



An aerial photograph of a large-scale urban development. The image shows several large, multi-story buildings with flat roofs, some of which appear to be under construction or renovation. Extensive parking lots are filled with cars, and a major road with a roundabout is visible. The surrounding area includes more residential-style buildings and greenery.

chapter 4

LAND USE + HOUSING

This chapter provide policy direction for the range of future land uses envisioned in the Bay Fair TOD Specific Plan Area. The chapter also includes more detailed policy for housing and affordable housing. Policies apply to the entire Bay Fair Plan Area. Not every project must fulfill every policy goal; rather, future projects will contribute in different ways to the overall policy goals for the Plan Area.

Land Use/Zoning

The 2035 General Plan created a new Bay Fair Transit-Oriented Development (B-TOD) land use classification. The B-TOD land use definition states the “intent is to create a new vision for this area, including retail, office, higher density housing, open space, and public land uses” with a “more urban development form” for the area. The General Plan deferred details for development of the Plan Area and regulatory changes (i.e., rezoning) upon completion and adoption of the Bay Fair TOD Specific Plan.

The Bay Fair TOD Specific Plan recommends that the land use within the Plan Area be regulated by the Bay Fair TOD Zoning District (B-TOD), which will need to be amended into the San Leandro Zoning Code. This district encompasses and applies equally across the entire Specific Plan Area, allowing a broad range of compatible, transit-oriented land uses while remaining flexible about their exact location. This flexibility allows the area to continue to evolve as a place to live, work, shop, and visit, with an increasing diversity of services and amenities. This flexible approach to land use is complemented by the more detailed design standards and guidelines found in Chapter 5, “Development Standards and Guidelines,” which focuses on placemaking and good design. The policies below provide more guidance about the intended mix and focus of land uses in the Bay Fair Plan Area.



Land Use Policies

1. **USE REGULATIONS.** Land use within the Bay Fair TOD Specific Plan Area shall be consistent with the Bay Fair TOD (B-TOD) Land Use classification in the General Plan and Zoning District in the San Leandro Zoning Code and shown on pages 72-73.
2. **DIVERSE MIX OF LAND USES.** Encourage a rich mix of land uses including housing, office, retail, services, community facilities, maker space, research and development, lodging and other diverse uses.
3. **HORIZONTAL AND VERTICAL MIXED USE.** Allowed uses may be mixed within the same building (“vertical” mixed use) or in adjacent buildings (“horizontal” mixed use), provided they are consistent with the San Leandro Zoning Code and with other relevant guidance in this Specific Plan.

4. **RETAIL PRESERVATION.** Ensure the continued presence of a diverse range of retail and services uses in the Specific Plan Area, even as the character and use mix of Bay Fair change over time.
5. **SERVICES AND AMENITIES.** Support an increasing range of services, retail shops, community facilities, open spaces, and other neighborhood amenities to serve new and existing residents and workers.
6. **SCHOOLS AND CHILDCARE.** Allow and encourage childcare, educational, and school uses to serve new and existing residents.
7. **ENTERTAINMENT AND DINING.** Encourage entertainment, dining, cultural uses, and other social gathering spaces to activate the area at various times of day, draw visitors, and serve residents.
8. **GROCERY STORE.** Encourage the retention or addition of one or more full-service grocery stores in or near the Bay Fair area.
9. **FARMERS MARKET.** Encourage the creation and maintenance of a farmer’s market or other outlet for fresh, healthful produce.
10. **GROWING SPACE.** Allow land to be used for urban agriculture, community gardens, and other public and private growing space.
11. **NEW PARKS AND PUBLIC SPACE.** Allow a variety of public open spaces, pedestrian-oriented streetscapes, and gathering spaces to meet the needs of new and existing residents, visitors, workers and businesses.
12. **EVENING AND WEEKEND ACTIVITY.** Encourage uses that bring evening and weekend activity, such as retail shopping and services; food stores; restaurants and cafes; entertainment venues; health clubs; community facilities; outdoor public spaces; and other similar uses.

13. LAND USES NOT ALLOWED. The following types of new uses are not allowed in the Plan Area, consistent with guidance provided in the San Leandro Zoning Code:

- New Single Family Residential
- Auto Service/Sales
- Drive-thru Businesses
- Low-intensity Commercial (equipment service/sales, storage, etc.)
- Industrial (warehouses, trucking, recycling, hazardous materials, etc.)



Example of community gathering space



Example of public art in public open spaces

Allowed Uses

The following is a list of permitted uses, conditionally permitted uses, uses requiring administrative review, and temporary uses requiring administrative review as defined in the Bay Fair TOD Zoning District, which will be amended into the San Leandro Zoning Code through future amendment(s).

B-TOD Permitted Uses

The following uses are allowed in the B-TOD District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Artist's Studios.
3. Brewpubs.
4. Business Services.
5. Business and Trade Schools.
6. Cafés.
7. Commercial Recreation.
8. Community Garden.
9. Cultural Institutions.
10. Day Care, General.
11. Department Stores.
12. Drugstores.
13. Financial Institutions, Retail.
14. Government Offices.
15. Health and Fitness Centers.
16. Home Improvement and Interior Decoration.
17. Instruction and Improvement Services.
18. Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)
19. Multi-Family Residential.
20. Mixed use Residential.
21. Neighborhood/Specialty Food Markets.
22. Offices, Business and Professional.
23. Park and Recreation Facilities.
24. Pharmacies.
25. Restaurants, Full-Service.
26. Retail Sales.
27. Retail Services.
28. Schools, Public or Private.
29. Supermarkets.
30. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
31. Theaters.
32. Travel Services.
33. Utilities, Minor.

B-TOD Conditionally Permitted Uses

The following uses are allowed in the B-TOD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Animal Hospitals.
3. Communications Facilities.
4. Emergency Health Care.
5. Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
6. Farmers' Market.
7. Fast Food Establishments, Large Scale.
8. Hotels, Motels, and Time-Share Facilities.
9. Liquor Stores.
10. Bars.
11. Group Housing.
12. Beer and Wine Stores.
13. Public Safety Facilities.
14. Vehicle/Equipment Repair, Limited.

B-TOD Uses Requiring Administrative Review

The following uses are allowed in the B-TOD District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of San Leandro Zoning Code, Article 21.

1. Accessory Uses and Structures.
2. Animal Boarding, Indoor.
3. Automatic Teller Machines.
4. Animal Grooming (Indoor Only).
5. Animal Sales.
6. Catering Services.
7. Furniture, Electronics, and Appliance Sales.

8. Game Centers.
9. Medical Supply Stores.
10. Nurseries.
11. Parking Lot.
12. Telecommunications, New Monopoles and Towers.

B-TOD Temporary Uses Requiring Administrative Review

The following temporary uses are allowed in the B-TOD District, subject to the regulations of Section 5-222: Temporary Use Permits.

1. Animal Shows.
2. Assembly Uses, Temporary.
3. Christmas Tree and Pumpkin Sales.
4. Circuses and Carnivals.
5. Commercial Filming.
6. Retail Sales, Outdoor.
7. Special Promotions, for the regional mall as a whole.
8. Storage Containers, Temporary.
9. Street and Neighborhood Fairs.

Housing Mix, Affordability, and Anti-Displacement

Housing is envisioned to play an important and increasing role in the Bay Fair TOD Specific Plan Area, leveraging the transit-oriented location and existing retail amenities while meeting a critical local and regional need for increased housing supply. The intention of the Specific Plan is to promote a range of housing options and affordability levels to mitigate the risk of displacement for existing residents in and around the Plan Area.

New housing envisioned in this Specific Plan is consistent with the goals in the City's Housing Element and General Plan, which project a portion of the City's future residential growth to occur in the Bay Fair area. While the majority of new market and affordable housing units are projected in the General Plan to occur in the City's Downtown TOD area, the proximity to the Bay Fair BART Station and AC Transit bus lines makes the Bay Fair Plan Area well situated for residential development. Affordable housing represents a critical need and priority in the Bay Area, the City and the Plan Area. Due to the undersupply of market rate housing in the region over the last 20 years, market rate housing also represents an important housing need.

The City adopted a city-wide Inclusionary Zoning Ordinance (Article 30 of the Zoning Code) in 2004 that affects new residential development. The City IZ Ordinance requires new rental or ownership residential development to set aside at least 15% of the total project units for moderate, low and very low income households. The IZ requirements limited opportunity for payment of an in lieu fee for new ownership units of a certain size. However, the Palmer/Sixth Street vs. City of Los Angeles court case in 2009 has rendered inclusionary rental housing requirements invalid for many cities, including San Leandro for several years. The City has ensured progress on constructing new affordable rental housing and meeting its regional housing needs allocations goals (RHNA) through commitment

of City affordable housing funding to recent affordable housing developments.

BART has adopted an internal goal for its own development projects that at least 20% of new housing units be deed-restricted permanent affordable housing for low (51%-80% AMI) and very low (<50% AMI) households. There may be opportunities to achieve similar levels of affordable housing in other parts of the Bay Fair Plan area over the 20 year time horizon of Plan implementation.

In early 2016, the City began the process of addressing tenant eviction related to landlord caused actions (e.g., new owners imposing significant rent increases, landlord move in, capital improvements) and opportunities for increased rent. The City held public meetings to seek tenant and landlord input on a city-wide tenant relocation assistance program, which will provide evicted tenants with adequate relocation assistance payments to enable them to move and secure new housing.

The following housing policies are complemented by implementation actions, incentives, and related programs described in Chapter 7, "Implementation."

Housing Mix, Affordability, and Anti-Displacement Policies

1. **MIX OF HOUSING TYPES.** Encourage a range of housing types and sizes – including small, medium, and large residential units for a variety of different household sizes and stages of life – throughout the Bay Fair area, supporting housing choices for those in a wide array of life stages and circumstances.
2. **HOUSING TENURE.** Encourage a mix of owner-occupied and renter-occupied housing in the Plan Area.
3. **DISPLACEMENT OF EXISTING RESIDENTS.** Use citywide resources and programs, such as the Rent Review Ordinance and tenant-landlord/fair housing counseling services, to assist current renters or homeowners at risk of displacement in or near the Plan Area.
4. **ADOPT TENANT RELOCATION ASSISTANCE PROGRAM.** Adopt and implement the tenant relocation assistance program to protect evicted tenants city-wide.
5. **MIX OF HOUSING AFFORDABILITY LEVELS.** Encourage a broad range of affordability levels – including both market rate housing and deed-restricted affordable housing – throughout the Bay Fair area. The long-term housing mix for the Bay Fair area should accommodate a range of household income levels.
6. **TRANSIT-DEPENDENT POPULATIONS.** Encourage housing and affordable housing that serves transit-dependent populations.
7. **AFFORDABLE BY DESIGN.** To the extent allowable under citywide land use policies, allow and support flexible development standards – such as innovative construction techniques, smaller unit sizes, micro-units, co-op housing, and inter-generational housing – to increase or maintain the affordable housing supply.
8. **INCLUSIONARY HOUSING.** Amend the existing Inclusionary Zoning Ordinance in the Zoning Code to revise affordable housing set-aside requirements for new rental housing development and to expand in lieu fee payment options to create funding for new affordable developments.
9. **MARKET-RATE HOUSING.** Encourage new market-rate housing development in the Bay Fair Specific Plan Area to exceed citywide inclusionary housing requirements.
10. **PRESERVE EXISTING AFFORDABLE HOUSING.** Encourage the maintenance and preservation of existing income-restricted and market rate affordable housing within the Plan Area through incentives and financial assistance.
11. **DEVELOP NEW AND APPLY EXISTING INCENTIVES FOR WORKFORCE HOUSING.** Continue to research and adopt best practices to incentivize new housing construction. Apply existing city incentives (e.g., providing City affordable housing funding such as CDBG, HOME, Housing Trust Fund, etc) to promote the development of workforce housing in the Bay Fair area.
12. **STATE HOUSING DENSITY BONUS.** For projects that provide qualifying amounts of affordable housing, the City shall encourage the density bonus consistent with the Zoning Code and State law.