District	Front (feet)	Side (feet)	Corner Side (feet)	Rear (feet)	Minimum Density	Maximum Density	Maximum FAR <sup>1</sup>	Height of Residential and Mixed Use Development	
								Minimum Feet	Maximum Feet
CC	10	0	10	0	n/a	24 du/acre	1.0	n/a	50
CN, P	10	0	10	0	n/a	24 du/acre	0.5	n/a	CN: 50 P: 30
CR	20	0	20	0	n/a	n/a	1.0	n/a	n/a
CS	10	0	10	0	n/a	n/a	0.5	n/a	n/a
DA-1, DA-2, DA-3, DA-4, DA-6	Varies <sup>2</sup>	0	0	0, varies along creek (C)	Parcels < 10,000 sf: n/a DA-1 Parcels ≥ 10,000 sf: 35 du/acre DA-2 Parcels ≥ 10,000 sf: 20 du/acre DA-3 Parcels ≥ 10,000 sf: 20 du/acre DA-4 Parcels ≥ 10,000 sf: 60 du/acre DA-6 Parcels ≥ 10,000 sf: 60 du/acre	Parcels < 10,000 sf: 24 du/acre DA-1 Parcels ≥ 10,000 sf: 100 du/acre DA-2 Parcels ≥ 10,000 sf: 40 du/acre DA-3 Parcels ≥ 10,000 sf: 60 du/acre DA-4 Parcels ≥ 10,000 sf: 100 du/acre DA-6 Parcels ≥ 10,000 sf: n/a	DA-1: 3.5 DA-2: 1.5 to 5.0 DA-3: 3.5 to 4.0 DA-4: 4.0 to 5.0 DA-6: 4.0 to 5.0	DA-1: n/a. or 24 DA-2: n/a. or 24 DA-3: n/a A DA-4: n/a DA-6: n/a	DA-1: 75 DA-2: 50 DA-3: 50 DA-4: 60-75 DA-6: 75
NA-1	0	4	0	5	n/a	24 du/acre	1.0 to 1.5	n/a	50
NA-2	20 or 25	15 (or ½ of building height)	20 (or ½ of building height)	15	n/a	24 du/acre	1.0 to 1.5	n/a	50
SA-1, SA-2, SA-3	Varies <sup>2</sup>	0	0	0	18 du/acre	35 du/acre	1.0 to 1.5	24	50

Notes:

<sup>1</sup> The ranges in FAR relate to what land use category the parcel is in or the general location. For example, parcels adjacent to BART have a FAR of 5.0 and parcels within the Transit Oriented Mixed Use category have a FAR of 4.0.

<sup>2</sup> Setbacks for certain districts vary as they are required to be consistent with existing street sections, and ground floor residential uses are required to be setback depending on the district.

**Definitions**

- CC – Commercial Community
- CN – Commercial Neighborhood
- P – Professional Office
- CR – Commercial Recreation
- CS – Commercial Services
- DA – Downtown Area
- NA – North Area
- SA – South Area

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As noted, the Multi-Family Development Standards project revised design and development standards for commercial districts and mixed use projects to replace subjective standards with objective standards. The following strategies were employed to remove obstacles for multi-family development within commercial and mixed use districts:

- Aligned General Plan Land Use categories with zoning districts for consistency
- Removed subjective design standards
- Established objective development standards for greater predictability and ease of use
- Consolidated and standardized review procedures

The Multi-Family Development Standards project modified the front setback requirements in the DA districts to remove subjective standards and provide objective standards. These standards reference the street sections of the applicable street type while ensuring adequate building setbacks to accommodate the planned street, sidewalk, and public amenity improvements.

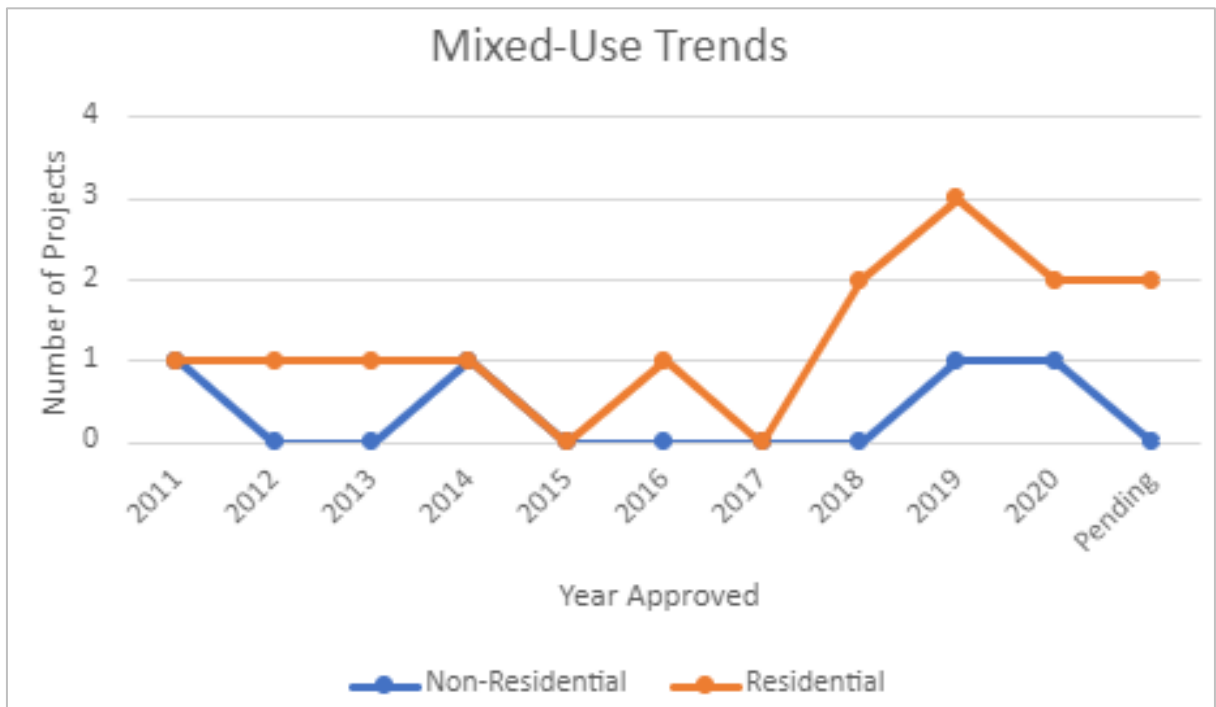
### **Daylight Plane Requirements**

A Daylight Plane is an angled building height limitation that regulates the massing and design of buildings and defines the building envelope within which all new structures must be contained. Daylight Planes are intended to provide for light and air, and to limit the impacts of bulk and mass on adjacent properties. The City requires Daylight Planes for projects greater than 19 feet and 6 inches in height in an R District, projects adjacent to an R District, and projects located in a DA or SA District and the parcel is adjacent to an RS or RD District. In an R District, the Daylight Plane on a project begins at 19 feet and 6 inches above grade at each setback line and extends upwards at a 45-degree angle. No portion of the structure shall intrude beyond the Daylight Plane, except as provided for in Section 4.04.312. Building Projects into Yards and Courts, which includes all or portions of balconies, uncovered porches, wheelchair ramps, fire escapes, ornamental features, and other minor features. In a DA or SA District adjacent to a RS or RD District, the Daylight Plane begins at 15 feet above grade at a side or rear property line and extends upwards at a 45-degree angle to a point 35 feet above existing grade at 20 feet from the RS or RD property line. The DA/SA District Daylight Plane standard was amended in 2021 as part of the Multi-Family Objective Standards project in order to address constraints to development in the City's Priority Development Areas. In a C or P District, the Daylight Plane begins at 8 feet above grade at a side or rear property line and extends upwards at a 45-degree angle.

### **Mixed Use Development Trends**

Development or redevelopment in commercial and mixed use zones could potentially be developed with 100 percent commercial uses and no housing. As shown in Table 3.4, there is no minimum residential density for most districts, except for larger parcels in the DA districts and the SA district. An analysis of development trends in mixed use zones from 2011 to 2021 shows an increase in the number of entitled projects that contain residential uses as opposed to projects with 100 percent non-residential uses in the past 3 years, as depicted in Figure 3.1. Since 2011, 14 out of 18 projects in mixed use zones had a residential component, or 78 percent. Since 2017, that rate has risen to 82 percent.

**Figure 3.1 Mixed Use Trends**



Note: “Non-residential” projects contain 100 percent non-residential uses, while “Residential” projects contain a residential component.  
Source: City of San Leandro, 2022

In DA-1, ground floor retail was previously required on parcels fronting on East 14<sup>th</sup> Street and Washington Avenue north of Parrott Street and encouraged on all other parcels in this district. In a roundtable discussion hosted by the Alameda County Housing Collaborative on November 29, 2021, housing developers noted that ground-floor retail in mixed use developments faces funding and logistical challenges, and that flexibility of ground-floor use increases the development potential of a mixed use project.<sup>19</sup> The Multi-Family Development Standards Project created a path for 100 percent multi-family projects in these locations through a Conditional Use Permit process, thereby increasing the flexibility of potential development options in mixed use zones. Therefore, the City’s development standards allowing 100 percent non-residential uses are not considered a constraint to development or redevelopment in commercial and mixed use zones.

As shown in Table 3.4, the development standards of the DA districts are compatible with the goals of the Downtown San Leandro TOD Strategy to encourage infill redevelopment with mixed uses and high-density housing. However, the development standards in the Zoning Code for most other commercial and mixed use districts do not reflect high-density housing typologies that are needed for high-density development needed to accommodate housing in these areas. For example, as stated earlier, the purpose of the South Area districts and specifically the East 14<sup>th</sup> Street Corridor is to promote mixed use developments, especially multi-story developments, with neighborhood oriented commercial uses. However, the density, height, and FAR standards in the Zoning Code are more in line with townhome development and not mid- to high-rise multi-family or mixed use development, as shown in Table 3.4. This is considered a constraint to high-density housing production along mixed use commercial corridors. Therefore, the City proposes to align development standards with the intended development types to achieve higher-density

<sup>19</sup> Alameda County Collaborative, 2021. Available at: <https://drive.google.com/file/d/1XYrwZxd3Re0VFWGz119bj8uqS9VdUN4H/view>

development potential, as detailed in Chapter 4, *Housing Resources*, and specified in Program 5 of Chapter 6, *Housing Plan*.

*B-TOD District Standards*

The City established zoning standards for the B-TOD Specific Plan in November 2021 as a key step in implementing the 2018 B-TOD District. To achieve the high-density, walkable community envisioned through the public outreach process for the Specific Plan, the City established the B-TOD Zoning District, which extends to the full planning area. The development standards were created with respect to recent requirements in State law by establishing objective development standards and including opportunities for flexibility and a wide range of land uses. Flexible zoning allows for a broad range of compatible, transit-oriented land uses while remaining flexible about the exact location. Minimum density for residential development is described in Table 3.5.

**Table 3.5 Density for Multi-Family Residential and Mixed Use Residential Development**

B-TOD Sub-Area	Minimum Density (dwelling unit/acre)
Sub-Area 1	65
Sub-Area 2	60
Sub-Area 3	20

Minimum setback requirements for the B-TOD District are zero except for the street-facing setback, which ranges from zero to 20 feet depending on the street and ground-floor use. Maximum building heights in the three sub-areas range between 50 and 90 feet maximum depending on story level. New residential, office, and mixed use buildings in Sub-Area 1 are required to be built to a minimum of four stories and 45 feet to provide an appropriate development intensity for their location near transit. Structures near residential uses are required to stagger the height to create a daylight plane and not create significant shadows on existing residences.

Overall, the B-TOD District was established to implement the B-TOD Specific Plan which seeks to establish a dynamic new multi-model transit-oriented development area. The residential density and height standards promote the development of high-density housing units and are not considered a constraint to housing.

**Citywide Residential Parking Requirements**

According to the Turner Center for Housing Innovation at UC Berkeley, parking can cost \$25,000 to \$75,000 per space to construct.<sup>20</sup> Requiring less parking not only reduces the project budget of residential developments but can allow for more space to build housing units.

Parking standards for developments meeting the State Density Bonus law require a ratio of 0.5 parking spaces per unit for affordable and senior housing development and no more than 0.3 parking spaces per unit for special needs housing development. In residential areas, parking requirements are governed by the San Leandro Zoning Code and are summarized in Table 3.6. Two non-tandem covered off-street spaces are required for most single-family homes, consistent with other jurisdictions in the region.

<sup>20</sup> Turner Center for Housing Innovation at UC Berkeley, 2016. Available at: <http://turnercenter2.berkeley.edu/proforma/>

**Table 3.6 Residential Parking Requirements**

Housing Type	Requirements
Single-Family Dwelling	2 covered spaces per unit. New single-family dwellings or additions with more than 4 bedrooms or over 4,000 square feet of livable area shall require one additional space which may be uncovered and in tandem if it is located a minimum of 30 feet back from the front property line.
Two-Family Dwelling	2 spaces per unit, including 1 covered <b>South Area Only</b> <ul style="list-style-type: none"> <li>▪ 2, including 1 covered, per unit (tandem allowed)</li> </ul> <b>Downtown Area Only</b> <ul style="list-style-type: none"> <li>▪ 1 covered per unit for areas adjacent to BART</li> <li>▪ 1.5 per unit, including 1 covered, for all other areas</li> </ul>
Multi-Family Dwelling (per unit)	<b>Studio or One-Bedroom Unit</b> <ul style="list-style-type: none"> <li>▪ 1 covered space per unit plus 0.5 uncovered space per unit; plus 0.25 space per unit for guest parking</li> <li>▪ South Area Only: 1.0 covered space, plus 0.5 guest space, per unit (tandem may be considered)</li> <li>▪ Downtown Area Only: ≤ 0.25 mile to BART: 1.0 space per unit (plus allowance of unbundled flex parking of 0.25 to 0.50 spaces/unit at developer’s option)</li> <li>▪ Bay Fair TOD Only –Sub Area 1: maximum 1.0 space per unit.</li> <li>▪ Bay Fair TOD Sub Area 2 and 3: minimum 0.5 spaces per unit, maximum 1.0 space per unit</li> </ul> <b>Two-Bedroom Unit</b> <ul style="list-style-type: none"> <li>▪ 2.0 covered spaces per unit plus 0.25 uncovered space; plus 0.25 space per unit for guest parking</li> <li>▪ South Area Only: 1.0 covered space, plus 0.75 guest space, per unit (tandem may be considered)</li> <li>▪ South Area and Downtown Area Only: ≤0.25 mile to public transit: 1.0 space per unit and &gt; 0.25 mile to public transit: 1.5 spaces per unit</li> <li>▪ Bay Fair TOD Only Sub - Area 1: maximum 1.0 space per unit. Sub-Areas 2 and 3: minimum 0.75 space per unit, maximum 1.5 spaces per unit</li> </ul> <b>3 Bedrooms or more</b> <ul style="list-style-type: none"> <li>▪ 2.0 covered spaces, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking</li> <li>▪ South Area and Downtown Area Only: 1.0 covered space, plus 1.0 guest space, per unit (tandem may be considered)</li> <li>▪ Downtown Area Only: ≤ 0.25 mile to public transit: 1.0 space per unit and &gt; 0.25 mile to public transit: 1.5 space per unit</li> <li>▪ Bay Fair TOD Only - Sub Area 1: maximum 1.0 space per unit B-TOD. Sub Area 2 and 3: minimum 0.5 spaces per unit, maximum 1.0 space per unit</li> </ul>
Bay Fair TOD District	<b>Office:</b> Minimum 1.0 space per 1,000 sf (<5,000 sf exempt) <b>Retail:</b> Minimum 2.0 spaces per 1,000 sf (<5,000 sf exempt) <b>Residential:</b> Studio and 1-Bedroom: minimum 0.5, maximum 1.0 space per unit, space per unit, 2 or More Bedrooms: minimum 0.75 space per unit, maximum 1.5 space per unit

Housing Type	Requirements
Senior Housing	1.2 spaces per unit, including 1 covered space and one space per employee (covered optional) <b>South Area Only</b> <ul style="list-style-type: none"> <li>0.6 covered space per unit, plus 1.0 space per employee.</li> </ul> <b>Downtown Area Only</b> <ul style="list-style-type: none"> <li>≤ 0.25 mile to BART: 0.4 covered space per unit, plus 1.0 space per employee.</li> </ul>
In-Residence Cottage Food Operation	1 uncovered space per employee
Group Housing	1 space per 2 beds; plus 1 space per 100 square feet used for assembly purposes or as required by use permit or Planned Development approval
Supportive Housing	Subject to parking standards for the applicable residential type in the applicable residential zone
Transitional Housing	Subject to parking standards for the applicable residential type in the applicable residential zone
Residential Congregate Care	Parking requirement to be based on the unit’s regular residential parking requirement.

Source: San Leandro, City of, 2020. Zoning Code.

The City has a process to consider reduced parking requirements through Major Site Plan Review if the nature of a project supports the reduction and there would be no impacts to nearby parking areas. The parking standards for supportive, group, transitional, and congregate care are the same as typical housing. If a reduced parking finding cannot be met pursuant to the parking reduction requirements, this can be a constraint to the development of housing for those with special needs. The City will evaluate parking standards and consider reducing or eliminating parking minimums to make housing developments more financially feasible, and will conduct stakeholder outreach with for-profit and non-profit housing developers and housing advocates on this issue, as specified in Program 14 of Chapter 6, *Housing Plan*.

### Provision of a Variety of Housing Types

This section describes the allowable residential development by zone. The regulation of housing opportunities impacts the development of housing opportunities, including those for extremely low-income households and persons with special needs, such as supportive or transitional housing, emergency shelters, and group residences. Table 3.7 summarizes the City’s zoning provisions for various types of housing. Housing types and allowable uses are described below the table.

#### *Single-Family Residential*

A single-family residence means an attached or detached building limited to one kitchen where the occupants of the dwelling unit live and function together as a household. Single-family residences are permitted in all residential zones and are indicated as RS in the zoning code. Single-family residences are permitted in all residential zones in the city. Single-family dwellings are permitted by-right but are subject to Site Plan review. Subsets of the RS District include RS-40 and RS View Preservation (VP). The RS-40 designation requires the front yard setback to be a minimum of 40 feet. RS (VP) requires a maximum height limit of 18 feet and all new homes and additions are subject to discretionary review to prevent unreasonable blockage of views.<sup>21</sup> Single-family

<sup>21</sup> City San Leandro Zoning Ordinance. 2021. Available: [http://www.qcode.us/codes/sanleandro-zoning/view.php?topic=2-2\\_04-2\\_04\\_100&frames=on](http://www.qcode.us/codes/sanleandro-zoning/view.php?topic=2-2_04-2_04_100&frames=on) (Ord. 2020-002 Section 4; Ord. 2001-015 Section 1). Accessed October 28, 2021.

residences are permitted uses in RM Zoning Districts which is considered a constraint to multifamily development. The City will revise the Zoning Code to not remove single-family residences as a permitted use in RM Zoning Districts as described in Program 14 in Chapter 6, *Housing Plan*.

### *Manufactured Home*

A manufactured home is a dwelling unit that was manufactured elsewhere and placed on a building site and constructed in accord with federal and State standards for manufactured homes. This definition includes mobile homes and modular homes. The City permits manufactured homes in any R district where a single-family detached dwelling is permitted, subject to the same restrictions on density and to the same property development regulations, provided that such a manufactured home receives a Certificate of Compatibility. Manufactured homes are also permitted in Residential Multi-Family Districts and DA-3 zones with the approval of a conditional use permit.

**Table 3.7 Allowable Housing Types by Zone**

Housing Type	Residential Districts				Commercial and Professional Districts					North Area Districts		South Area Districts			Downtown Area Districts						Industrial Districts			
	RS	RD	RM	RO	CN	CC	C-RM	CS	P	NA-1	NA-2	SA-1	SA-2	SA-3	DA-1	DA-2	DA-3	DA-4	DA-6	IL	IG	IP	IT	
Accessory Dwelling Unit	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	
Emergency Shelters (within 0.5 mi of BART in IT)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	UP	
Group Housing	-	-	UP	-	-	-	-	-	UP	-	-	UP	UP	UP	-	UP	UP	UP	-	-	-	-	-	
Manufactured Home Parks	-	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	-	-	-	-	-	-	
Mixed Use Residential (see DA, SA, IT restrictions)	-	-	-	-	UP	UP	UP	-	UP	UP	UP	P	P	P	P	P	P	P	P	-	-	-	UP	
Multi-Family Dwellings (see DA, SA, IT restriction)	-	-	P	-	UP	UP	UP	-	UP	UP	P	P	P	P	P	P	P	P	P	-	-	-	UP	
Residential Congregate Care Facilities	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	
Residential Congregate Care Facilities, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	
Single-Family Residential (Within 0.5 miles of a BART station)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	UP	UP	-	-	-	-	UP	
Two-Family Residential	-	P	P	P*	UP	UP	UP	-	-	UP	P	AR	P	AR	-	-	UP	UP	-	-	-	-	-	

Notes:

P = Permitted Use

AR = Administrative Review Required

UP = Use Permit Required

- = Not Permitted

\* Subject to Section 2.04.384 RO District—Additional Dwelling Units

IL = Industrial Limited, IG = Industrial General, IP = Industrial Park, IT = Industrial Transition

Source: Table of Zoning Code Uses and Districts – City of San Leandro Planning Services

### *Accessory Dwelling Units*

Under State law (Government Code Section 65852.2), an ADU is a dwelling unit which provides complete independent living facilities for one or more persons. ADUs may provide an affordable housing option for family members of the primary resident(s), students, seniors, in-home health care providers, persons with disabilities, young professionals, or others.

The City of San Leandro provides information on design requirements, regulations, and fees related to ADUs on a handout available on the City's website.<sup>22</sup> In San Leandro, an ADU can be a maximum of 800 square feet to 1,200 square feet depending on the number of bedrooms and size of the main dwelling unit. A Junior ADU (JADU) is a unit that is contained within the habitable floor area of a single-family residence and may share a bathroom with the primary residence. The maximum size of a JADU is 500 square feet for single-family use and 1,200 square feet for multifamily use. An ADU must be located on the same parcel on which a single-family dwelling or multifamily development is located or will be built and may be attached to or converted from a portion of the primary dwelling unit or separate from the primary structure (detached). It includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

On parcels that have an existing or proposed single family use, a maximum of one ADU and one JADU is permitted. On parcels with existing two-family or multi-family uses, a maximum of one repurposed ADU and two detached ADUs are permitted.

The San Leandro Zoning Code (Section 2.04.388) allows for the development of ADUs and JADUs through a ministerial building permit review.

The ADU and JADUs do not count towards the maximum density established by the zoning district. Additionally, no parking spaces are required for ADU or JADUs when a garage is repurposed into the ADU. These requirements ease the development of these structures. Additionally, ADUs and JADUs are not allowed to be used for short-term rentals (30 days or less) which confirms that ADUs will add to the longer-term housing options in the community. Impact fees for new ADU construction depend on the size of the ADU. For ADUs less than 750 square feet, detached and attached ADU impact fees are \$3,270 (for wastewater connection; no other fees apply). For ADUs greater than or equal to 750 square feet, impact fees vary depending on the proposed square feet of the ADU and the primary building square feet.

According to the San Leandro Zoning Code, the unit cannot be sold separately from the primary unit(s). However, following the passage of AB 345 in 2021, local jurisdictions must allow for the separate sale of ADUs in limited circumstances, for example, from a qualified non-profit owner to a low-income owner.

The City of San Leandro issues building permits for ADUs. Building permits were issued for an average of 32 ADUs per year from 2018-2021. The City will implement programs to reduce constraints to the development of ADUs and promote the development of ADUs, as discussed in Chapter 6, *Housing Plan*.

### *Multi-Family and Mixed Use Residential Development*

Multi-family dwelling means a building containing two or more dwelling units where each unit is for the use of individual households. Multi-family residences include apartments, town houses, condominiums, multi-dwelling structures, or cluster housing with common open space. The Multi-

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<sup>22</sup> City of San Leandro Accessory Dwelling Unit Info Sheet. Available:  
<https://www.sanleandro.org/DocumentCenter/View/1403/Accessory-Dwelling-Unit-ADU-PDF>



Family Development Standards project clarified that multi-family and mixed use development is permitted by right in the DA and SA Districts, except that Conditional Use Permit approval is required to allow ground floor residential on parcels fronting East 14<sup>th</sup> Street or Washington Avenue, north of Parrott, consistent with the Downtown TOD Strategy and the East 14<sup>th</sup> Street South Area Development Strategy. Multi-family residential development is permitted by-right in the City's RM, DA, and SA zones. IT zones also permit multi-family residential development; however, they require a Conditional Use Permit and must be within 0.5 miles of a BART station. There are five types of RM Zoning Districts based on the number of dwellings per gross acre (land area prior to land dedicated for streets or other improvements). They include the following:

- RM-3000 District, density is 14.5 dwellings per gross acre
- RM-2500 District, density is 17.5 dwellings per gross acre
- RM-2000 District, density is 22 dwellings per gross acre
- RM-1800 District, density is 24 dwellings per gross acre
- RM-875 District, density is 50 dwellings per gross acre

Multi-family residential development is required to undergo Site Plan Review conducted by the ZEO unless appealed or elevated to the Board of Zoning Adjustments. A description of the Development Permit process is outlined later in this section.

#### *Single-Room Occupancy Units*

Single-room occupancy (SRO) units are not defined in State law, but under Housing Element law, cities must facilitate SROs as a form of housing for special needs populations (Government Code Section 65583(c)(1)). An SRO unit is usually small, between 200 to 350 square feet. SROs are an important source of affordable private housing for lower-income individuals, seniors, persons with disabilities, and formerly homeless people. SROs are called residential hotels in the San Leandro Zoning Code (Section 6.08.112) and are allowed in the SA-1 district with a conditional use permit (CUP). San Leandro does not currently have any SROs. The City will support the development of SROs and other alternative forms of housing, as described in Chapter 6, *Housing Plan*.

#### *Residential Congregate Care Facilities*

This housing type describes adult day care and/or overnight non-medical residential living accommodations, day treatment, or foster agency services for seven or more individuals, and where the duration of stay is determined, at least in part, by the individual residents' participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. Facilities must be licensed by the State of California. Residential congregate care facilities serving seven or more and six or fewer individuals are permitted in all residential districts as well as in three DA districts.

#### *Emergency Shelters*

Emergency shelters are defined as facilities limited to 25 beds that serve unsheltered individuals. In addition to providing emergency housing for individuals and families, emergency shelters also have staff and provide amenities such as restrooms, showers, and storage. Emergency shelters are currently permitted by right in the Industrial Limited (IL) District and with a use permit in the Industrial Transition (IT) District. The IL District is approximately 65.6 acres in total and the IT District is 141.5 acres, comprising approximately 2.4 percent of the city's total acreage. The number of

people experiencing homelessness in the 2019 PIT count was 418, with 344 unsheltered. With a limit of 25 beds per shelter, 14 emergency shelters would be needed to accommodate all unsheltered residents.

The 25-bed requirement and the limited size and location of permitted zoning districts are considered a constraint to the development of emergency shelters. As noted in Program 16 in Chapter 6, *Housing Plan*, the City will amend the municipal code to allow emergency shelters by right in at least one additional zoning district than IL, where emergency shelters could be close to public transit and medical, social, and/or commercial services. The City will also amend the Zoning Code to permit shelters larger than 25 beds with a use permit in zoning districts where emergency shelters are permitted.

AB 139, which went into effect on January 1, 2020, mandates that emergency shelters may only be subject to those standards which apply to residential and commercial development within the same zone, except that a city can apply standards regulating the number of beds, parking for staff provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone, length of stay, and other minor standards. The San Leandro Zoning Code states that an emergency shelter requires an adopted management plan that includes hours and staffing, provides sufficient waiting area, parking and loading facilities, and 24-hour restrooms. The Zoning Code does not have specific standards related to the requirements discussed in AB 139. If these requirements are arbitrarily applied, this could be a constraint on housing for unsheltered persons. The City will revise the emergency shelter provisions in the Zoning Code to address identified constraints and to be consistent with AB 139, as specified in Program 16 of Chapter 6, *Housing Plan*.

#### *Low Barrier Navigation Center*

With the adoption of AB 101 in 2019, cities are required to allow low barrier navigation centers as a permitted use in mixed use zones and other nonresidential zones permitting multi-family residential development. Per AB 101, a low barrier navigation center is defined as: “a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” When compared to traditional emergency shelters, low barrier navigation centers may provide more services and additional flexibility to clients, such as allowing pets or permitting partners to share living space. AB 101 also requires local jurisdictions to act on a complete application for a low barrier navigation center within 60 days. As San Leandro’s Zoning Code has not been updated to permit low barrier navigation centers, this is considered a constraint to housing for unsheltered individuals and the City will revise emergency shelter provisions in the Zoning Code, consistent with AB 101. The City is currently in negotiations to purchase a motel to develop a short-term low barrier navigation center with shelter/housing units and will take actions, including apply for State Project Homekey funding, to open a facility during the Housing Element planning period, as specified in Program 16 of Chapter 6, *Housing Plan*.

#### *Supportive and Transitional Housing*

When compared to emergency shelters, transitional housing is intended to accommodate people experiencing homelessness and their families for a longer time period, typically 6 to 18 months, while residents stabilize their lives and can move into permanent housing. Supportive housing is affordable housing with access to on- or off-site support services that help individuals or families

with barriers to employment or housing stability, such as people experiencing homelessness, or people with disabilities, and other special needs populations. Transitional Housing is defined as rental housing developments operated under program requirements that call for the termination of assistance at some predetermined future point in time, which shall be no less than six months.

The City regulates supportive and transitional housing the same as other residential dwellings of the same type in the applicable zoning districts. Parking standards are also the same as the applicable residential type in the applicable residential zone.

AB 2162, which went into effect on January 1, 2019, requires that cities allow supportive housing with up to 50 units by-right in multi-family and mixed use zones and precludes cities from imposing parking requirements on supportive housing developments located within one half mile of a public transit stop. As San Leandro's Zoning Code has not been updated to be consistent with these requirements, this is considered a constraint to housing for individuals in need of support and the Housing Element update will revise supportive housing provisions in the Zoning Code, consistent with AB 2162. The City will revise the Zoning Code consistent with AB 2162, as specified in Program 16 of Chapter 6, *Housing Plan*.

#### *Employee Housing and Farmworker Housing*

Under California Health and Safety Code 17021.5, any employee housing providing accommodation for six or fewer employees must be considered a single-family structure with a residential land use designation. San Leandro's Zoning Code does not currently address employee housing and the Housing Element update will revise employee housing provisions in the Zoning Code as specified in Program 15 of Chapter 6, *Housing Plan*. California Health and Safety Code Sections 17021.5 and 17021.6 generally require agricultural employee housing to be permitted by-right, without a CUP, in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. No zones in the city permit agricultural uses. The City will amend the Zoning Ordinance to allow agricultural employee housing for six or fewer persons by right in zoning districts where single-family uses are allowed, subject to the same regulations as a single-family dwelling. The City will also assess and monitor, on an annual basis and as data is available, the need for farmworker housing in the city and region. If it is determined that farmworker housing is an identified need, support and facilitate efforts by private, non-profit, and public agencies to provide safe, affordable, and adequate housing for farmworkers, and explore new funding opportunities to support permanent farmworker housing, as specified in Program 10 of Chapter 6, *Housing Plan*.

### 3.2.3 Housing for Persons with Disabilities

#### **Definition of Family**

Local jurisdictions may restrict access to housing for households that do not meet the jurisdiction's definition for "family." A restrictive definition of "family" that limits the number of individuals living together may illegally limit the development and siting of group homes for persons with disabilities, but not for housing families that are similarly sized or situated. The City of San Leandro's Zoning Code defines family as a person or a group of persons living together and maintaining a common household.<sup>23</sup> This definition is not overly restrictive and is not considered a constraint to housing.

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<sup>23</sup> City of San Leandro Zoning Code. 2021. Available: [http://www.qcode.us/codes/sanleandro-zoning/view.php?cite=section\\_1.12.108&confidence=6](http://www.qcode.us/codes/sanleandro-zoning/view.php?cite=section_1.12.108&confidence=6). Accessed October 28, 2021

## Reasonable Accommodation Procedures

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that cities and counties provide reasonable accommodation where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. Cities and counties must also consider requests for accommodations related to housing for people with disabilities and provide the accommodation when it is determined to be “reasonable” based on fair housing laws and the case law interpreting the statutes.

Reasonable accommodation is one of the tools intended to further housing opportunities for people with disabilities. These accommodations can mean local jurisdictions making modifications or exceptions in their zoning laws and other land-use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to waive a setback requirement so that a ramp can be provided to residents with mobility impairments.

Reasonable accommodation enables developers and providers of housing for people with disabilities a means of requesting from the local government flexibility in the application of land use and zoning regulations or, in some instances, even a waiver of certain restrictions or requirements necessary to achieve equal access to housing.

San Leandro uses reasonable accommodations to eliminate obstacles to housing for the elderly, people suffering from chronic illness or people experiencing physical or mental disabilities. This can include residents who are recovering from drug and alcohol addiction who would benefit from living in a non-institutional residential environment. San Leandro’s zoning code states that the City can change, waive, or make exceptions to zoning rules that would otherwise have the effect of limiting the ability of such individuals to live in the residence of their choice in the community. San Leandro Zoning Code Section 2.04.232 removes any special requirements for facilities for the disabled that would limit such individuals’ choice of places to live to the extent that such residences are subject to requirements different from those applicable to similar uses of land.

In 2009, the City adopted the following policy, “Reasonable Accommodation Policy and Grievance Policy Relating to the Americans with Disabilities Act, the Fair Employment and Housing Act, and Section 504 of the Rehabilitation Act,” as follows:

It is the policy of the City of San Leandro to comply with the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act (FEHA), Section 504 of the Rehabilitation Act of 1973, and the comprehensive civil rights laws that prohibit discrimination against persons with disabilities. The City of San Leandro will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, events, activities, facilities and public meetings.

In all of its services, programs, events, activities, facilities and public meetings, the City of San Leandro will strive to eliminate any barriers that prohibit persons with disabilities from participating or from having full access to facilities. If a service, program, event or activity is not fully accessible, the City will, to the best of its ability, relocate said service, program, event or activity to an accessible facility, or provide equal services at alternate accessible sites.

A request for special accommodation must be made to the ADA Coordinator by the individual needing the accommodation or his/her representative with at least two (2) weeks advance notice of the service, program, event, or activity. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

### **Reasonable Accommodation Policy – Zoning and Land Use**

This policy provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

A request for reasonable accommodation may be made by any person with a disability, his/her representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Article is intended to apply to those persons who are defined as disabled under the Acts.

Requests for reasonable land use accommodation shall be submitted on an application form provided by the ADA Coordinator and shall include the following information:

- (1) The applicant's name, address and telephone number.
- (2) Address of the property for which the request is being made.
- (3) The current actual use of the property.
- (4) The basis for the claim that the individual is considered disabled under the Acts.
- (5) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

### **Review with Other Land Use Applications.**

If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to; conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by Subsection (a) together for concurrent review with the application for discretionary approval.

Requests for reasonable accommodation shall be reviewed by the ADA Coordinator who may at the Coordinator's discretion, forward to the relevant department head for his/her review and determination. The ADA Coordinator or his/her designee, shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with §2.5.325 (Findings and Decision).

### **Findings and Decision for Land Use**

The written decision to grant or deny a request for reasonable accommodation for a land use will be consistent with the Acts and shall be based on consideration of the following factors:

- (1) Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts.
- (2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

- (3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.
- (4) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
- (5) Potential impact on surrounding uses.
- (6) Physical attributes of the property and structures.
- (7) Alternative reasonable accommodations which may provide an equivalent level of benefit.

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required above.

### **Appeal of Determination**

A determination by the reviewing authority to grant or deny a request for reasonable accommodation for land use may be appealed to the Planning Commission.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his/her choice. Requests for reasonable accommodation shall be made in the manner prescribed by §2.5.310 (Application Requirements) and shall be made to the City's ADA Coordinator.

Requests for all special accommodations or to file grievances with the City regarding the City's failure to provide a reasonable accommodation can be submitted to the City's ADA Coordinator or Section 504 Coordinator. The contact information for these individuals can be found on the policy form. However, while the policy information form is located on the City's website, it is not easily accessible. The City will review the City's adopted 2009 reasonable accommodation policy and grievance procedure, update as needed, and provide a link to its Reasonable Accommodations policy on the Housing page of the City website, as described in Program 15 of Chapter 6, *Housing Plan*.

### **California Building Code**

San Leandro adopted and amended the California Building Code (CBC), 2019 Edition. The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. The guidelines established by the CBC provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. The City's Building & Safety Services Division ensures that new construction and structural improvements in San Leandro are executed safely and in compliance with the CBC.<sup>24</sup>

San Leandro adopted local amendments to the CBC to address earthquake design standards within San Leandro. The City has not adopted unique restrictions that would constrain the development of housing for persons with disabilities. Compliance with provisions of the Code of Regulations,

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<sup>24</sup> City of San Leandro. 2021. Building Code. Available: <https://www.sanleandro.org/depts/cd/bldg/buildcode.asp>. Accessed October 28, 2021

California Building Standards Code and Federal Americans with Disabilities Act (ADA) is assessed and enforced by the Building and Safety Division of the Community Development Department as part of the plan check and building permit issuance process. San Leandro’s Building Code Enforcement Team is responsible for enforcing the City’s Municipal Code; the California Building, Electric, Plumbing, and Mechanical Codes; the International Property Maintenance Code; and the California Health and Safety Code.

### 3.2.4 Planning and Development Fees

The City charges various fees and assessments to cover the cost of processing permits and providing certain services and utilities. San Leandro charges for processing residential development permits. In addition, other fees such as impact fees may be assessed, depending upon the circumstances of the development.

Development permit fees are used to cover the cost of reviewing a development proposal. Fees in the Planning Services Division are based on either direct costs or a fixed fee. The current fees (Fiscal Year 2021 to 2022) for various permits related to housing development are listed in Table 3.8 below:

**Table 3.8 Development Review Associated Fees**

Action/Activity	Fees
<b>Administrative Review and Exceptions</b>	
Residential	\$2,223.16 = \$2,097.32 + \$125.84 tech fee
Residential Requiring Hearing	\$4,448.36 = \$4,196.57 + \$251.79 tech fee
<b>Appeal</b>	
By Non-Applicant to BZA or City Council	\$578.45 (+City Clerk Filing Fee if City Council)
By Applicant to BZA	Direct Cost
By Applicant to City Council	Direct Cost + City Clerk filing fee
<b>Conditional Use Permit (CUP)/Parking Exception/Variance</b>	
CUP - Residential	Direct Cost \$6,000 deposit
Parking Exception	Direct Cost \$6,000 deposit
Variance	Direct Cost \$6,000 deposit
<b>Environmental Review</b>	
Exemption without Initial Study (Categorical)	\$741.40 = \$699.43 + \$41.97 tech fee
Initial Study/Environmental Impact Report (EIR)	Direct Cost, based on scope
<b>Fence Modification</b>	
Single-Family and Duplex	\$1,112.10 = \$1,049.15 + \$62.95 tech fee
Multi-Family and Non-Residential	\$1,669.16 = \$1,574.68 + \$94.48 tech fee
Residential (View Preservation)	\$3,335.26 = \$3,146.47 + \$188.79 tech fee
<b>Planned Development/Development Agreement</b>	
Planned Development	Direct Cost \$15,000 deposit
Development Agreement	Direct Cost \$15,000 deposit
<b>Pre-Application</b>	
First Meeting Free/Each Additional Meeting	\$557.07 = \$525.54 + \$31.53 tech fee
BZA/Planning Commission Work Session	\$557.07 = \$525.54 + \$31.53 tech fee
SB 330/SB 35 Housing Project	\$5,927.52 = \$5,592.00 + \$335.52 tech fee

Action/Activity	Fees
<b>Site Plan Review</b>	
Minor Residential/Certificate of Compatibility/Accessory Dwelling Unit	\$2,780.23 = \$2,622.86 + \$157.37 tech fee
Major View Preservation	\$4,448.36 = \$4,196.57 + \$251.79 tech fee
Major Residential/Non-Residential	Direct Cost \$5,000 deposit
<b>Tentative Map/Subdivision/Condominium/Annexation</b>	
Tentative Map	Direct Cost \$15,000 deposit
Amendment/Extension/Revision/Waiver	Direct Cost \$15,000 deposit
Residential Condo Conversion	Direct Cost \$15,000 deposit
Non-Residential Condo Conversion	Direct Cost \$15,000 deposit
Annexation	Direct Cost \$15,000 deposit
<b>Zone Change/General Plan Amendment/Specific Plan</b>	
Zone Change/Code Amendment	Direct Cost \$15,000 deposit
General Plan Amendment	Direct Cost \$15,000 deposit
Specific Plan/Amendment	Direct Cost \$15,000 deposit
<b>Plan Check for Building Permit</b>	
Single-Family Residential: New Construction/Alterations/Additions	\$263.00
Multi-Family Residential or Non-Residential: New Construction	\$656.45
Accessory Dwelling Unit (ADU)	\$172.11 per hour
Community Planning Fee (applies to all building permits)	0.3% of total valuation of construction
<b>Technology Fee</b>	
Applied to all permit fees except Zoning Compliance Letters, Zoning Business License fees, and Plan Check for Building Permit fees.	6% of the total permit fee and is not refundable.

BZA = Board of Zoning Adjustments  
 Source: San Leandro Planning Permit Fees and Charges, 2021 - 2022

The permit processing fees depend upon the specific zoning approval required and the type of project or construction. Planning fees are based on a fixed fee or direct cost, such as staff time plus overhead. City Planners are available to identify the approvals that may be required for a project. When a Planning permit is required for a project, approval of the Planning permit is required before a building permit can be issued.<sup>25</sup>

### *Development Impact Fees*

San Leandro relies on development impact fees to pay for services needed for the additional growth. Impact fees cover expansions of city infrastructure and services needed to accommodate growth beyond the tasks necessary to build a specific residential project. Public goods and services like schools, parks and art, capital improvement, environmental resources, affordable housing, transportation, utilities, and fire and public safety are covered by impact fees. Development impact fees for San Leandro are described in more detail below:

- **School Fees:** Support new school facilities to serve future residents of new developments.
- **Transportation Fees:** Funds the costs of expanding transportation infrastructure usage related to new development. There are different development fees for street improvements and are called general traffic impact fees. A general traffic impact fee is assessed if the new use

<sup>25</sup> City of San Leandro. 2021. Development Fees – Fiscal Year 2020 – 2021. Available: <https://www.sanleandro.org/civica/x/filebank/blobload.aspx?blobid=33067>. Accessed October 27, 2021



generates more traffic than the former use. Two additional traffic impact fees are based on impact zones around the intersections of Davis Street/Doolittle Drive and Marina Boulevard/I-880. The Davis Street/Doolittle Drive intersection fee zones generally lie south of 98th Avenue, west of I-880, north of Marina Boulevard, and east of the Bay. The Marina Boulevard/I-880 intersection fee zone is generally south of San Leandro Creek, west of East 14<sup>th</sup> Street, north of Manor Boulevard, and east of the Bay. These traffic impact zones are available for view on web-based maps.

- **Park Fees:** Fees set aside for parks and parkland.
- **Utility Impact Fees:** Funding that covers expansions of water, sewer, electricity, and gas infrastructure.

The City also collects a range of residential impact fees to offset the future impact of development on existing infrastructure, city services (such as public safety), schools, and other services. Park Development Impact Fees are charged to single-family, multi-family, and ADU development at a cost per unit to fund park land acquisition, development, or improvements. Street Improvement fees are charged per unit based on the type of construction and location of the development. Undergrounding of utilities is also charged per unit for housing in certain districts in the city, and sewer connection fees are charged based on the type of residential development. The City collects fees for schools, but the rates are set by school districts. The City does not currently provide an exemption for affordable housing projects.

Overall, the City's current development impact fees have minimal impacts on overall development costs, given the high price of land in San Leandro and the region. San Leandro has fewer development impact fees than some other cities in Alameda County. However, the City's Park Development Impact Fees are substantially higher than neighboring jurisdictions and were identified as a constraint during the stakeholder interviews. For example, San Leandro's Park Development Impact Fees for multi-family units are \$15,316 per unit for park land acquisition and \$2,436 per unit for park improvements, compared to the City of Hayward's park fees which range from \$1,581 to \$7,799 per unit depending on the number of bedrooms. This fee could be considered a constraint to housing, especially for large, high-density developments with a large number of housing units. In addition, development impact fees for ADUs could be a cost burden to single-family homeowners and be a constraint to the development of ADUs. The City plans to conduct a Comprehensive Impact Fee Study by 2024 to assess changes to development impact fees and potential impacts to housing development, as specified in Program 14 of Chapter 6, *Housing Plan*. As a part of the City's Comprehensive Impact Fee Study, the City will explore a standardized fee reduction and/or impact fee waiver program for affordable housing projects.

#### *Development Fees For a Typical Project*

Table 3.9 provides development fees for a typical project. The fees for a single-family residence were actual fees for a real time, two-story, 2848 square foot single-family residence completed in 2021. The fees for a multi-family residence were actual fees for a 62-unit project completed in 2022. The table includes City fees and non-city fees. City fees for a single-family residence totaled \$54,364.16 while the fees for the multi-family project totaled \$1,544,975.50, approximately \$25,000 per unit. Non-city fees totaled \$19,310.96 for the single-family residence and \$239,013.44 for the multi-family project, or \$3,855 per unit. The combined totals for City and non-city fees totaled \$73,725.12 for single family and \$1,783,988.70 for multi-family, approximately \$29,000 per unit.

**Table 3.9 Development Fees for a Typical Unit**

<b>Development Fees for a Typical Unit</b>	<b>Single-Family</b>	<b>Multi-Family Total</b>	<b>Multi-Family Per Unit</b>
<b>City Fees</b>			
Estimated Grading Permit and Inspection (single-family residence if <50 cubic yards. No grading permit required)	N/A	3,695.50	59.6
Development fees for street improvement	1,491.91	84,094.78	1,370.00
Impact fee-park development	19,461.00	986,812.00	15,916.00
Imaging	509.80	1,538.50	24.80
Building Permit Fee-valuation	14,290.31	60,745.42	979.76
Conditional Use Permit	N/A	2,728.51	44.00
Site plan review, Planning	250.00	7,200.00	116.12
Planning review	2,326.00	1,225.00	19.75
Plan check fee, Building	5,468.16	47,087.02	759.46
Community Planning fee	3,722.40	40,178.82	648.00
Technology fee, Planning (6% of permit fee)	139.56	300.00	4.84
Solid waste and recycling plan (Public works review of projects over \$100,000.00 in valuation, Construction and Demolition Recycling)	165.00	316.00	5.01
Miscellaneous fee	N/A	131.00	2.11
Credit card processing fee	N/A	3.28	0.52
Impact fee-traffic Marina/I-880	N/A	42,298.24	682.23
Impact fee, overhead utility	N/A	46,231.83	745.67
Environmental hourly review fee	N/A	151.00	2.43
Staff hours (building permit) Engineering	464.43	216.00	3.48
Filing and issuance	123.00	123.00	1.98
Building Standards SB1473	50.00	536.00	8.65
Water Pollution Control Plant -Residential	4,389.00	212,512.00	3,427.61
<b>Total City Fees</b>	<b>54,364.16</b>	<b>1,544,975.50</b>	<b>24,918.59</b>
<b>Non-City Fees</b>			
Fire alarm system permit	N/A	1,790.14	28.87
Fire plan review (City contracts with Alameda County Fire Dept.)	4,585.55	39,484.52	636.84
Fire sprinklers/Fire permit	\$1,001.10	1,790.40	28.88
School impact fee	10,793.92	182,435.44	2,942.00
Energy Conservation (For all buildings subject to the California Energy Commission's conservation regulations) 20% of permit fee.	2,769.09	11,771.76	189.86
Strong Motion Impact fee (State mandated tax for seismic hazard monitoring)	161.30	1,741.08	28.00
<b>Total Non-City Fees</b>	<b>19,310.96</b>	<b>239,013.44</b>	<b>3,855.00</b>
<b>Total Fees</b>	<b>\$73,725.12</b>	<b>\$1,783,988.70</b>	<b>\$28,774.01</b>

Development Fees for a Typical Unit	Single-Family	Multi-Family Total	Multi-Family Per Unit
Estimated Construction Cost <sup>1</sup>	\$714,525.0 0	\$13,392,940.0 0	\$216,015.16
Overall development cost	\$788,250.1 2	\$15,176,928.7 0	\$244,789.17
Proportion of fee cost to overall development cost	9.35%	11.75%	11.75%

<sup>1</sup> Construction costs do not include land costs. When land costs are considered, fees as a proportion of total development cost are significantly lower.

### 3.2.5 Inclusionary Housing Ordinance

Inclusionary housing regulations help increase the availability of affordable housing stock in the city. San Leandro’s Inclusionary Housing Ordinance requires that a certain percentage of new residential development be made affordable to low- and moderate-income households, depending on whether the project is intended as ownership or rental housing. Currently, for all new residential developments, at least 15 percent of the total units must be inclusionary units restricted for occupancy by moderate-, low-, or very low-income households at either the affordable rent or affordable ownership cost appropriate for the income of the household. A new for-sale housing development with two to six total units has the option of providing one affordable unit for moderate-income households or pay an in-lieu fee defined in the ordinance. The in-lieu fee does not apply to rental developments. New for-sale housing developments and condominium conversions involving fewer than two units and new rental housing developments with fewer than four units are exempt from this ordinance. As described in Program 12 of Chapter 6, *Housing Plan*, the City will conduct an economic feasibility study to guide any decisions on changes to the Inclusionary Housing Ordinance, including the consideration of an increased inclusionary housing component and/or changes to the in-lieu fee structure and the desire and ability of developers to contribute to the Affordable Housing Trust Fund (AHTF). Based on the findings of the evaluation and the study, the City shall consider amendments to the ordinance with the goal of increasing the amount of affordable housing built in the city while ensuring the requirements do not pose a constraint to overall housing production.

### 3.2.6 Permit Procedures and Processing Times

Certainty and consistency in permit processing procedures and reasonable processing times is important to ensure that the development review/approval process does not discourage developers of housing or add excessive costs (including carrying costs on property) that would make the project economically infeasible. The City is committed to maintaining comparatively short processing times. Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. The lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval can contribute to the high cost of housing.<sup>26</sup> Processing times depend on the magnitude and complexity of the proposed development project. In the City, the typical period for administrative review is one to three months. A Use Permit, parking exceptions, and variances take approximately six to eight months to complete. Administrative Site Plan Review takes three to four months to complete, unless it is a major residential project which takes six to eight months and is always concurrent with a CUP.

<sup>26</sup> California Department of Housing and Community Development. 2021. Building Blocks. <https://www.hcd.ca.gov/community-development/building-blocks/constraints/processing-permitting-procedures.shtml>. Accessed October 28, 2021

The average number of days from entitlement to building permit is 198.64 days, based on a review of projects from the past 18 months. This length of time is approximately 15 percent higher than the average number of days for all jurisdictions in Alameda County, which is 172.44 days. The City will continue to improve the efficiency of the development review process, as described in Program 14 in Chapter 6, *Housing Plan*.

San Leandro’s Community Development Department provides guidance to developers, construction contractors, or homeowners through its One Stop Permit Center to discuss proposed building plans.

The Multi-Family Development Standards project established objective development and design standards as discussed above, which allowed the City to adjust review thresholds for several project types from discretionary to administrative. As detailed below, the City consolidated and standardized the review process for planning permits in the city.

### Site Plan Review

There are three levels of Site Plan Review, and the review authority for all three is the ZEO, as detailed in Table 3.10. The Site Plan Review process runs concurrently with any other required discretionary permits.

**Table 3.10 Site Plan Review Process**

Type	Review Body	Required Noticing	Hearing
Administrative Site Plan Review	ZEO, BZA upon appeal or elevation	None	No
Minor Site Plan Review	ZEO, BZA upon appeal or elevation	Adjacent properties	No
Major Site Plan Review	ZEO, BZA upon appeal or elevation	Within RS-VSP: 500 feet from property. Other areas: Adjacent Properties	Yes

ZEO = Zoning Enforcement Officer  
 BZA = Board of Zoning Adjustments

An Administrative Site Plan Review is required for the following:

- RD and RM Districts: new dwellings, additions, or redevelopment of 2,500 square feet and 50 percent of the gross floor area, new structure greater than 2,500 square feet, and additions or new second/third stories
- Commercial Districts: new structures greater than 2,500 square feet, additions, or redevelopment greater than 2,500 square feet and 10 percent of the gross floor area, and major structural upgrades
- B-TOD District: new structures, additions or redevelopment, structural upgrades Minor Site Plan Review is required for the following:
- RO, RS, and RM-40 Districts: new two-story home and second story addition or increase in square footage
- RS-VP: any addition or structure requiring building permit

Major Site Plan Review is required for the following:

- RO, RS, and RM-40 Districts: New single-family home or addition which would have floor area greater than 4,000 square feet, addition that exceeds 100 percent of existing floor area, third story or addition, and a new or addition to a two-family dwelling that would result in an

additional unit, additions or redevelopment greater than 2,500 square feet and 10 percent of the gross floor area, or increase the square footage of the second or third story.

- RS-VP: new single-family home or any additions greater than 250 square feet or results in home over 4,000 square feet

In summary, projects that involve the construction of new housing units are subject to an administrative process (either no site plan review or an administrative site plan review) except for new units in the RS-VP District and new large homes (over 4,000 square feet), new two-story homes, additions of new units to a two-family dwelling, and redevelopment greater than 2,500 square feet in RO, RS, and RM-40 districts.

The City of San Leandro has taken steps to streamline the design review process for residential projects to reduce or eliminate potential delays due to design. The City of San Leandro does not have a design review board. Residential projects are subject to straightforward objective criteria codified in the Zoning Code. Most residential projects are approved either administratively or through the Board of Zoning Adjustments and do not require a subsequent public hearing before the City Council unless appealed. For these reasons, projects are unlikely to be delayed or more costly to develop due to the design review process. The City's current site plan review process is not considered a constraint to housing development, but the City will continue to explore efforts to reduce constraints to development and streamline development review, as specified in Program 14 of Chapter 6, *Housing Plan*.

### Conditional Use Permits

A conditional use permit (CUP) is required for various uses in certain zoning districts provided they will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district. The BZA either approves subject to conditions or denies such uses. Each application is considered on its individual merits. San Leandro has no CUP requirement for multi-family housing in the RM residential district, SA-1 through SA-3 Districts, and DA-1 through DA-6 Districts, but is required in Commercial and Professional Districts, NA-1, NA-2, and IT Districts. In addition, mixed use development does not require a CUP in the SA-1 through SA-3 Districts, or DA-1 through DA-6 Districts, but is required in Commercial and Professional Districts, NA-1, and IT Districts. Obtaining a CUP requires a noticed public hearing before the BZA. To issue a CUP, the BZA must find that:

- The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.
- The proposed location of the use and conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- The proposed use will comply with the provisions of the Zoning Code, including any specific conditions required for the proposed use in the district in which it would be located.
- The proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities which cannot be mitigated.<sup>27</sup>

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<sup>27</sup> City of San Leandro Housing Element. 2015. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=5207>. Accessed October 28, 2021

## Building Permits

Building permits are required for most improvements and the fees are calculated based on the construction valuation of each project. These fees are based on the building or structure and the construction work required. The permit technicians receive and review all plans and applications that require building permits. These applications can include additions, alterations, repairs, demolitions, and new construction to buildings. They can also include removing, converting, or replacing any electrical, gas, mechanical, or plumbing system. Permit Technicians collect permit fees and issue all the City of San Leandro's Building permits. Building permit review timelines for all projects are as follows:

- First review: 15 to 20 working days
- Second review: 10 to 15 working days
- Third review: 7 to 10 working days
- Fourth review: 5 to 7 working days
- Fifth review: 3 to 5 working days

## Transparency in the Development Process

To increase transparency in the development process, the City's website publishes resources that help developers and homeowners navigate the residential development and home improvement processes. Specifically, the Planning Division (<https://www.sanleandro.org/322/Planning-Division>) webpage provides a zoning map, information on the permit center and staff contacts, the public hearing calendar, planning and building permit resources, and permit status information through a citizen access portal. The zoning code and zoning map, plan review procedures, and forms and handouts, among other documents are available online. The City also has an online appointment request system for scheduling review with Planning Division staff. There is also an interface for parcel-specific inquiry to see if a permit has been issued or if there is a project in progress. As discussed in Program 6 of Chapter 6, *Housing Plan*, the City will create a page on the City's website with an easily accessible, map-based inventory and dashboard that identifies vacant and nonvacant housing development opportunity sites, including multi-family residential and mixed-use sites. The City will also develop a web-based Housing Development Toolkit that outlines a step-by-step process for residential development, including identifying steps in the entitlement and building permit process, detailed information on development incentives, and funding programs and resources for affordable housing development. The City will evaluate its compliance with the new transparency requirements per Government Code Section 65940.1(a)(1) as part of Program 6 and make changes as necessary.

### 3.2.7 Short-Term Housing Rentals

The City of San Leandro has adopted two ordinances to regulate the short-term rental of housing or dwelling units in the city. Short-term rentals (STR) are defined as rental of part or all of a residential dwelling unit to paying occupants for less than 30 days. The types of STRs permitted in San Leandro include the rental of a single-family home, apartment unit, or a bedroom in a home. However, the City prohibits the use of ADUs for STRs. STRs are typically advertised and booked through online platforms such as Airbnb and VRBO.

In June 2019, the City Council adopted two ordinances regulating STRs. Title 4, Chapter 4-41 of the San Leandro Municipal Code, which became effective on June 19, 2019, prohibits non-hosted STRs in the city. In a non-hosted STR, the primary occupant of the dwelling unit within which the rental

takes place is absent from the dwelling for some or all of the rental period. Title 4, Chapter 4-40 of the San Leandro Municipal Code, which became effective on July 3, 2019, allows and regulates hosted STRs in the city. In a hosted STR, the primary occupant of the dwelling unit within which the rental takes place occupies the dwelling during the entire rental period. To legally operate a hosted STR, an applicant must first obtain a City business license and a STR permit, and be subject to the transient-occupancy tax. All STR information is on the City's website (<https://www.sanleandro.org/221/Short-Term-Rentals-STR>).

As of June 2022, there are 65 active STR rentals in the city using data from Airbnb and Vrbo (active rentals are those that have had at least one reserved or available day in the past month).<sup>28</sup> Approximately 40 of these STRs (61 percent) are available as entire home rentals. STRs are spread throughout the city and not concentrated in a particular neighborhood. In comparison, Hayward has 250 active rentals, Union City has 75 active rentals, and the City of Alameda has 295 active rentals. Given the city's relatively fewer STRs compared to other East Bay cities, the City's short-term rental policies do not pose a constraint to long-term rental housing in the city.

### 3.2.8 Code Enforcement

When deciding whether to require a substandard building be vacated or to repair (as necessary), health and safety code requires local governments to consider housing needs. The enforcement agency is required to give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling.<sup>29</sup>

The City's Code Enforcement Division is responsible for enforcing the City's Municipal Code, which includes Weed and Community Preservation Ordinances, and the Zoning Code. Code enforcement is provided as a complaint-based procedure. Should a violation exist, a Courtesy Notice is posted at the property. The Courtesy Notice states the Municipal Code or Zoning Code violation as well as instructions on how to achieve compliance. Each Courtesy Notice will list the name, telephone number, and email address of the Code Enforcement Officer who issued the notice, along with the required corrective method. The violation must be corrected within a period of ten days, after which time the property will be reinspected. The Building Division is responsible for enforcing Building Code violations and utilizes a similar process.

According to the City's Municipal Code Title III, Section 3-1-200 (e) (1)), a building is considered dilapidated when it is a neglected building or structure that has been abandoned, partially destroyed, and has broken windows. This also includes partial construction which may have been left for an extended period of time; buildings subject to demolition but have not been demolished; and buildings with cracking and peeling paint. It is the responsibility of property owners to maintain all buildings and structures on the property.

Should the violation continue, an Administrative Citation will be issued to the property owner. The fine for the first Administrative Citation for a Municipal or Zoning Code violation is \$100 per violation. Property owners are provided another ten days to comply. Should the violation continue, a second Administrative Citation in the amount of \$300 per violation is issued, and the ten-day compliance period is reestablished. Should the violation continue, Administrative Citations for \$600 per violation will continue to be issued. For Building Code violations, the first Administrative Citation

<sup>28</sup> Airdna.co. June 2022. <https://www.airdna.co/vacation-rental-data/app/us/california/san-leandro/overview>

<sup>29</sup> HCD. Codes and Enforcement of Onsite/Offsite Improvement Standards. <https://www.hcd.ca.gov/codes-and-enforcement-of-onsite-offsite-improvement-standards>

is \$130, the second Administrative Citation is \$700, the third Administrative Citation is \$1,300 and additional violations are \$2,500.

If no action is taken by the property owner, the City may obtain a Judicial Warrant to Abate. The warrant is a legal tool that enables the City to abate the violation. Once a Warrant to Abate is received, the property owner is responsible for all costs of abatement. Unpaid abatement costs along with unpaid Administrative Citation fees can be recovered by the City through a lien on the property as detailed in Section 1-12 Citation-Violations of the Municipal Code. The Code Enforcement Ordinance details the enforcement process. Appeals are handled by the City Clerk's Office.<sup>30</sup>

### 3.3 Environmental Constraints

Environmental factors could pose a housing constraint if they have the potential to limit the density and location of housing and can greatly impact the feasibility and cost of development. The City of San Leandro has limited potential to expand development into surrounding areas due to physical constraints. The San Francisco Bay (Bay) is located adjacent to the southwest of the city, the East Bay hills, and Lake Chabot abuts the northeastern side, and other urbanized cities surround San Leandro to the north and south. Other environmental constraints are discussed below.

#### 3.3.1 Federal and State Environmental Protection Regulations

Federal and State regulations require an environmental review of proposed discretionary projects (e.g., subdivision maps, use permits, etc.). Costs result from fees charged by local government agencies and private consultants to complete the environmental analysis and can add to the cost of housing which is passed on to the consumer. However, these regulations help preserve the environment and ensure environmental quality for San Leandro residents.

Regional plans and programs related to public safety included the State Seismic Hazards Mapping Act, the California Environmental Quality Act (CEQA) Statute and Guidelines, California Noise Insulation Standards (Title 24), and the Federal Emergency Management Agency (FEMA) Flood Insurance Program. Pursuant to CEQA, nearly all residential development that requires a discretionary action from the Department of City Planning also requires environmental review concurrent with the approval process. The preparation, review, and certification of CEQA documents may add time to the development process.

Additionally, pursuant to State law, the City developed and adopted a Local Hazard Mitigation Plan (LHMP), which assesses hazard vulnerabilities from natural and human-caused hazards, including flooding, drought, wildfire, landslides, severe weather, terrorism, cyber threats, pandemic, and the impact of climate change on hazards, as well as other hazards. The LHMP identifies mitigation actions that the City pursues to reduce the level of injury, property damage, and community disruption that might otherwise result from such events.<sup>31</sup> Other plans and programs are essential to ensure that the City has strong, comprehensive, and compatible tools to guide development decisions.

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<sup>30</sup> City of San Leandro. 2022. Code Enforcement Process. <https://www.sanleandro.org/282/Enforcement-Process>

<sup>31</sup> City of San Leandro. 2017. Local Hazard Mitigation Plan. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?BlobID=28342>. Accessed October 27, 2021



### 3.3.2 Earthquakes and Seismic Activity

San Leandro is located in a seismically active area. The eastern edge of San Leandro is crossed by the Hayward Fault which creates the potential for serious and widespread damage. In 2008, the US Geological Survey estimated that there is a 63 percent chance that a magnitude 6.7 or greater quake will strike the Bay Area region in the next 30 years, and that there is a 31 percent chance that this quake would occur on the Hayward Fault. Major earthquakes may also occur on the San Andreas Fault and the Calaveras Fault which are 15 miles west and 10 miles east of San Leandro, respectively.<sup>32</sup>

Ground shaking and liquefaction hazards exist throughout the city and range from high to very severe. Earthquake hazard maps prepared by the Association of Bay Area Governments (ABAG) indicate that a large Hayward Fault quake would trigger very strong shaking throughout the city and a high risk of liquefaction in the Marina Faire/Mulford Gardens and Washington Manor/Bonaire neighborhoods.

Pursuant to Public Resources Code (PRC) Sections 2001 to 2815, the California Geological Survey has designated the area immediately adjacent to the Hayward Fault as a Alquist-Priolo earthquake fault zone. This zone overlaps with single-family residential zoned parcels. Before any development may occur in the Alquist-Priolo earthquake fault zone, geologic studies are required to determine the precise location of active fault traces and feasibility of construction. Structures must be set back at least 50 feet from any fault trace and must be engineered to reduce the potential for earthquake damage. The CBC contains specific requirements for structural design, foundations, grading, and seismic loads to reduce the potential for quake damage. More expensive construction methods are required to reduce the risk of earthquake damage, particularly in multi-story buildings.<sup>33</sup> The lengthened permitting process and construction requirements may constrain the development of housing but necessary to ensure building safety.

San Leandro has many buildings that predate modern building codes and may be susceptible to earthquake damage. The City has implemented a decades-long program to retrofit unreinforced masonry buildings, most of which were located in and around Downtown. The City also focuses on seismically strengthening soft-story buildings, concrete tilt-up structures, and older single-family homes. Soft-story buildings are structures that have a weaker first floor and are unable to carry the weight of the stories above during an earthquake. Soft-story buildings typically have large openings in the perimeter walls of the first floor, such as garages, parking beneath the second floor, or large windows.<sup>34</sup> The City will explore the creation of a formal program to retrofit soft-story multi-family buildings in San Leandro to preserve existing housing stock, as specified in Program 2 of Chapter 6, *Housing Plan*.

### 3.3.3 Landslides and Erosion

Excessive erosion can contribute to landslides, siltation of streams, undermining of foundations, and ultimately the loss of structures. San Leandro has experienced destructive landslides including a 1998 event that required the relocation of two homes and threatened five others. The San Leandro

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<sup>32</sup> City of San Leandro Environmental Hazards Element. 2016. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=26256>. Accessed October 28, 2021

<sup>33</sup> City of San Leandro Housing Element. 2015. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=5207>. Accessed October 28, 2021

<sup>34</sup> Los Angeles Department of Building and Safety. Available: <https://www.ladbs.org/services/core-services/plan-check-permit/plan-check-permit-special-assistance/mandatory-retrofit-programs/>. Accessed October 27, 2021

Hills are currently experiencing erosion which is due to the wearing away of the soil mantle by running water, wind, or geologic forces.<sup>35</sup>

Earthquake hazard maps produced by ABAG indicate that a large Hayward Fault quake would trigger very strong shaking throughout San Leandro and a high risk of liquefaction in the Washington Manor and Bonaire neighborhoods.<sup>36</sup> The City of San Leandro is located within an area identified by the California Geologic Survey, California Department of Conservation as having moderate susceptibility and therefore is in a Zone of Required Investigation for liquefaction potential.

According to the Environmental Hazards Element of the 2035 General Plan (2016), landslide risk is low throughout most of San Leandro. Although localized areas of instability exist throughout the San Leandro Hills, new housing development is limited in that area. Therefore, landslide risk does not constrain housing development. To counter these factors, San Leandro has enforced grading and erosion control ordinances to reduce these hazards. Maintenance programs along San Leandro Creek also reduce the threat of erosion.

### 3.3.4 Wildfire

The California Department of Forestry and Fire Prevention (CALFIRE) has designated the eastern edges of the Bay-O-Vista neighborhood and the Daniels Drive area of San Leandro as a “Very High Fire Hazard Severity Zone.”<sup>37</sup> The city contains and is adjacent to thousands of acres of potentially flammable coastal scrub and forested open space, located in and near the Lake Chabot Regional Park. CalFire designated lands in city limits as lands in the Local Responsibility Area.

The Alameda County Fire Department (ACFD) is responsible for wildfire prevention activities in the city. The ACFD works with property owners to maintain defensible space around homes and to require the removal of flammable vegetation and combustible litter. The California Fire Code specifies additional requirements that are enforced by the City’s Building Department. The City also requires fire-resistant roofing materials in new construction and major remodeling projects. The area designated as a Very High Fire Hazard Severity Zone is a small percent of the city’s total area and does not constrain housing development. The additional costs of building and maintaining housing in high fire danger areas are necessary to protect the safety of residents and property.

### 3.3.5 Flooding and Sea Level Rise

The flooding hazards in San Leandro consist of overbank flooding of creeks and drainage canals, dam failure, tsunamis, and rising sea levels. Maps published by FEMA indicate that 100-year flood zones lie adjacent to San Leandro near San Leandro Creek, San Lorenzo Creek, and the Estudillo Canal; land adjacent to flood control channels in vicinity of Bayfair Center Mall and Bonaire Park; and coastal areas surrounding Oyster Bay Regional Shoreline, the San Leandro Shoreline Park, and Heron Bay.<sup>38</sup>

Other flood hazards, including coastal flooding and ponding, have also been mapped in the city. Because some properties lie within the 100-year flood zone, flood insurance is required for federally insured mortgage loans. Insurance also may be required by other mortgage lenders. In addition, San Leandro’s Flood Plain Management Ordinance requires that new construction, additions, and major home improvement projects be raised at least one foot above the base flood elevation. These

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<sup>35</sup> Ibid.

<sup>36</sup> City of San Leandro General Plan. 2016.

<sup>37</sup> Ibid.

<sup>38</sup> City of San Leandro Environmental Hazards Element. 2016. Available: <https://www.sanleandro.org/depts/cd/plan/genplan/default.asp>. Accessed October 28, 2021

alterations can be a significant expense for residential development in these areas. FEMA regulations also require that a hydrologic and hydraulic analysis precede any development in the flood plain and demonstrate that the development does not cause any increase in flood hazards elsewhere. As of 2016, the Alameda County Public Works Agency and the City of San Leandro removed approximately 1,000 properties in western San Leandro from the 100-year flood plain designation. Moving these properties required constructing sea walls in locations such as the west edge of Mission Bay Mobile Home Park and raising bank heights along the Estudillo Canal below Wicks Boulevard.

Another flood hazard is dam failure. The California Office of Emergency Services determined that the failure of the East Bay Municipal Utility District (EBMUD) dams on San Leandro Creek would significantly impact San Leandro. The Upper San Leandro Reservoir Dam was built in 1977, and the Lake Chabot Dam was built in 1892. Both dams are inspected on an annual basis. Although dam failure is unlikely, fast-moving water could cause substantial damage in the northern part of San Leandro and would flood most of the city. Tsunamis are not identified as a major risk to San Leandro.

The City of San Leandro abides by the requirements of the National Flood Insurance Program which has flood damage prevention regulations that affect how homeowners and developers remodel, renovate, or add on to property. These added requirements may increase the costs of developing homes, potentially constraining future housing development or improvement.

Global sea-level rise has been accelerating and poses a risk to the western side of San Leandro. In the 2035 General Plan, the City of San Leandro adopted a sea level rise scenario of 55 inches by 2100, which was estimated in the San Francisco Bay Conservation and Development Commission report *Living with a Rising Bay*.<sup>39</sup> The report found that flooding associated with sea level rise will first affect marshlands and eventually threaten property and assets in southwestern San Leandro, reaching the neighborhoods east of Wicks Boulevard.

In San Leandro, the assets most at risk from sea level rise include transportation assets, powerlines, cultural amenities along the shoreline, and neighborhoods, parks, and schools in the southwestern portion of the city. While the Downtown and area surrounding the San Leandro BART station remain outside of the projected boundaries of sea level rise, the compounding effects of sea level rise could impede access to the city via I-880 and significantly impact San Leandro residents that live west of the freeway.<sup>40</sup> City of San Leandro participates in several regional collaboratives to address sea level rise and climate equity, including the San Leandro Bay/Alameda-Oakland Estuary Adaptation Working Group, Bay Climate Adaptation Network, and BayAdopt. The City's Climate Action Plan, adopted in 2021, has created several adaptation strategies, and the City is currently updating its Environmental Hazards Element with policies to improve community resilience to sea level rise.

### 3.3.6 Environmental Hazards due to Contamination

Historic and present activities such as manufacturing, plating, cleaning, refining, and finishing frequently involve chemicals that are considered hazardous that are accidentally released into the environment. These activities have resulted in a high level of toxins in the ground of some sites.

The city also has older buildings with asbestos, lead paint, and other materials that are potentially hazardous if disturbed. Lead-based paint was widely used before it was banned in 1978. It does not

<sup>39</sup> City of San Leandro Climate Hazard Assessment. 2017. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=27831>. Accessed October 28, 2021

<sup>40</sup> *ibid.*

pose a threat if left undisturbed, but deterioration or disruption can result in exposure, which in turn can cause damage to the brain and nervous system. Friable asbestos also may be present in older buildings. If asbestos fibers become airborne during demolition or remodeling, they can contribute to lung disease and other ailments. Polychlorinated biphenyls (PCBs) represent another potential threat—these materials were commonly used in electrical equipment prior to 1979. The potential presence of these substances may require special procedures when remodeling or demolishing older buildings.

The City ensures that the necessary steps are taken to clean up residual hazardous wastes on any contaminated sites proposed for redevelopment or reuse. Soil evaluations are required as needed to ensure that risks are assessed, and appropriate remediation is provided. Developing on these sites can involve costs to remediate contaminated soil or groundwater or demolish buildings containing hazardous materials. Remediation of hazardous material that requires removal can result in additional costs that may pose a constraint on development. The remediation cost would typically be on the developer to address the clean-up.

### 3.3.7 Aviation Hazards

The Oakland International Airport and the Hayward Airport are located in close proximity to San Leandro. The Hayward Airport is located approximately 2.5 miles south of the city. The Oakland International Airport is located approximately 600 feet north of the San Leandro border.

The San Leandro Zoning Code Section 4.04.352 identifies restrictions for development based on proximity from an airport runway, ensuring compatibility with the airport safety zones established for Metropolitan Oakland International Airport by the Alameda County Airport Land Use Commission and set forth in the Airport Land Use Policy Plan. Section 4.04.352 sets forth the following provisions:

- Residential development is not a permitted use within 1,400 feet from the end of a runway.
- New uses shall not be residential within 1,400 feet to 5,300 feet from the end of a runway.

Airport safety zones are not considered a constraint due to the relatively minor amount of land use covered under these zones.

## 3.4 Infrastructure Constraints

Infrastructure concerns that could constrain new residential construction are the cost, availability, and accessibility of adequate infrastructure for utilities and service systems such as street upgrades, water and sewer connections, and energy connections. All utilities are required to serve and support residential development. In most cases, these improvements are dedicated to the City, which is then responsible for their maintenance. The cost of these facilities is generally borne by developers, thereby increasing the cost of new construction. San Leandro's infrastructure is aging and requires regular repair and improvement.<sup>41</sup>

### Water

Water service to San Leandro is provided by EBMUD, a publicly-owned utility serving a 332 square mile area in Alameda and Contra Costa Counties. San Leandro comprises 6.6 percent of EBMUD's

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<sup>41</sup> City of San Leandro Potential Constraints to Housing Production. 2015. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?BlobID=25633>. Accessed October 28, 2021

customer base and about 5 percent of its water demand. About 90 percent of the EBMUD water supply originates in the Mokelumne River watershed, which is fed primarily from the melting snowpack of the Sierra Nevada. The remaining 10 percent comes from protected watershed lands and reservoirs in the East Bay Hills. There are also about 800 private wells in San Leandro, many of which were originally used for agriculture. Most of these wells are dormant, and those that are still active are used for landscape irrigation and industry.<sup>42</sup>

Long-range water supply and demand management plans are included in EBMUD's 2020 Urban Water Management Plan (UWMP). The UWMP includes provisions for water rationing during drought periods, as well as aggressive measures for conservation and wastewater recycling. The UWMP also addresses system maintenance and replacement, including projects to protect the reliability of the water supply in the event of an earthquake or fire, including a seismic improvement project to strengthen the Lake Chabot Dam. The City of San Leandro and EBMUD jointly implement water conservation and efficiency programs.<sup>43</sup>

Residents of Alameda County and San Leandro are presently experiencing an Exceptional Drought.<sup>44</sup> The National Oceanic and Atmospheric Administration (NOAA) defines Exceptional Drought as the following:

- Fields are left fallow; orchards are removed; vegetable yields are low
- Honey harvest is small
- Fire season is very costly; number of fires and area burned are extensive
- Fish rescue and relocation begins; pine beetle infestation occurs
- Forest mortality is high; wetlands dry up
- Survival of native plants and animals is low
- Fewer wildflowers bloom
- Wildlife death is widespread
- Algae blooms

This report indicates that water supply in the Bay Area region is severely constrained and limited. According to the San Leandro Climate Action Plan, in an early century drought (2023 to 2042), the city could experience a drop in average precipitation from an average of 19.0 inches per year to an average of 16.7 inches per year, which would lower baseflows in streams from an average of 4.9 inches per day to 3.7 inches per day.<sup>45</sup>

EBMUD adopted a Water Conservation Strategic Plan which compares the total water supply sources available to EBMUD with the long-term total projected water use over the next 30 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive years. As there is significant uncertainty in forecasting into the future, EBMUD considers a variety of scenarios in its long-term planning. Residential demand in the EBMUD service area since July 2014 is significantly less than the assumed based on the UWMP. Although current actual demand is lower than estimated demand in the UWMP due to the recent multi-year drought

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<sup>42</sup> City of San Leandro Community Services and Facilities Element. 2016. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=26258>. Accessed October 28, 2021

<sup>43</sup> City of San Leandro Community Services and Facilities Element. 2016. Available: <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=26258>. Accessed October 31, 2021

<sup>44</sup> National Oceanic and Atmospheric Administration. National Integrated Drought Information System. 2021. Available: <https://www.drought.gov/states/california/county/alameda>. Accessed October 28, 2021

<sup>45</sup> CalAdapt Extended Drought Scenarios. 2021. Available: <https://cal-adapt.org/tools/extended-drought/>. Accessed October 28, 2021

and the downturn in the economy, the UWMP estimate reflects a reasonable expectation for growth over the long term and water demand to year 2035.<sup>46</sup>

Pursuant to California Water Code Sections 10610 to 10657, EBMUD adopted a Water Shortage Contingency Plan in June 2021, which models a range of scenarios and their impact on water supply and demand and provides a framework to help address potential water shortages through 2050. The “base condition” represents EBMUD’s current operations and assumptions, including population growth numbers based upon Plan Bay Area projections. All except the five-year drought scenario shows a need for water in the future, but the magnitude of that need varies. Under the “base condition,” EBMUD is projected to meet customer demand through the year 2050 during normal years. However, during multi-year droughts, EBMUD will set mandatory rationing between 10-15 percent and need to obtain supplies to meet customer demands. The “high water demand scenario,” which was developed using predictions about changes in land use, climate, and existing customer water demands, shows a more rapid need for additional water. The potential need for additional water sources indicates that water supply may be a constraint to future housing development. The 2040 Water Supply Management Plan identifies the following methods for reaching water needs: conservation, use of recycled water, water transfers, Bayside Groundwater Project Phase 2, Sacramento Groundwater Banking Exchange, and regional desalination. Using these strategies, EBMUD predicts an ability to meet the projected water needs of the region.<sup>47</sup>

Pursuant to Senate Bill 1087 (2006), EBMUD’s Board of Directors approved Policy 3.07 which ensures that priority for new water service connections is given to proposed developments that include housing units affordable to lower income households. Policy 3.07 also states that EBMUD cannot deny an application for services to a proposed development that includes affordable housing unless certain specific conditions are met which could include a water shortage emergency condition, or if EBMUD is subject to a compliance order by the Department of Public Health that prohibits new water connections. Based on the requirement to provide priority to developments that include housing units affordable to lower income households, Policy 3.07 assures that the portion of overall water demands for lower-income households, as provided in the UWMP, can be met.

Policies in the City’s General Plan, such as Policy CSF-6.6, Reclaimed Water System, would continue to reduce the need for fresh water demand. Policy CSF-6.6 directs the City to continue the expansion of the reclaimed water system, and the delivery of high-quality reclaimed water for landscaping, industrial use, and other non-potable applications as they become financially feasible. The policy also directs the City to employ advanced technology so that reclaimed water can eventually be made available to all households.

## **Wastewater**

Two different sanitary sewer systems serve San Leandro. About two-thirds of the city, including most of northern and central San Leandro, is served by the City-owned and operated San Leandro Water Pollution Control Plant. The remainder of the city, including Washington Manor and most of southeastern San Leandro, is served by the Oro Loma Sanitary District. The Oro Loma District also includes unincorporated Alameda County, encompassing Ashland, Cherryland, and San Lorenzo.

Most housing development would be infill development, which may allow existing infrastructure to be preserved in place and reduce costs for developers compared to vacant lot development.

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<sup>46</sup> <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=26286>

<sup>47</sup> EBMUD 2020. Available: file:///C:/Users/acobb/Downloads/wsmmp-2040-revised-final-plan.pdf

However, it is likely that extensions and/or replacement of wastewater infrastructure would be installed to service new development. Infrastructure extensions would be subject to compliance with applicable regulations and standard conditions for sewer construction projects, including City and/or Oro Loma permits or reviews for construction within public rights-of-way. Depending on the extensiveness of improvements, these regulations could increase permitting costs and timelines for new housing developments.

San Leandro General Plan policies ensure that development is not approved until it can be demonstrated that adequate wastewater collection capacity exists or until a financial commitment to create such capacity has been secured. If there is a lack of capacity, this could decrease the financial feasibility of a housing development.

### *City of San Leandro System*

Wastewater is delivered to the plant via a collection system comprised of 13 sewage lift stations and 130 miles of sanitary sewers ranging in diameter from 4 to 33 inches. It treats about 5 million gallons per day, with peak flows up to 23 million gallons per day during wet weather flow. Maximum dry weather flow is 7.6 million gallons per day. The oldest sewers are located in the northeastern portion of the city from the Oakland city limits to Castro Street roughly between the Southern Pacific Railroad and MacArthur Boulevard. This portion includes the downtown area and the oldest residential areas of the city. Development in these areas would likely require sewer line improvements.<sup>48</sup>

The City regularly replaces aging components of its wastewater collection and transmission system. The City capital improvement program (CIP) process includes a system for evaluating the City's collection system. The CIP process requires continuing improvements including collection system capacity upgrades, correcting structural problems, and modifications to pump/lift stations and the treatment plant.

A major rehabilitation of the plant was initiated in 2011. Replacement of many components has taken place to meet health and environmental goals, avoid future costly emergency repairs, improve operations, and add redundancy to improve safety and reliability. The City has also worked to improve the sewage collection system by replacing aging pipes, which expanded operational options and improved efficiency and reliability and capacity. The City is currently designing a multi-benefit treatment wetland to treat 10-20 percent of the City's treated effluent, projected to begin development in 2022.<sup>49</sup>

### *Oro Loma Sanitary District*

The Oro Loma Sanitary District provides wastewater collection and treatment services for a 13-square-mile service area. Approximately 20 percent of the Oro Loma Sanitary District's customers are located within the City. The Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant, just south of the San Leandro city limits, is jointly owned by the Oro Loma and Castro Valley Sanitary Districts. It has an average dry weather flow of 12.2 million gallons per day, with a design flow of 20 million gallons per day. Wet weather flows may occasionally exceed design capacity due to infiltration and inflow along the collection system. In the past 20 years, there have been no stoppages or overflows caused by system deterioration or pipe collapse on the gravity system. The district's Pipeline Program is aligned to adapt to climate change, which estimates lower

<sup>48</sup> City of San Leandro. 2016. San Leandro Environmental Hazards Element  
<https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=26256>

<sup>49</sup> City of San Leandro. 2021. [https://www.sanleandro.org/depts/pw/wpcp/projects/treatment\\_wetland.asp](https://www.sanleandro.org/depts/pw/wpcp/projects/treatment_wetland.asp)

overall precipitation but more intense periods of rainfall. Developers are required to hire independent engineers to conduct hydraulic capacity studies for residential developments of 10 units or more. This requirement adds cost to housing development but is necessary to ensure wastewater system capacity.<sup>50</sup>

## **Storm Drainage**

The City of San Leandro Department of Public Works owns and maintains 175 miles of storm drainage conduits. The City's storm drain system feeds into a more extensive system owned and operated by the Alameda County Flood Control and Water Conservation District. This system includes the lower reaches of San Leandro and San Lorenzo Creeks and several channels extending into San Leandro neighborhoods west of I-880.<sup>51</sup>

New development or redevelopment projects are required to construct adequately sized storm drainage systems to convey on-site stormwater runoff to existing storm drain facilities. The City of San Leandro requires as a standard condition of approval that developers verify that on-site and off-site drainage facilities can accommodate increased stormwater flows. In addition to building and extending on-site storm drainage infrastructure, project applicants are required to pay for improvements to the storm drain system, if necessary, to accommodate increased flows from the development.

## **3.5 Affirmatively Furthering Fair Housing**

In 2018, the California State Legislature passed Assembly Bill (AB) 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act. The law requires all State and local public agencies to facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities. AB 686 created new requirements that apply to all housing elements due for revision on or after January 1, 2021. The passage of AB 686 protects the requirement to affirmatively further fair housing within State law.

AB 686 defined "affirmatively further fair housing" to mean "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." Chapter 5 of the Housing Element contains the full AFFH analysis for San Leandro, including a review of fair housing issues; housing access and mobility for minority, low-income, and special needs groups; and socioeconomic differences among neighborhoods. The following is a summary of the AFFH analysis:

### **Race, Ethnicity, and Income**

Despite a historic pattern of exclusion of non-white populations from housing access, San Leandro is now an ethnically diverse city with no single predominant ethnic group. However, white residents are slightly more prevalent in northeastern San Leandro, Hispanic/Latino residents are slightly more prevalent in north-central and northwestern San Leandro, and Asian American residents are slightly more prevalent in southern central and southwestern San Leandro.

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<sup>50</sup> Oro Loma Sanitary District. 2019. Sewer System Management Program. <https://oroloma.org/wp-content/uploads/SSMP-Final-.pdf>

<sup>51</sup> San Leandro Environmental Hazards Element <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=26256>



- San Leandro does not contain any racially and ethnically concentrated areas of poverty according to the definition from HUD.
- The northwestern area of San Leandro (in the Davis West, Eastshore, and Downtown neighborhoods) has lower economic outcome scores and a higher share of lower and moderate income (LMI) populations. LMI areas tend to have higher degrees of single-parent, female-headed households, and persons with disabilities than other areas of the city.
- Similar to trends in other areas of Alameda County, areas of San Leandro with higher median incomes are associated with a larger proportion of white residents compared to those with lower median incomes. The northeastern area of the city (between East 14<sup>th</sup> Street and I-580, and east of I-580) has a higher median annual income (above \$87,100) and sizeable predominance of white residents.

### **Opportunity and Resources**

- Approximately 74 percent of San Leandro residents live in areas designated by HCD/California Tax Credit Allocation Committee (TCAC) as “low resource” or “high segregation and poverty,” and 26 percent residents live in areas designated “moderate resource.” San Leandro does not have any areas designated “high resource.” Higher resource designations signify places that can better support positive economic, educational, and health outcomes for low-income families.
- San Leandro residents who earned an income below the poverty level have lower environmental health, labor market, and school proficiency compared to the total population.
- All areas of the city have less positive educational outcomes according to TCAC opportunity indicators, which take into account math and reading proficiency scores, high school graduation rates, and student poverty rates.

### **Disability**

- Residents with a disability have been moderately segregated in the city, likely due to the need to live near transit and medical services, income restrictions, and other issues related to housing access. The largest concentration of residents who reported living with one or more disabilities (between 20 and 30 percent of the residents in that area) is in the neighborhood located south of Downtown San Leandro and north of 139<sup>th</sup> Avenue, between East 14<sup>th</sup> Street and San Leandro Boulevard.

### **Housing Discrimination**

- According to the 2015-2019 American Community Survey, San Leandro had a slightly higher ratio of fair housing discrimination cases relative to its population compared to Alameda County as a whole.
- In Alameda County, disability, race, and familial status are the most common bases of housing discrimination complaints forwarded to the California Department of Fair Employment and Housing and the Office of Fair Housing and Equal Opportunity.

### **Housing Access and Mobility**

- Housing affordability is a concern in San Leandro. In most of the city, at least 40 percent of residents who rent their homes are overpaying (spending at least 30 percent of income on housing costs). In some areas, particularly in central San Leandro, at least 60 percent of residents who rent are overpaying.

**2023-2031 Housing Element Update**

- African American, Hispanic/Latino, and American Indian and Alaska Native residents are underrepresented in mortgage applications and mortgage loan acceptance rates.
- Most areas of San Leandro are considered vulnerable to displacement, and community residents identified displacement and affordability for low-income and minority (non-white) households as a concern.
- Community members identified lack of affordable housing and short-term and long-term shelters for vulnerable and special needs populations, including residents experiencing homelessness and victims of domestic violence.

**Fair Housing Issues and Contributing Factors**

The following fair housing issues and contributing factors were identified:

- Fair housing enforcement and outreach:
  - Lack of resources for fair housing agencies and organizations
  - Lack of local public fair housing enforcement
  - Access to financial services and education
- Lack of affordable housing, residents vulnerable to displacement, and socio-economic segregation, particularly concentrated in the central and northwestern areas of the city:
  - Location, type, and supply of affordable housing
  - Restrictive land use and zoning laws
  - Displacement of residents due to economic pressures
  - Access to publicly supported housing for persons with disabilities; lack of affordable, integrated housing for individuals who need supportive services
  - Lack of public investments in specific neighborhoods, including services or amenities

The City commits to meaningful actions to address identified AFFH issues, which are included in the goals, policies, and programs outlined in Chapter 6, *Housing Plan*.