

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2025-010

**ORDINANCE TO REMOVE LOCAL AMENDMENTS REQUIRING ALL-ELECTRIC BUILDINGS
AND TO AMEND CHAPTER 4-19 OF THE MUNICIPAL CODE TO MODIFY REGULATIONS
PERTAINING TO SAN LEANDRO WATERWAYS**

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 San Leandro Zoning and Municipal Codes may be periodically amended to ensure that regulations remain relevant, accurate and enforceable over time; and

WHEREAS, the attached Municipal Code Amendments modify regulations pertaining to San Leandro waterways, and remove local amendments requiring all-electric buildings; and

WHEREAS, San Leandro regulates the portion of the San Francisco Bay that falls within City Limits; and

WHEREAS, the City Council desires to amend the regulations in Municipal Code Chapter 4-19 to regulate activity on waterways outside of the San Leandro Marina; and

WHEREAS, on December 5th, 2024, by Ordinance No. 2022-014, the City adopted an Ordinance adopting by reference the 2022 editions of the California Building Standards Code and 2018 International Property Maintenance Code, with local amendments; and

WHEREAS, the local amendments include a requirement that new construction buildings do not use combustion equipment and are all-electric; and

WHEREAS, the Ninth Circuit Court of Appeals held in California Restaurant Association v. City of Berkeley that such amendments are preempted by federal law; and

WHEREAS, the City desires to remove portions of the local amendments related to the all-electric reach code in order to conform the City's Municipal Code to federal law; and

WHEREAS, the proposed Code amendments are determined to be necessary to advance the City's interests with respect to public safety and quality of life; and

WHEREAS, a staff report dated July 7, 2025, and incorporated herein by reference, describes and analyzes the proposed amendments; and

WHEREAS, on July 7, 2025, the City Council held a duly noticed public hearing to consider the proposed amendments, at which time all interested parties had an opportunity to be heard; and

WHEREAS, the City Council has considered all public comments received, the presentation by City staff, the staff report and attachments in adopting this Ordinance; and

WHEREAS, the City's General Plan is incorporated herein by reference and is available for review at City Hall during normal business hours.

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

Section 1. Recitals. The recitals above are true and correct and when applicable, incorporated herein by reference.

Section 2. Findings. The City Council makes the following findings in support of adopting this ordinance, based on the whole of the record:

1. That the proposed Code Amendments are consistent with the General Plan.
2. That the proposed Code Amendments are necessary and desirable to achieve the purposes of the Code because the proposed amendments promote and protect the public health, safety, morals, comfort, convenience, and the general welfare of the people. The proposed amendments would support orderly operations on San Leandro waterways would align City regulations with federal law.

Section 3. Amendment of Municipal Code Title 7, Article 6. Sections 4.106.5, 4.106.5.1, 5.106.13 and 5.106.13.1 of the Exhibit attached to Section 7-5-625, "Local Amendments," of the San Leandro Municipal Code, are hereby deleted in their entirety.

Section 4. Amendment of Municipal Code Chapter 4-19 (San Leandro Marina). The San Leandro Municipal Code is hereby amended as shown in the attached "Exhibit A," which is incorporated herein by reference.

Section 5. Environmental Review. The passage of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment under CEQA Guidelines Section 15061(b)(3). No further environmental review is necessary. The proposed package of amendments includes amendments that would align the City's regulations with the requirements of federal law. The City cannot exercise its subjective judgement regarding those amendments due to preemption by federal law, and therefore the action is not discretionary in nature. Other code amendments are modifications to existing regulations that have no possibility of creating a significant environmental impact.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 7. Effective Date. The effective date of this Ordinance shall be 30 days from the date of adoption.

Section 8. Publication. The City Clerk is directed to cause this ordinance to be published in a manner required by law.

Introduced at a first reading by Councilmember Azevedo and passed to print the 7th day of July 2025, by the following vote:

AYES: Councilmember Aguilar, Azevedo, Boldt, Bowen, Simon, Viveros-Walton, Mayor González (7)

NOES: None (0)

ABSENT: None (0)

Passed and adopted this 21st day of July 2025 after publication on Friday, July 11, 2025 by the following vote:

AYES: (0)

NOES: (0)

ABSENT: (0)

ATTEST: _____
Kelly B. Clancy, CMC
City Clerk