

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO APPROVE REALLOCATION OF FUNDS FOR A BUSINESS FACILITIES GRANT PROGRAM AND TO TERMINATE THE DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SAN LEANDRO SUSPENDING ENFORCEMENT OF CERTAIN PROVISIONS IN LAND USE PERMITS AND APPROVALS AND ZONING AND ENCROACHMENT REQUIREMENTS IN THE SAN LEANDRO MUNICIPAL AND ZONING CODES RELATED TO THE COVID-19 RELIEF TEMPORARY OUTDOOR FACILITIES PROGRAM

WHEREAS, on March 16, 2020, the City Council of the City of San Leandro (City) ratified the Director of the Emergency Services' Proclamation of Local Emergency due to the outbreak of a novel coronavirus in the City; and

WHEREAS, pursuant to California Government Code Section 8634 and San Leandro Municipal Code Section 3-4-130(a), the Director of Emergency Services is empowered upon the proclamation of a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, during the initial months of the COVID-19 pandemic, indoor dining at restaurants was prohibited or significantly limited, and public health officials strongly recommend prioritizing outdoor seating and curbside pickup to minimize cross flow of customers in enclosed environments; and

WHEREAS, provisions in land use permits and planning approvals issued by the City and/or provisions in the San Leandro Zoning Code prohibit the use of adjacent outdoor private property for the purposes of conducting business activities without the City's authorization; and

WHEREAS, Title 5 of the San Leandro Municipal Code prohibits encroachments into the public right-of-way or other public property without first obtaining an encroachment permit from the City through specified application processes; and

WHEREAS, in order to ensure compliance, businesses could comply with the then applicable health orders and guidance and could continue to operate during the COVID-19 Pandemic, the Director of Emergency Services issued a declaration on June 17, 2020, suspending enforcement of certain provisions in land use permits and approvals as well as zoning and encroachment requirements in the San Leandro Zoning and Municipal Codes (as previously amended, the "Declaration," and

WHEREAS, the Declaration was subsequently confirmed by the City Council; and

WHEREAS, the Declaration was not intended to provide permanent authorization for businesses to operate in violation of permits or the requirements of the San Leandro Zoning or Municipal Codes but rather to provide temporary flexibility to businesses; and

WHEREAS, the City Council desires to terminate the Declaration and require all businesses to comply with applicable requirements of permits, as well as the San Leandro Zoning and Municipal Codes; and

WHEREAS, the City Council desires to provide a period for businesses operating in accordance with the Declaration to modify operations or obtain necessary permits; and

WHEREAS, the transition period will ensure that businesses continue to operate in a safe manner while minimizing disruptions to their operations; and

WHEREAS, the City Council previously allocated a portion of the City’s American Rescue Plan Act (“ARPA”) funds for recovery grants to help small businesses pay past-due rent; and

WHEREAS, the City Council desires to reallocate remaining Commercial Relief Grant funds, in the amount of approximately Three Hundred Seventy Seven Thousand Eight Hundred Sixty Dollars (\$377,860) of such funds for grants to help small businesses pay for improvements necessary to facilitate outdoor dining and other facility improvements.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** that the above recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the Declaration of the Director of Emergency Services of the City of San Leandro Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Encroachment Requirements in the San Leandro Municipal Code, issued by the Director of Emergency Services on June 17, 2020, as subsequently amended, is hereby terminated.

BE IT FURTHER RESOLVED by the City Council that businesses with facilities established in accordance with the June 17, 2020 Declaration shall have until April 30, 2023, to either remove such facilities, bring them into compliance with applicable law, or submit a complete application for any necessary permits.

BE IT FURTHER RESOLVED by the City Council that funds previously allocated for business recovery grants, in the amount of approximately Three Hundred Seventy Seven Thousand Eight Hundred Sixty Dollars (\$377,860) are reallocated to new programs to provide grants to small businesses to cover the cost of improvements necessary to facilitate outdoor dining and other facility improvements.

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to take such action as is necessary to carry out the purpose and intent of this Resolution.

Introduced by _____ and passed and adopted this 17th day of October 2022, by the following vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST:

Kelly B. Clancy, Acting City Clerk