

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2022 - __

**ORDINANCE OF THE CITY OF SAN LEANDRO CITY COUNCIL TO AMEND THE
SAN LEANDRO MUNICIPAL CODE TO CONSOLIDATE THE LIBRARY-
HISTORICAL COMMISSION AND ARTS COMMISSION INTO THE
ARTS, CULTURE & LIBRARY COMMISSION**

WHEREAS, Section 350 Boards and Commissions of Article III of the Charter of the City of San Leandro authorizes the Council to create, consolidate, reorganize, and rename boards and commissions; and

WHEREAS, the City desires to combine the Library-Historical Commission and the Arts Commission to create a new Arts, Culture & Library Commission; and

WHEREAS, the new Arts, Culture & Library Commission would increase the efficiency of the City's response to the community by moving questions and issues related to the historic standing of private property directly to the Planning Commission/Board of Zoning Adjustments and Community Development Department staff; and

WHEREAS, the new Arts, Culture & Library Commission would maximize community engagement opportunities by promoting Commission meeting attendance, reducing causes for meeting cancellations, and facilitating appointments to Commission seats; and

WHEREAS, the new Arts, Culture & Library Commission will further facilitate the City Council's adopted annual Citywide goals by providing equitable opportunities for cultural and artistic celebration and expression that are welcoming, open, and free to all.

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

1. San Leandro Municipal Code section 1-3-100 is amended to read as follows (additions in underline; replacements in double underline; deletions in ~~strikethrough~~):

1-3-100 BOARDS AND COMMISSIONS CREATED.

The following Boards and Commissions are hereby created:

- (a) Board of Appeals;
- (b) Board of Zoning Adjustments;
- (c) Handicapped Access Appeals Board;
- (d) Human Services Commission;
- (e) ~~Library-Historical Commission~~ Arts, Culture & Library;
- (f) Personnel Relations Board;
- (g) Planning Commission;

- (h) Recreation and Parks Commission;
- (i) Site Development Sub-Commission;
- (j) Youth Advisory Commission;
- (k) Rent Review Board;
- (l) Senior Commission; and
- (m) ~~Arts Commission;~~ and Community Police Review Board.
- ~~(n) Community Police Review Board.~~

2. San Leandro Municipal Code section 1-3-110 is amended to read as follows:

1-3-110 MEMBERS—DISTRICT REPRESENTATION.

One elector from each Council Member District shall be appointed to each of the following Boards and Commissions:

- (a) Board of Zoning Adjustment;
- (b) Human Services Commission;
- (c) ~~Library Historical Commission~~ Arts, Culture & Library Commission;
- (d) Planning Commission;
- (e) Recreation and Parks Commission;
- (f) Senior Commission; and
- (g) ~~Arts Commission;~~ and Community Police Review Board.
- ~~(h) Community Police Review Board.~~

Except as provided in this Code, all other members of each such Board and Commission shall be an elector of the City and appointed at large. Two residents who are either secondary students in their third or fourth year of secondary school or college students between the ages of 18 and 22 (“Student Member”) who are able to attend in person meetings of the Community Police Review Board shall be appointed to the Community Police Review Board. Once these members reach the age of 23, they are no longer eligible to serve or eligible for reappointment to these designated seats. Residents who are interested in appointment to the Student Member designated seats shall complete an application that will be submitted to the City Clerk, who shall schedule a City Council Rules Committee meeting for the Committee to review the applications and, at the Council Rules Committee’s discretion, interview the applicants for recommendation to the City Council for appointment. Any vacancy in these designated seats must be addressed by the Council in accordance with San Leandro Municipal Code section 1-3-115. Three (3) residents selected at large shall be appointed to the Youth Advisory Commission by each Council Member, at least one resident selected from each Council Member District, and the remainder may be selected at large. No change in Council Member District boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such member was appointed.

3. San Leandro Municipal Code Section 1-3-115 subsection (a) is amended to read as follows:

1-3-115 MEMBERS—TERM OF OFFICE.

(a) Members of the following Boards and Commissions who were appointed from a specific Council Member District pursuant to Section 1-3-110 of this Article (“District Members”) may hold office for up to four (4) years, commencing on the date of appointment:

- (1) Board of Zoning Adjustments;
- (2) Human Services Commission;
- (3) ~~Library-Historical Commission;~~ Arts, Culture & Library Commission;
- (4) Planning Commission;
- (5) Recreation and Parks Commission;
- (6) Senior Commission; and
- (7) ~~Arts Commission;~~ and Community Police Review Board.
- (8) ~~Community Police Review Board.~~

Except as provided in this Code, the terms of District Members shall terminate upon the expiration of the regular term of the Council Member representing the Council Member District from which the District Member was appointed. As to the Community Police Review Board, the initial terms of Board members who are District Members from Districts 1, 3, 5, and the Mayor’s at large appointment shall expire December 31, 2023 and the terms of District Members from Districts 2, 4, and 6 shall expire December 31, 2024. Thereafter, all members of the Community Police Review Board may hold office for up to four years. The City Council may fill a vacancy by appointment for the unexpired remainder of the term.

As to the Arts, Culture & Library Commission, the initial terms of Board members who are District Members from Districts 2, 4, and 6 shall expire December 31, 2024. Districts 1, 3, 5, and the Mayor’s at large appointments shall expire December 31, 2026. Thereafter, all members of the Arts, Culture & Library Commission may hold office for up to four years. The City Council may fill a vacancy by appointment for the unexpired remainder of the term.

4. The title of Article 8 of Chapter 1-3 of Title 1 of the San Leandro Municipal Code shall be amended to read as follows:

**ARTICLE 8. ~~LIBRARY-HISTORICAL-COMMISSION~~ ARTS, CULTURE & LIBRARY,
COMMISSION**

5. San Leandro Municipal Code section 1-3-800 is amended to read as follows:

1-3-800 MEMBERSHIP.

~~The Library-Historical Commission shall consist of seven (7) adult members and one youth member pursuant to Section 1-3-801. The membership shall comprise at least one elector from each of the six (6) Council Member Districts pursuant to Section 1-3-110 of this Code. Each Commission member shall be appointed by the City Council and may be removed from the Commission without cause, notice, or hearing by the City Council under Section 1-3-105.~~

The Arts, Culture & Library Commission shall consist of nine (9) members. The membership shall include one member from each of the six (6) Council Member Districts pursuant to Section 1-3-110 of this Code. Each Commission member shall be appointed by the City Council and may be removed from the Commission without cause, notice, or hearing by the City Council under Section 1-3-105. The membership shall also include three (3) at large members each of whom must be a resident of San Leandro.

7. San Leandro Municipal Code section 1-3-805 is amended to read as follows:

1-3-805 ACTIONS AND CONDUCT.

Except where specifically noted in this Article, the actions and conduct of the ~~Library Historical Commission~~ Arts, Culture & Library Commission shall be governed by the policies and procedures set forth in Articles 1 and 2 of this Chapter.

The actions and conduct of the ~~Library Historical Commission~~ Arts, Culture & Library Commission shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

8. San Leandro Municipal Code section 1-3-810 is amended to read as follows:

1-3-810 MEETINGS.

Regular meetings of the ~~Library Historical Commission~~ Arts, Culture & Library Commission are held on the third Tuesday of each month inside the Main Public Library. Commission meetings shall be held regularly with respect to time, place, and date as set by resolution of the Commission.

9. San Leandro Municipal Code section 1-3-815 is amended to read as follows:

1-3-815 POWERS AND DUTIES.

The ~~Library Historical Commission~~ Arts, Culture & Library Commission shall:

- (a) Assess, promote, and develop art opportunities to enrich and enhance the San Leandro community;
- (b) Encourage and promote art and/or cultural programs and activities within the City;
- (c) Make recommendations to the City Council regarding local visual and performing art needs, activities, and programs;
- (d) Receive and gather input from the community on issues relevant to art policies;
- (e) Enhance community awareness of art resources;

(f) Work cooperatively with public and private agencies to procure space and opportunities for public art that celebrates our diversity and to contribute to the enrichment of the community by adding public art that is of the highest quality, inclusive, visually stimulating, and of enduring value;

(g) Analyze and make recommendations to the City Council on long term financing to support arts;

(h) Advise and make recommendations to the City Council on the acceptance of donations and submissions of art and other matters of arts in the community;

(i) Recommend policies for the use and improvement of all property operated for library purposes by the City;

(j) Recommend rules and regulations governing the operation of library buildings;

(k) Recommend acceptance or rejection of proposed real property donations to the City for library purposes;

(l) Make recommendations regarding proposed contracts with other agencies for the provision and use of library services and facilities;

~~(e) Serve as an advisory body to the City Council and provide leadership regarding historic preservation issues within the community;~~

~~(f) Seek a means for the identification, designation, protection, retention, and preservation of historic resources as defined under the provisions of Chapter 4-26 of this Code;~~

~~(g) (m) Encourage and promote and coordinate the continuing education of the San Leandro community about the City's heritage and its designated historic resources; through inclusive programming and activities that celebrate the City's history, cultural diversity, heritage, and Sister & Friendship Cities relationships; and its designated historic resources;~~

~~(h) Provide liaison between the Council and all historical organizations operating within the local community;~~

~~(i)(n) Devise and recommend to the Council implementation procedures for establishing and maintaining appropriate relationships with non-local historical organizations;~~

~~(j)(o) Assist all historical organizations operating within the local community to develop a high level of community participation in historical endeavors and activities;~~

~~(k)(p) Study proposed programs and proposed budgets of historical organizations making requests of the City and recommend Council approval or disapproval of any proposed program or budget for which City funds are requested. No such program or budget involving City assistance or City funding, or the use of City property, shall be implemented without approval of the Council;~~

~~(h)~~(q) Conduct periodic audits of Council-approved programs and budgets and report to the Council on the implementation of such programs and expenditures of City funds therefor;

~~(m) Recommend and support inclusive programs and activities that celebrate the City's cultural diversity, Sister and Friendship City engagement;~~

~~(n)~~(r) Serve as the liaison between the City Council, community, and organizations with an interest in the City's artistic, historical, multicultural, and library activities; and

(s) Support the goals and priorities of the City Council.

The ~~Library-Historical Commission~~ Arts, Culture & Library Commission shall not be limited to those duties hereinbefore specifically set forth, but shall do all things necessary to identify the role and responsibility of San Leandro in relation ~~community historical interests and activities to~~ activities of celebration or expression of the arts, the diverse cultures of the community, and library programs and services and to assist in the assumption of such role and discharge of such responsibility by the City. In so doing, the Commission shall cooperate with individuals and with private and public groups and organizations to achieve broad community participation in and to strengthen the leadership of local ~~historical~~ arts and cultural endeavors.

10. San Leandro Municipal Code section 1-3-1005 is amended to read as follows:

1-3-1005 POWERS AND DUTIES.

The Planning Commission shall:

(a) Hear and recommend to the City Council on proposals to adopt, amend or repeal a general plan for the physical development of the City;

(b) Exercise such functions with respect to land subdivisions, planning, zoning and future right-of-way lines as are prescribed in Chapters 7-3, 7-13 and 7-16 of this Code;

(c) Hear and recommend to the City Council proposals that affect the traffic circulation in the City, if such proposals are referred to the Commission by the Zoning Enforcement Official or the Engineering and Transportation Director or designee; initiate proposals to the City Council regarding the desirability of enacting new regulations or programs regarding traffic circulation; and hear and make the final decision on an appeal following the denial of an application for a parklet;

(d) Possess the powers and perform the duties prescribed by statute;

(e) Serve as an advisory body to the City Council regarding historic preservation issues within the community and facilitate and coordinate the continuing education of the San Leandro community about the City’s designated historic resources; and

(f) Seek a means for the identification, designation, protection, retention, and preservation of historic resources as defined under the provisions of Chapter 4-26 of this Code.

11. Article 16. Arts Commission of Chapter 1-3 Boards and Commissions is repealed in its entirety from the San Leandro Municipal Code.

12. San Leandro Municipal Code section 4-26-200, sub-section (i) is amended to read as follows:

(i) COMMISSION. “Commission” means the ~~Library Historical Commission established and governed pursuant to the provisions of Article 8, Title 1 of this Code and Title 19 of the City of San Leandro Administrative Code~~ Planning Commission established and governed pursuant to the provisions of Article 10, Title 1 of this Code and Title 21 of the City of San Leandro Administrative Code.

13. The title of Article 3 of Chapter 4-26 of Title 4 of the San Leandro Municipal Code is amended to read as follows:

ARTICLE 3. ~~LIBRARY HISTORICAL COMMISSION~~ PLANNING COMMISSION

14. San Leandro Municipal Code section 4-26-300 is amended to read as follows:

4-26-300 ~~LIBRARY HISTORICAL COMMISSION~~ PLANNING COMMISSION
The ~~Library Historical Commission~~ Planning Commission shall be the governing body of this Chapter and is intended to direct the identification, designation, protection, enhancement, perpetuation and use of historic resources within the City.

15. San Leandro Municipal Code section 4-26-400 is amended to read as follows:

4-26-400 NOTICE.

Items that are considered by or referred to the ~~Library Historical Commission~~ Planning Commission for a recommendation or action under the authority prescribed in this Chapter shall be noticed to the public in the following manner.

For any action pertaining to an existing or proposed city landmark, merit resource or historic district contributor, a notice of the ~~Library Historical Commission~~ Planning Commission meeting shall be mailed to the subject property owner(s) and to all property owners within three hundred (300) feet of the boundaries of the subject site at least ten (10) days prior to the meeting. An additional notice shall be posted on the subject site or within three hundred (300) feet of the subject site at least ten (10) days prior to the meeting, and such notice shall be viewable from the public right-of-way.

16. San Leandro Municipal Code section 4-26-500 is amended to read as follows:

4-26-500 TIMELINE OF DECISION.

The ~~Library Historical Commission~~ Planning Commission shall take final action on matters referred to the Commission pursuant to the provisions of this Chapter within ninety (90) days of the date upon which the matter is first agendized for Commission consideration. An extension of up to ninety (90) days may occur if the Commission and applicant agree that it is necessary.

17. San Leandro Municipal Code section 4-26-805 is amended to read as follows:

4-26-805 INITIATION OF DESIGNATION OF A CITY LANDMARK.

The City Council, ~~Library Historical Commission~~ Planning Commission, or any property owner as to their property may initiate the designation of a city landmark.

18. San Leandro Municipal Code section 4-26-815 is amended to read as follows:

4-26-815 INITIATION OF DESIGNATION OF A HISTORIC DISTRICT OR HISTORIC DISTRICT CONTRIBUTOR.

The City Council, ~~Library Historical Commission~~ Planning Commission or any property owner within the boundaries of a proposed historic district may initiate the designation of a historic district with a resident's petition signed by a minimum of fifty-one percent (51%) of property owners within the boundaries of the proposed historic district.

Any property owner as to their property may initiate the designation of a historic district contributor as part of a designated historic district.

19. San Leandro Municipal Code section 4-26-900 is amended to read as follows:

4-26-900 PROCEDURES FOR HISTORIC RESOURCE DESIGNATION.

Individuals interested in obtaining historic site designation for a property shall submit to the Commission Secretary a completed application for property designation and a completed copy of the appropriate State of California Department of Parks and Recreation forms for the building, structure, object, landscape, site or archaeological site intended for designation. The forms will be used to document the historical, architectural or archaeological significance of said building, structure, object, landscape, site or archaeological site, such that the Commission can render an informed decision regarding the application for designation using the criteria for significance established in this Chapter.

The Commission Secretary shall review all submitted documentation regarding a property proposed for historic resource designation and may request additional information from the applicant(s) about the subject property before presenting the information to the ~~Library Historical Commission~~ Planning Commission.

20. San Leandro Municipal Code section 4-26-905 is amended to read as follows:

4-26-905 PROCEDURES FOR DESIGNATION OF A CITY LANDMARK.

The ~~Library Historical Commission~~ Planning Commission shall review the city landmark designation application and documentation forms at a regularly scheduled public meeting and provide a recommendation to the City Council regarding the designation of the property, pursuant to the criteria established in this Chapter. The City Council will act regarding the designation of a property.

Designation of a city landmark does not require owner consent.

21. San Leandro Municipal Code section 4-26-910 is amended to read as follows:

4-26-910 PROCEDURES FOR DESIGNATION OF A MERIT RESOURCE.

The ~~Library Historical Commission~~ Planning Commission shall review the merit resource designation application and documentation forms at a regularly scheduled public meeting and act regarding the designation of the property, pursuant to the criteria established in this Chapter.

Designation of a merit resource requires owner consent.

22. San Leandro Municipal Code section 4-26-915 is amended to read as follows:

4-26-915 PROCEDURES FOR DESIGNATION OF A HISTORIC DISTRICT OR HISTORIC DISTRICT CONTRIBUTOR.

The ~~Library Historical Commission~~ Planning Commission shall review the historic district or historic district contributor designation application at a regularly scheduled public meeting and provide a recommendation to the City Council regarding the designation of the historic district or historic district contributor, pursuant to the criteria established in this Chapter. The City Council will act regarding the designation of a historic district or historic district contributor.

Designation of a historic district requires the consent of a minimum of fifty-one percent (51%) of all property owners located within the boundaries of the historic district. In determining the boundaries of the historic district, the City Council will exclude property owners that have expressed a preference to opt out of the historic district.

Designation of a historic district contributor as part of a historic district requires owner consent.

23. San Leandro Municipal Code section 4-26-1015 is amended to read as follows:

4-26-1015 PROCEDURES TO RESCIND A CITY LANDMARK DESIGNATION.

The ~~Library Historical Commission~~ Planning Commission shall review the request and evidence presented by the property owner, and will provide recommendations to the City Council regarding a course of action.

The City Council may approve or deny the request to rescind a city landmark designation.

24. San Leandro Municipal Code section 4-26-1020 is amended to read as follows:

4-26-1020 PROCEDURES TO RESCIND A CITY LANDMARK DESIGNATION.

The ~~Library Historical Commission~~ Planning Commission shall review the request and evidence presented by the property owner, and may approve or deny the request to rescind a merit resource designation.

25. San Leandro Municipal Code section 4-26-1025 is amended to read as follows:

4-26-1025 PROCEDURES TO AMEND OR RESCIND A HISTORIC DISTRICT OR HISTORIC DISTRICT CONTRIBUTOR DESIGNATION.

The ~~Library Historical Commission~~ Planning Commission shall review the request and evidence presented by the property owner(s), and will provide recommendations to the City Council regarding a course of action.

The City Council may approve or deny the request to amend or rescind the designation of a historic district or historic district contributor.

26. San Leandro Municipal Code section 4-26-1100 is amended to read as follows:

4-26-1100 EXTERIOR ALTERATIONS TO A DESIGNATED HISTORIC RESOURCE.

No person shall alter the exterior of a designated historic resource unless a certificate of approval has been issued in accordance with this Chapter. Nothing in this Chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any designated historic resource that does not involve a change in the character-defining features of the designated resource.

Proposed exterior alterations to a designated historic resource that would normally require a building permit are subject to review and approval by the ~~Library Historical Commission~~ Planning Commission based on compliance with “The Secretary of the Interior’s Standards for the Treatment of Historic Properties,” and any applicable design guidelines, conservation plans or specific neighborhood plans that may be adopted by the City.

27. San Leandro Municipal Code section 4-26-1105 is amended to read as follows:

Upon review of the proposed alteration by the Commission or Commission Secretary, the ~~Library Historical Commission~~ Planning Commission shall provide recommendations to the City Council on a course of action regarding the full approval, denial or approval with specified changes to the proposed alteration.

If, after a public hearing, the City Council finds that the project meets “The Secretary of the Interior’s Standards for the Treatment of Historic Properties,” and any applicable design

guidelines, conservation plans or specific neighborhood plans that may be adopted by the City, the Council shall issue a certificate of approval for the proposed alteration.

28. San Leandro Municipal Code section 4-26-1110 is amended to read as follows:

4-26-1110 EXTERIOR ALTERATIONS TO A DESIGNATED MERIT RESOURCE.

Upon review of the proposed alteration, the Commission Secretary may elect to issue a certificate of approval for said alterations without any action from the Commission, or submit said alterations for review and approval by the ~~Library-Historical-Commission~~ Planning Commission.

If, after a public hearing, the ~~Library-Historical-Commission~~ Planning Commission finds that the project meets “The Secretary of the Interior’s Standards for the Treatment of Historic Properties,” and any applicable design guidelines, conservation plans or specific neighborhood plans that may be adopted by the City, the Commission shall issue a certificate of approval for the proposed alteration.

29. San Leandro Municipal Code section 4-26-1115 is amended to read as follows:

4-26-1115 EXTERIOR ALTERATIONS TO A DESIGNATED HISTORIC DISTRICT CONTRIBUTOR.

Upon review of the proposed alteration, the Commission Secretary may elect to issue a certificate of approval for said alterations without any action from the Commission, or submit said alterations for review and approval by the ~~Library-Historical-Commission~~ Planning Commission.

If, after a public hearing, the ~~Library-Historical-Commission~~ Planning Commission finds that the project meets “The Secretary of the Interior’s Standards for the Treatment of Historic Properties,” and any applicable design guidelines, conservation plans, or specific neighborhood plans that may be adopted by the City, the Commission shall issue a certificate of approval for the proposed alteration.

30. San Leandro Municipal Code section 4-26-1200 is amended to read as follows:

4-26-1200 DEMOLITION, DESTRUCTION OR REMOVAL OF A DESIGNATED HISTORIC RESOURCE.

The ~~Library-Historical-Commission~~ Planning Commission may explore and recommend to the City Council alternatives to the demolition of designated historic resources, including but not limited to, consultation with civic groups, public agencies and interested citizens; appropriate acquisition of the property by public or private bodies or agencies; and relocation possibilities.

No person shall initiate the demolition, destruction or removal of a designated historic resource without a certificate of approval issued by the City Council.

Requests for the demolition, destruction or removal of a designated city landmark, merit resource, historic district or historic district contributor shall be submitted to the Commission Secretary.

The ~~Library Historical Commission~~ Planning Commission shall review the request presented by the property owner at a regularly scheduled public hearing, and shall provide recommendations to the City Council regarding a course of action.

The City Council may approve or deny any request to demolish, destruct or remove a designated historic resource.

31. San Leandro Municipal Code section 4-26-1300 is amended to read as follows:

4-26-1300 RELOCATION OF A DESIGNATED HISTORIC RESOURCE.

Relocating a designated historic resource may be an acceptable alternative to demolition if the City Council or ~~Library Historical Commission~~ Planning Commission can find that the relocation is compatible with the original character and use of the historic resource.

Requests for relocation of a designated historic resource shall be submitted to the Commission Secretary.

No designated historic resource shall be relocated without a certificate of approval issued by the City Council or ~~Library Historical Commission~~ Planning Commission.

32. San Leandro Municipal Code section 4-26-1305 is amended to read as follows:

4-26-1305 RELOCATION OF A DESIGNATED CITY LANDMARK.

The ~~Library Historical Commission~~ Planning Commission shall review the request for relocation at a regularly scheduled public meeting, and provide recommendations to the City Council regarding a course of action.

The City Council may approve, deny or approve the relocation request with specified changes.

33. San Leandro Municipal Code section 4-26-1310 is amended to read as follows:

4-26-1310 RELOCATION OF A DESIGNATED MERIT RESOURCE.

The ~~Library Historical Commission~~ Planning Commission shall review the request for relocation at a regularly scheduled public meeting.

The Commission may approve, deny or approve the relocation request with specified changes.

34. San Leandro Municipal Code section 4-26-1315 is amended to read as follows:

4-26-1315 RELOCATION OF A DESIGNATED HISTORIC DISTRICT CONTRIBUTOR. The ~~Library Historical Commission~~ Planning Commission shall review the request for relocation at a regularly scheduled public meeting, and provide recommendations to the City Council regarding a course of action.

The City Council may approve, deny or approve the relocation request with specified changes.

35. The title of Article 14 of Chapter 4-26 of Title 4 of the San Leandro Municipal Code is amended to read as follows:

ARTICLE 14. PROJECT REFERRALS TO THE ~~LIBRARY-HISTORICAL COMMISSION~~ PLANNING COMMISSION

36. San Leandro Municipal Code section 4-26-1400 is amended to read as follows:

4-26-1400 PROJECT REFERRALS TO THE ~~LIBRARY-HISTORICAL COMMISSION~~ PLANNING COMMISSION.

The ~~Library Historical Commission~~ Planning Commission shall have a sixty (60) day period beginning from the date upon which the matter was first agendized for Commission consideration to review and make recommendations on any project referred to the Commission by the ~~Planning Commission~~, Board of Zoning Adjustments, Site Development Sub-Commission, Zoning Enforcement Official or Chief Building Official.

37. San Leandro Municipal Code section 4-26-1405 is amended to read as follows:

4-26-1405 AUTOMATIC PROJECT REFERRAL TO THE ~~LIBRARY-HISTORICAL COMMISSION~~ PLANNING COMMISSION.

A proposed construction project that requires discretionary review and approval by the Planning Commission, Board of Zoning Adjustments, Site Development Sub-Commission or Zoning Enforcement Official, as defined in the Zoning Code, shall be referred by City Staff to the ~~Library Historical Commission~~ Planning Commission for review and comment under the following circumstances:

- (a) The construction project is located within three hundred (300) feet of a designated city landmark or historic district and could significantly affect the historic integrity of the subject resource; or
- (b) The construction project involves a potentially significant historic resource that would be demolished, relocated or significantly altered, and said resource potentially meets the criteria for designation in Section 4-26-600.

38. San Leandro Municipal Code section 4-26-1410 is amended to read as follows:

4-26-1410 POTENTIAL PROJECT REFERRAL TO THE ~~LIBRARY-HISTORICAL COMMISSION~~ PLANNING COMMISSION.

A proposed construction project that requires discretionary review and approval by the Planning Commission, Board of Zoning Adjustments, Site Development Sub-Commission or Zoning Enforcement Official, as defined in the Zoning Code, may be referred by City Staff to the ~~Library-Historical Commission~~ Planning Commission for review and comment if it is located beyond three hundred (300) feet of a designated city landmark or historic district and could potentially impact the integrity of the resource.

A proposed demolition project that requires discretionary review by the Chief Building Official as defined in the City of San Leandro Building Code may be referred to the ~~Library-Historical Commission~~ Planning Commission for review and comment.

39. San Leandro Municipal Code section 4-26-1800 is amended to read as follows:

4-26-1800 HARDSHIP.

The ~~Library-Historical Commission~~ Planning Commission shall develop guidelines for determining what factual circumstances shall constitute a hardship for purposes of this Chapter.

The ~~Library-Historical Commission~~ Planning Commission or City Council may, at their discretion, approve a project proposal involving a designated historic resource that does not otherwise qualify for a certificate of approval. The ~~Library-Historical Commission~~ Planning Commission or Council must find that failure to issue a certificate of approval will result in immediate and substantial hardship.

The decision-making body that would normally review and act upon a certificate of approval request for a designated historic resource shall also review and act upon all requests for a hardship exception for that resource.

40. San Leandro Municipal Code section 4-26-1900 is amended to read as follows:

4-26-1900 HISTORIC PRESERVATION INCENTIVES.

The ~~Library-Historical Commission~~ The Planning Division of the Community Development Department shall ~~may~~ develop and maintain an incentive program, ~~to be approved by the City Council,~~ that will be available to property owners of designated historic properties to encourage historic preservation, and investment, improvement and maintenance of historic properties.

41. San Leandro Municipal Code section 4-26-2100 is amended to read as follows:

4-26-2100 APPEALS OF ACTIONS REGARDING HISTORIC RESOURCES.

Decisions of the ~~Library-Historical Commission~~ Planning Commission Secretary, ~~who shall be the Community Development Director or their designee,~~ may be appealed to the ~~Library-Historical Commission~~ Planning Commission. Such appeals shall be filed with the ~~Library Services~~ Community Development Director within fifteen (15) days of the date of the decision.

Decisions of the ~~Library-Historical Commission~~ Planning Commission may be appealed to the City Council. Such appeals shall be filed with the City Clerk within fifteen (15) days of the date of the decision.

An appeal shall be scheduled before the appellate body for a decision within forty-five (45) days of the City's receipt of the appeal, unless both applicant and appellant consent to a later date.

Appealed items shall be noticed in a manner required for the item being appealed as prescribed in Section 4-26-400.

Any proposal regarding a designated historic resource, or potentially eligible historic resource that is denied by the ~~Library-Historical Commission~~ Planning Commission, the Commission Secretary or the City Council may be presented for a new decision after:

- (a) New information is presented regarding the resource;
- (b) The proposed project has changed significantly from that originally presented; or
- (c) Two (2) years have passed since the original presentation date.

42. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article, including its application to other persons or circumstances. The City Council hereby declares that it would have adopted this article and each and every section, subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

43. Effective Date

This ordinance shall take effect ~~thirty (30) days after adoption~~ January 1, 2023. 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 _____ and passed to print on the 21st day of November 2022 by the following called vote:

Members of the Council:

AYES: (0)

NOES: (0)

ABSENT: (0)

ATTEST: _____
Kelly B. Clancy, Acting City Clerk