

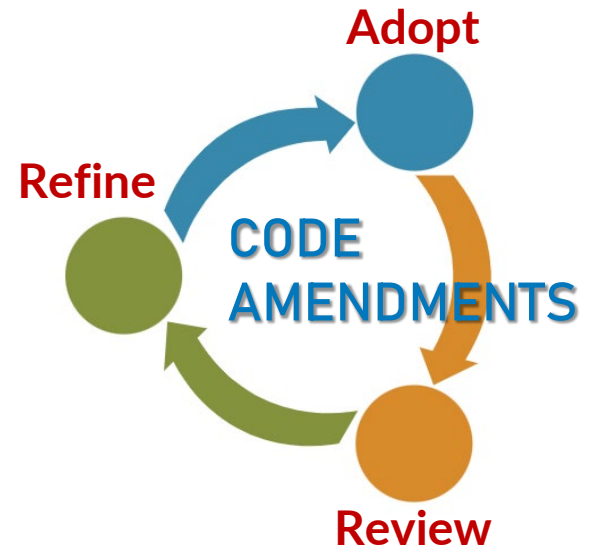


# PROPOSED CODE AMENDMENTS

City Council 07.01.24

# Purpose

- Staff periodically prepares code amendments to **improve operational efficiency** and ensure regulations remain **relevant, accurate** and **enforceable** over time
- Regular code updates allow the City to monitor effectiveness of new regulations and make refinements, as needed
- Code amendments advance adopted City Council Priorities and Work Plans



# Recommended Code Amendments

## Enforcement

### Municipal Code Amendments

- Provide clear, enforceable **property maintenance standards** for commercial and multi-unit properties and vacant lots
- Update **mobile food vendor** regulations to align with State law and enable clear enforcement process
- Establish clear and enforceable **noise ordinance standards**

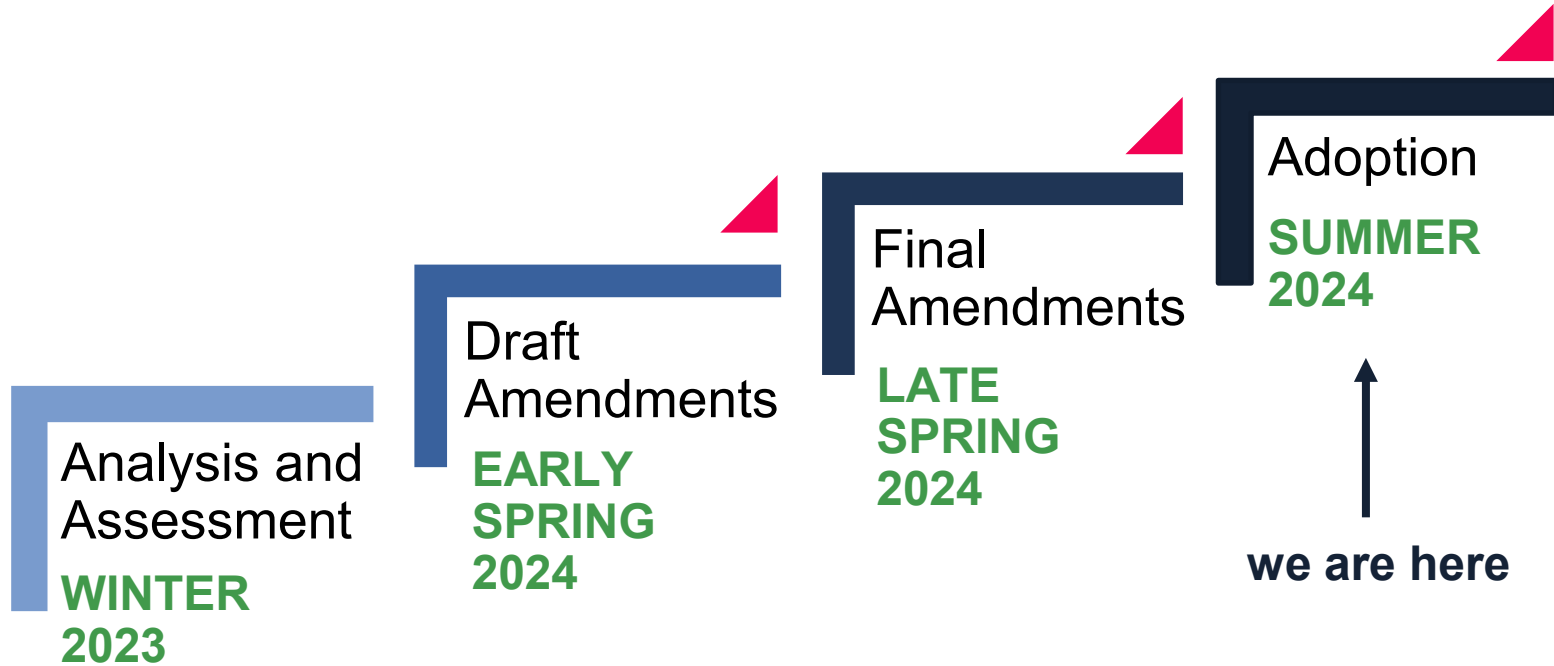
## Security

### Zoning Code Amendments

- Modify fencing standards to allow for additional flexibility for the **security of industrial properties and vacant buildings and properties**
- Automatically **extend project entitlements** for two years
- Replace references to **Board of Zoning Adjustments** with Planning Commission

## Other

# Project Timeline



 - Opportunity for input



# ENFORCEMENT/ SECURITY AMENDMENTS

# Commercial and Multi-Family Maintenance

- Applicable to any property used for commercial business activities or multi-family housing with five or more units
- Multi-tenant commercial shopping center property and multi-unit property must post property management contact information on site

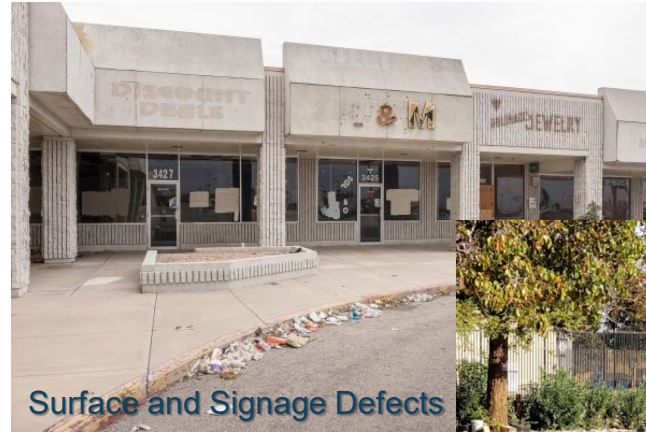


# Commercial and Multi-Family Maintenance

- Maintenance requirements for buildings, common areas, and parking lots
  - Lighting and signage
  - Cleaning of buildings and walkways
  - Surface defects, including parking areas
- Standards for landscaping and litter control
  - Regular mowing
  - Weed maintenance



Parking area defects



Surface and Signage Defects



Dumping and Litter

# Boarding Permit

- New Boarding Permit process proposed
- Initial 90-day period, unless extended by Chief Building Official
- May be authorized when one of following applies:
  - Owner has complete and active application pending for building permit, demolition permit, or other development entitlement
  - Building is subject of active building/demo permit and owner is progressing diligently
  - Building meets all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, or rent
  - Building Official has determined continued boarding is necessary for public safety





# Vacant Lot Maintenance

- **Applicable to all undeveloped properties**
- **Local Contact.** Identify local contact with authority to act on behalf of owner
- **General Maintenance.** Free of litter, weeds, junk, graffiti, other materials and regularly monitored
- **Signage.** Posted with 'No Trespassing' signs and contact information of property management agent
- **Fencing.** Fenced on all sides with minimum 6-foot-high transparent fence
- **Vegetation Management.** Weeds, ground cover, and grasses no higher than 4 inches



# Mobile Food Vending

- **Existing Regulations**
  - Municipal Code Chapter 4-34 regulates Mobile Food Vending
  - Permit process overseen by Finance Department
  - Alameda County Health Department permitting
  - Enforcement by Police Department and County Health Department
- **Senate Bill (SB) 946**
  - Aimed at decriminalizing and promoting sidewalk vending
  - Prohibits banning sidewalk vendors
  - Prohibits criminalizing sidewalk vending
  - Complicated enforcement of City's existing regulations
- **Proposed Amendments**
  - Align Municipal Code regulations and administrative penalties with State law
  - Enable clear enforcement process



# Noise Ordinance Amendments

## ➤ Existing Regulations

- Subjective and difficult to enforce
- Enforcement by San Leandro Police Department

## ➤ Proposed Amendments

- More precisely describes what constitutes disturbing/excessive/offensive noise
- Introduces clear, measurable noise limits for music, stereos and electronics
  - Applicable limits based on time of day (8am-10pm: 65 decibels, 10pm-8am: 55 decibels)
  - Ambient noise levels exceeded by more than 5 decibels
- Enables clear enforcement process

# Security Fencing

- **Increased Height in Street-facing Setbacks Areas in Industrial Districts.** Increase allowable height from 3-foot maximum to 8-foot maximum, provided:
  - Portions over 3 feet in height are visually transparent
  - Area between fence and property line is landscaped
  - Driveway visibility requirements are met
- Increased fence heights in front setback areas has been a common request from business owners in recent years



Transparent fence with landscaping in front

# Security Fencing (PC Recommendation)

- On June 6, 2024, the Planning Commission recommended Council adoption of proposed Zoning Code Amendments
- The Commission's recommendation did not include staff's proposal to:
  - Allow security fencing (**razor/barbed wire**) in front setbacks (IL and IG Districts only)
  - Allow **electrified fencing** to secure properties (IL and IG Districts only)
- Three commissioners supported the expanded use of barbed/razor wire and electrified fencing; one commissioner did not
- Members of the public representing electrified fencing industry:
  - Advocated for allowing electrified fencing to support local businesses
  - Requested additional fence height and smaller separation between perimeter fence
- A member of the public spoke against electrified fencing due to concerns about the image it promotes and failure to address root causes of crime
- Draft language included as Attachment H for Council's consideration



## OTHER AMENDMENTS

# Consolidation of Board of Zoning Adjustments and Planning Commission



- Change all references to “Board of Zoning Adjustments” to “Planning Commission”
- Council will separately consider amendments to Administrative Code to combine Board of Zoning Adjustments and Planning Commission into one single advisory body
- Board of Zoning Adjustments and Planning Commission have conducted business as a single board since 2018

# Automatic Extension of Entitlements

- **Proposed amendments would automatically extend active entitlements as of March 1, 2024, for two years**
  - Economic conditions have slowed development
  - Typical two-year deadline for projects to obtain grading or building permits after entitlement
  - More than 2,000 entitled housing units awaiting construction





# Outreach

- Draft property maintenance and fencing amendments presented to Planning Commission
- Public Draft Amendments posted to City's website for public comment
- Notified Homeowners Associations
- Presentations and listening sessions with:
  - San Leandro Chamber of Commerce Board
  - Downtown San Leandro Improvement Association (SLIA) Board
  - Washington Manor Homeowners' Association



# Financial Impacts

- ▷ No direct fiscal impact with adoption of Code amendments



# Recommendation

- **Staff recommends City Council:**
  - Introduce Ordinance amending the **Zoning Code** to:
    - Modify fencing standards to allow for additional flexibility for the security of industrial properties and vacant buildings and properties
    - Automatically extend project entitlements for two years
    - Replace references to Board of Zoning Adjustments with Planning Commission
  - Introduce Ordinance amending the **Municipal Code** to:
    - Provide clear, enforceable property maintenance standards for commercial and multi-unit properties and vacant lots
    - Update mobile food vendor regulations to align with State law and enable clear enforcement process
    - Establish clear and enforceable noise ordinance standards
- Ordinances would return to Council for Second Reading (tentatively scheduled for July 15)
- Ordinances would become effective 30-days after Second Reading