

Land Use and Development Standards Sample Analysis City of San Leandro

Residential Development Standards

Analysis. Basic residential development standards for San Leandro are summarized in Table 5-1. The table indicates the minimum lot size requirements, minimum site area per unit, setbacks, height restrictions, and open space requirements that apply in each of the City's residential zoning districts.

San Leandro has four residential base districts, RO (Residential-Outer), RS (Residential Single-Family), RD (Residential Duplex), and RM (Residential Multi-Family). The RS and RM districts each include "subdistricts" with similar use standards but different setback or density requirements.

The RO district applies only in the Mulford Gardens neighborhood of West San Leandro. RO recognizes the unique development pattern in that neighborhood, which was originally platted in unincorporated Alameda County and subsequently developed with two detached homes per lot on many parcels. For instance, animal husbandry (e.g., raising horses, cows, goats, etc.) is still permitted in this zone. The district has an 8,000 square foot minimum lot requirement. However, owners of 12,000 square foot parcels (the base parcel size when the land was initially subdivided) are permitted to construct two independent single family houses on the lot. Approximately half of the parcels in Mulford Gardens meet this standard. The two-house-per-lot zoning provision provides a good opportunity for the construction of new single family rental homes or starter houses on conforming parcels.

The RS district includes most of the single family neighborhoods in San Leandro. The District was specifically created to retain the low density character of these areas and its development standards are structured accordingly. Minimum lot sizes are 5,000 square feet mid-block and 6,000 square feet for corner lots. Setbacks are 20 feet in the front yard, 5 feet in the side yards, and 15 feet in the rear yard. Slightly larger requirements apply for corner lots. A 30' height limit applies.

A subset of the RS district, RS-40, applies in the Broadmoor neighborhood. The designation recognizes that Broadmoor was initially developed with very deep parcels, and applies a 40' front yard setback.

It is worth noting that most of the development that took place in San Leandro during the 1990s was in RS districts, but using Planned Development (PD) overlay designations. The "RS(PD)" designation allowed these sites to be developed with more flexibility, achieving the same overall densities but with smaller lots and in some cases new parks and open spaces. Zero lot line and courtyard homes have been approved in RS(PD) areas in the past. Residential Planned Development (PD) applications may be made for any parcel that is 9,000 square feet or greater.¹

¹ In the Commercial zone (discussed in the next section), Planned Development (PD) overlays require a 20,000 square foot minimum.

The RD (duplex) district has been applied to scattered sites in San Leandro, almost all of which are already developed with medium density housing. The district has a minimum lot size requirement of 5,000 square feet but requires only 2,500 square feet of site area per dwelling. This enables the owners of conforming lots to develop duplexes, which are a permitted use in the RD zone. Multi-family housing (e.g., structures of 3 or more units) is not permitted in the RD zone. Setbacks and height limits in the RD zone are the same as those in RS.

The RM district (multi-family) includes four sub-districts corresponding to the following density ranges:

Site Area Per Dwelling

RM-3000 3,000 square feet

RM-2500 2,500 square feet

RM-2000 2,000 square feet

RM-1800 1,800 square feet

The latter two zones require minimum lot sizes of 10,000 square feet and minimum lot widths of 100 feet. Required setbacks are 15 feet in the front and rear yards and must average 10 feet in the side yards (although a 6 foot minimum is permitted). Height limits in the RM zones vary from 40 to 50 feet.

The RM zones also include minimum open space requirements. At least 200 square feet of useable open space must be provided for each dwelling unit in a project of three or more units. This is typically achieved through patios and balconies, although common open space (courtyards, etc.) may also be used to meet the requirement.

Table 5-1: Development Standards in San Leandro’s Residential Zones

District	RO	RS	RS-40	RD	RM-3000	RM-2500	RM-2000	RM-1800
Minimum Site Area per unit (SqFt)	8,000	5,000	5,000	2,500	3,000	2,500	2,000	1,800
Minimum Site Area per unit for corner lot (SqFt)	8,000	6,000	6,000	3,000	3,000	2,500	2,000	1,800
Minimum Lot Area (SqFt)	8,000	5,000	5,000	5,000	6,000	7,500	10,000	10,000
Minimum Lot Area for corner lot (Sq. Ft.)	8,000	6,000	6,000	6,000	7,000	8,500	12,000	12,000
Minimum Lot Width (ft)	60	50	50	50	60	75	100	100
Minimum Lot Width for corner lot (ft.)	80	60	60	60	70	85	120	120
Minimum Front Yard (ft.)	20	20	40	20	20	15	15	15
Minimum Side Yard (ft.)	6-12	5	5	5	6 min; 10 avg	6 min; 10 avg	6 min; 10 avg	6 min; 10 avg
Minimum Corner Side Yard (ft.)	10	10	10	10	20	15	15	15
Minimum Rear Yard (ft.)	10-25	15	15	15	15	15	15	15
Maximum Height of Structures (ft.)	30	30	30	30	40	45	50	50
Minimum Open Space Per Unit (sq. ft.)	n.a.	n.a.	n.a.	n.a.	200	200	200	200
Maximum lot coverage	33.3%	50%	50%	50%	50%	60%	60%	70%

Multi-family housing projects of up to 20 units are permitted by right in the RM districts. Projects of 20 units or more require a Conditional Use Permit*. One and two-family housing is also permitted by right in the multi-family zone. However, multiple detached dwellings (e.g., freestanding cottages behind single family homes) are not permitted on RM lots.

**(HCD NOTE: The City recognized this requirement as a constraint to development of multifamily projects. As a result, the element includes a program to remove this constraint. See “Programs to Remove Government Constraints” Action 58.01-B attached at the end of this sample).*

Lot coverage requirements apply in all of the residential zoning districts. These requirements state that no more than 50 percent of an RS, RD, or RM-3000 lot may be covered by structures. The percentage rises to 60 percent for RM-2500 and RM-2000 lots and 70

percent for RM-1800 lots. These requirements are not a development constraint and variances to exceed these limits are rarely requested. The use of Planned Development (PD) overlays has enabled many single family subdivisions to incorporate relatively large homes on small lots. In the RM-1800 zone, the parking requirements typically make it difficult to exceed the 70 percent limit. However, lot coverage limits could become a constraint if underground parking was used, or if parking reductions were granted.

Conclusions

San Leandro's residential development standards have not constrained housing development in the City nor have they been an obstacle to the development of affordable units. The densities generally match the General Plan land use categories. The setback and height requirements relate well to the densities permitted. Lot size requirements also are reasonable. Although some existing multi-family lots are substandard (e.g., less than 10,000 square feet or 100 feet width), their development is still permitted. Section 4-1650 of the Code officially permits development on lots not meeting minimum width standards.

One possible change to ensure that the City's limited supply of RM land is efficiently used would be to establish minimum density standards (in addition to the maximum standards) in the RM District. Such provisions would effectively prohibit the development of vacant multi-family sites with low density single family detached homes so as to preserve these sites for higher density housing.

Another possible change would be to remove the CUP requirement for multi-family projects of 20 units or more in the RM zone. Site design review procedures already create opportunities for public comment and notification on such projects, as well as assurances that design quality issues will be addressed. Similarly, the City should consider allowing "rear yard" cottages or other small detached units on RM parcels that are already developed with single family homes. This is similar to what is allowed in the RO zone, and would provide an alternative to tearing down existing single family homes in RM districts and replacing them with apartments. The latter is permitted by right under the current ordinance—the former is not.

Finally, consideration should be given to lowering the 9,000 square foot minimum lot size requirement for a PD to 6,000 square feet. This could facilitate the reuse of small, underutilized sites in the RM districts.

The above recommendations have been included in the Five-Year Action Program contained in this Housing Element.

(HCD Note: "Programs to Remove Government Constraints" from the San Leandro Housing Element has been attached at the end of this sample for your convenience).

Allowances for Residential Uses in Non-Residential Zoning Districts

Analysis

Because most of the City's housing potential is on sites that are non-residentially zoned, it is important to consider potential constraints to housing development in the non-residential districts. Table 5-2 indicates the parameters for residential uses in the City's commercial and industrial zones.

Multi-family housing is conditionally permitted in most of the commercial districts, including the Community Commercial (CC), Commercial Downtown (CD), and Commercial Neighborhood (CN) districts. Multi-family housing is also conditionally permitted in the Professional High Density Office District (PHD), the Regional Mall (CRM) district, which applies only to Bayfair Mall, and the NA-1 and NA-2 (North Area) districts, which apply only to sections of East 14th Street north of Downtown. Housing is not permitted in the City's industrial zones, nor in the Commercial Recreation, Commercial Service, Public, or Office zones.

The development standards in the commercial zones are generally conducive to housing development, although some constraints to higher density housing do exist. In the NA-2 zone, a 15' side and 20' front setback requirement could make development difficult on smaller sites. The same is true in the CC zone, where a 15' front setback applies. On the other hand, the CD, NA-1, PHD, and CR-M zones have no front or side setback requirement, substantially increasing the developable envelope. Moreover, these zones have no rear yard setback requirement, creating larger developable areas than comparably sized residential sites.

Height limits in the CR-M, CD, and PHD zones are quite generous and accommodate mid-rise (75-80') construction. On the other hand, height limits in the CN and NA zones are comparable to single family districts, at 30 feet. Theoretically, this could accommodate three-story construction, but higher density mixed use projects with structured parking could be difficult. This could be problematic in the NA-2 zone, which was explicitly created to promote residential/commercial mixed use projects.

Lot coverage and floor area ratio (FAR) limits also apply in the commercial zones. The maximum base FAR is fairly low in the CN district (0.3), which could make multi-story construction difficult on small sites. Higher FARs are permitted in the CC district (0.5), but even here, buildings taller than two stories could be difficult to achieve on small sites. Maximum lot coverage in CC and CN is 50 percent, which is substantially lower than the 70 percent maximum in the RM-1800 district. The base FAR is substantially higher in the CD, NA-1, NA-2, and CRM zones, ranging from 0.8 to 2.0. There are no lot coverage limits in these zones.

The City has the discretion to waive commercial development standards during the site plan review process. In fact, many of the standards cited above have been relaxed, either through Planned Development (PD) overlays or at the discretion of the Site Development Sub-Commission. Creation of a PD overlay in a commercial zone requires at least 20,000 square feet of lot area. This may be difficult along East 14th, Washington, MacArthur, and other corridors where parcel sizes are small.

Conclusions

Zoning revisions to the City's Commercial districts are needed to facilitate the development of higher density housing. This is particularly true in the CC zone, where many of the housing sites are located. The 50 percent lot coverage limit, 15-foot front setback, and 0.5 FAR limit tend to encourage shopping center or free-standing commercial development and make multi-story pedestrian-oriented projects difficult. One option would be to amend the CC standards to address these concerns; another would be to create a new mixed use

district (similar to NA-2) and apply this district to the CC parcels along East 14th Street and in other areas where housing is desired. Allowances for mixed use or multi-family projects by right (e.g., without a use permit) in this zone also should be considered.

Table 5-2: Allowances for Housing in San Leandro’s Non-Residential Zoning Districts

Zoning District	SF/Duplex Housing Allowed?	MF/Mixed Use Housing Allowed?	Maximum Density Allowed	Floor Area Ratio	Setbacks (exceptions apply)	Ht. Limit	Lot Coverage
North Area 1 (NA-1)	Duplexes with CUP; no SF	With CUP	24 UPA	1.0 , up to 1.5 with density bonus	0' front and corner side 4' side 5' rear	30	100%
North Area 2 (NA-2)	Duplexes by right; no SF	With CUP	24 UPA	1.0, up to 1.5 with density bonus	20-25' front 20' corner side 15' side/rear	30	100%
Commercial Downtown (CD)	Duplexes with CUP; no SF	With CUP	24 UPA	2.0, up to 2.5 with density bonus	0' front, side, rear 10' corner side	75	100%
Commercial Neighborhood (CN)	Duplexes with CUP; no SF	With CUP	22 UPA	0.3, up to 0.5 with density bonus	0' side, rear 10' front and corner side	30	50%
Commercial Community (CC)	Duplexes with CUP; no SF	With CUP	22 UPA	0.5, up to 1.0 with density bonus	0' side, rear 15' front and corner side	50	50%
Commercial Regional Mall (CRM)	Duplexes with CUP; no SF	With CUP	22 UPA	0.8	0' for all, but 40' from R districts	80	100%
Professional High Density Office (PHD)	Duplexes with CUP; no SF	With CUP	22 UPA	2.0, up to 2.5 with density bonus	0' front, side, rear 10' corner side	75	100%
Commercial Services (CS)	No	No	Not applicable				
Commercial Recreation (CR)	No	No	Not applicable				
Industrial Park (IP)	Pre-existing residential uses are allowed but no new residential uses may be established.		Not applicable				
Industrial Light (IL)	Not applicable						
Industrial General (IG)	Not applicable						
Professional Office (P)	No	No	Not applicable				
Public Facilities (PF)	No	No	Not applicable				

The CD and NA-1 standards are already conducive to housing development. A reduction to the front and side yard setbacks in the NA-2 zone should be considered (possibly only for projects incorporating housing, thereby creating a housing incentive). The somewhat restrictive lot coverage and height standards in the CN zone should not be regarded as a housing constraint, since CN sites are generally not being targeted for housing.

Similarly, the prohibition on new housing in the City's industrial zones should not be regarded as a constraint. Conventional residential uses are not compatible with the types of activities that take place in these areas. Provisions for live-work lofts and other "alternative" housing types in the City's light industrial zones should be made, however. The Zoning Code does not address such uses at this time.

The 20,000 square foot requirement for a commercial planned development (PD) is a potential constraint, particularly in the CC and NA districts. The City should consider allowing PD overlays on smaller lots, possibly only in areas where mixed use development is supported by the General Plan.

Zoning Standards: Parking

Parking standards are set forth in Section 4-1704 of the Zoning Code. These standards are summarized in Table 5-3. The requirements vary depending on the type of dwelling, and in the case of multi-family units, the number of bedrooms per unit.

The basic requirement for a single family house is that two off-street, covered, non-tandem spaces be provided. In the RO zone, the spaces may be tandem (e.g., one in front of the other) and uncovered. For duplexes, one of the spaces may be uncovered. The single family parking requirements are generally not a development constraint and are comparable to those in jurisdictions throughout the state.

Multi-family requirements vary from 1.5 spaces for a studio (including one covered) to 2.5 for a three bedroom or larger unit (including two covered). Once the parking requirement is calculated for a project, 0.25 spaces per unit of the requirement must be reserved for guest parking. A project of 100 two-bedroom units would require 225 spaces, including 200 that were covered and 25 that were reserved for guests. While the parking standards tend to be workable on larger projects, they are a potential constraint to the development of small infill buildings. The requirement that the spaces are covered may also be a constraint, as it means that garages or carports must be factored into the cost of the project.

Multi-family units in mixed use projects are subject to the same requirements that apply to other multi-family dwellings. The requirements are cumulatively added to the requirements for the commercial portion of the project to determine the total number of spaces needed. If the applicant can demonstrate that the uses have different demand characteristics (such as offices and apartments), parking reductions may be considered. However, these reductions are considered on a case by case basis, and there are no quantified standards for shared parking credits.

Table 5-3: Parking Requirements for New Housing

Unit Type		Parking Required
Single Family Home		2 non-tandem covered spaces
Single Family Home in Mulford Gardens (RO District)		2 spaces, may be tandem and uncovered
Duplex		2 spaces per unit, one of which must be covered
Single Family Home with a Second Unit		3 non-tandem spaces required
Multi-Family (3+ units)	Studio or One Bedroom	1.5 spaces per unit, including 1 covered (*)
	Two bedroom unit	2.25 spaces per unit, including 2 covered (*)
	Three or more bedroom	2.5 spaces per unit, including 2 covered (*)
	Senior Housing	1.2 per unit, including 1 covered, plus one space per employee

Standards for Special Housing Types

Analysis: Table 5-4 identifies provisions in the Zoning Code for four particular types of housing that often serve lower income households: second units, mobile/manufactured homes, residential hotels, and homeless shelters.

Second units are permitted in all single family zones, subject to the granting of a use permit by the Board of Zoning Adjustments. The City requires the owner to live on the property (either in the second unit or in the primary residence). The unit must be contained within the main house and may not be detached, and it may not be created from a garage conversion unless a replacement garage is provided on the site. A non-tandem off-street parking space must be provided for the second unit. The design of the second unit must be compatible with the primary residence. The unit must be at least 300 square feet but may not be more than 30 percent of the heated floor area of the existing dwelling or 450 square feet, which ever is less.

Although the City receives a considerable number of inquiries about second units, the number of applications received is small. During recent years, only about two or three units a year have been created. Would-be applicants may be deterred by the parking requirements, the size limitations, and the restrictions on “detached” units. Moreover, because a second unit is a new dwelling, it may be subject to some of the same impact fee requirements that apply to new construction. These fees may be in the thousands of dollars, and may be a major financial impediment for prospective applicants.

Mobile and manufactured homes on foundations are permitted in all R districts, consistent with state law. Such homes require a Certificate of Compatibility from the Zoning Enforcement Official. The Zoning Code notes that this determination may only consider the roof overhang, roofing material, siding material, and roof design.

(HCD Note: Removed Analysis regarding Single-Room Occupancy, Transitional housing, and Emergency Shelters from this sample as statutory requirement have changed.)

Conclusions: Revisions to the second unit standards should be explored. The current prohibition on detached units and the 450 square foot limit cap are both constraints to production. Moreover, impact fee requirements could make the cost of building a second unit prohibitive.

Table 5-4: Development Requirements for Special Housing Types

Unit Type	Requirements
<p>Second Units or “Granny Flats”</p>	<ul style="list-style-type: none"> • Requires a use permit (from BZA)—public hearing required • May be in the RS (single family) or RO (Mulford Gardens) zoning districts • Owner must live in either the main house or the second unit • Not allowed to be a separate (detached) dwelling, e.g., must be contained within the main house • Must be at least 300 SF but not more than 450 SF (actual formula is that it may not exceed 30 % of the heated floor area of the existing dwelling [e.g., if the total house is 1500 SF or larger, the second unit cannot be more than 450 SF of that total]) • May not be created from a garage conversion, unless a replacement garage is constructed on the lot • Three independently accessible (e.g., non-tandem) off-street parking spaces must be provided (for the primary home and second unit combined) • Design must be compatible, and unit must clearly be subordinate to the primary unit
<p>Mobile/Manufactured Homes</p>	<ul style="list-style-type: none"> • Permitted in all “R” Districts, consistent with state law • Must be designed to be harmonious with the neighborhood (a “certificate of compatibility” is required from the Zoning Enforcement Official—the ZEO may only consider roof overhang, roofing material, siding material and roof design)

Attachment A

Programs to Remove Government Constraints

Policy 58.01

ZONING REGULATIONS

Ensure that the development standards, use restrictions, parking requirements, and other regulations contained in the San Leandro Zoning Code enable the production of housing for all income groups. Overly restrictive or redundant requirements should be strongly discouraged.

Action 58.01-A: Amend the Minimum Lot Area Required for a Planned Development

Maintain provisions in the Zoning Code for “Planned Developments” (PDs) on sites where the strict application of zoning standards could make development less feasible. The PD designation should allow flexibility in the application of setback requirements, minimum lot sizes, lot coverage limits, and other standards to reflect the unique context of each site. The PD designation should not preclude the requirement that the development is harmonious with the surrounding neighborhood and that impacts on local services and the environment are mitigated.

To facilitate the use of PDs in the City, the following specific actions should be considered:

- Lowering the minimum lot area requirement for Residential PDs.
- Lowering the minimum lot area requirement for Commercial PDs, where at least half of the floor area in the proposed project will be devoted to housing.

Responsible Agency: Community Development (Planning): City Manager’s Office, Planning Commission, City Council

Funding Source: General Fund (Staff Time)

Timing: Completed by Summer 2004

Action 58.01-B: Amend Zoning Code Provisions for Multi-Family Uses

Within three years of Housing Element adoption, present a comprehensive package of Zoning Code revisions to the Board of Zoning Adjustments, the Planning Commission, and the City Council. These revisions may include, but should not necessarily be limited to, the following:

- For lots in the RD and RM zones that are currently developed with one single family home, allow one additional single family (detached) dwelling on the property if the lot is 6,000 square feet or greater.
- Eliminate the requirement for a conditional use permit for multi-family projects of 20 units or more in the RM-1800 zone. Such projects should continue to require environmental review and site design review so that impacts are adequately addressed and the public is involved.
- Amend Section 2-696 to note that housing in the CC and CRM zones is subject to the same regulations that apply in the RM-1800 zone (24 units per acre) rather than those that apply in the RM-2000 zone (22 units per acre).

- For small lots in the NA-2 zone, which was specifically created to encourage pedestrian-oriented mixed residential/ commercial projects along the northern part of East 14th Street, reduce the required front and side yard setback requirements (now 20 feet and 15 feet respectively).

Adoption of these zoning changes would be preceded by additional opportunities for community input, including community workshops and neighborhood meetings.

Responsible Agency: Community Development (Planning): City Manager's Office, Planning Commission, City Council

Funding Source: General Fund (Staff Time)

Timing: Completed by end of 2005

Action 58.01-C: Amendments to the Parking Requirements

Pursue the following revisions to the City's parking standards (Zoning Code Article 17) to more easily accommodate higher densities on multi-family and mixed use sites. Further study of these revisions shall be conducted before changes to the Zoning Code are made:

- Reductions in the number of spaces required for residential projects located within one-quarter mile of the Downtown or Bayfair BART Stations and along the East 14th Street corridor.
- Reductions in the number of spaces required for affordable or senior housing projects, if it can be demonstrated that the expected tenants will own fewer cars than the regular standards anticipate – or if spaces will not be “pre-assigned” to specific units in the project.
- Allowances for some of the spaces to be tandem or uncovered, provided that none of the spaces extend into the front yard setback.
- Standards for “shared parking” when uses with different peaking characteristics (such as offices and apartments) are combined in a single structure.
- Reductions to the space requirements for studio apartments (presently 1.5 spaces per unit)

In addition, the City should explore the feasibility of an ordinance which would prohibit the long-term storage of cars in designated parking spaces in multi-family complexes, thereby ensuring that the spaces may remain available for tenant use.

Responsible Agency: Community Development (Planning): City Manager's Office, Planning Commission, City Council

Funding Source: General Fund (Staff Time)

Timing: Completed by end of 2005

Action 58.01-D: Amendments to the Second Unit standards

Initiate the following revisions to the second unit provisions in Section 2-554 of the Zoning Code:

- Allowing such units to be detached on large (greater than 10,000 SF) lots.
- Increasing the maximum allowable size of a second unit, while maintaining the requirement that it comprise no more than 30 percent of the total floor area of the house.
- Allowing second units in the RD zone as well as the RS zone.

In addition, the City will explore the feasibility of impact fee waivers for second units if it can be determined that the units will not increase the demand for local services and facilities.

Responsible Agency: Community Development (Planning): City Manager's Office, Planning Commission, City Council

Funding Source: General Fund (Staff Time)

Timing: Completed by Summer 2004