

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2024-012

**ORDINANCE TO AMEND CHAPTER 3-1 (COMMUNITY PRESERVATION), CHAPTER 4-11 (NOISE),
AND CHAPTER 4-34 (MOBILE FOOD VENDING) OF THE MUNICIPAL CODE**

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

WHEREAS, the City of San Leandro has an interest in planning and regulating the use and maintenance of property within the City. Implicit in any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods. Without stable, well-planned neighborhoods and commercial areas, sections of the City can quickly deteriorate, with consequences to social, environmental, and economic values; and

WHEREAS, the City of San Leandro has an interest in maintaining a high quality of life for all of its residents, which includes ensuring that all may enjoy the benefits of living in the City; and

WHEREAS, the State of California has established Senate Bill 946 (2018) limiting local agencies' ability to regulate sidewalk vendors; and

WHEREAS, the City Council finds that the proposed Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment in accordance with Section 15060(c)(2) of the California Environmental Quality Act; and

WHEREAS, the City Council held a duly noticed public hearing regarding the Municipal Code amendments on July 1, 2024, at which time all interested parties had the opportunity to be heard; and

WHEREAS, a staff report for the City Council dated July 1, 2024, and incorporated herein by reference, described and analyzed the Municipal Code amendments; and

WHEREAS, the City Council desires to adopt the Municipal Code amendments.

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

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

SECTION 2. AMENDMENT OF MUNICIPAL CODE. The San Leandro Municipal Code is hereby amended as shown in the attached Exhibit A which is incorporated herein by reference.

SECTION 3. ENVIRONMENTAL REVIEW. Pursuant to CEQA and the CEQA Guidelines, the City Council finds that the proposed amendments are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment as the Ordinance has no potential to result in a direct, or reasonably foreseeable indirect impact on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Bowen and passed to print on the 1st day of July 2024 by the following called vote:

- AYES:** Councilmembers Aguilar, Bowen, Viveros-Walton, Mayor González (4)
- NOES:** Councilmember Ballew (1)
- ABSENT:** Councilmember Azevedo, Vice Mayor Simon (2)

Passed and adopted the 15th day of July 2024 after publication on July 5, 2024 by the following vote:

- AYES:** (0)
- NOES:** (0)
- ABSENT:** (0)

ATTEST: _____
Kelly B. Clancy, CMC
City Clerk