



## Legislation Text

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**File #:** 20-299, **Version:** 1

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RESOLUTION of the City of San Leandro City Council Confirming the Declaration of the City of San Leandro Director of Emergency Services Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Encroachment Requirements in the San Leandro Municipal and Zoning Codes

**WHEREAS**, on March 16, 2020, the City Council of the City of San Leandro (“City”) ratified the Director of Emergency Service’s 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**, on March 16, 2020 the Health Officer of Alameda County issued an Order directing all individuals to shelter in place and requiring essential businesses to implement Social Distancing Protocols; and

**WHEREAS**, on June 5, 2020, the Health Officer of Alameda County issued a further Order effective June 8, 2020, continuing the Social Distancing Protocol but allowing certain additional businesses, recreational, social, and cultural activities to resume and requiring that all businesses and organizations allowed to operate develop and comply with a Site Specific Protection Plan; and

**WHEREAS**, on June 18, 2020 the Health Officer of Alameda County revised the June 5, 2020 Order, effective June 19, 2020, to allow outdoor museums, outdoor restaurant dining, religious services, indoor/outdoor retail, and outdoor fitness classes to reopen, subject to continuance of Social Distancing Protocol and compliance with a Site Specific Protection Plan; 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**, to ensure compliance with the Alameda County Department of Public Health Social Distancing Protocol, businesses need additional outdoor areas to serve customers and allow customers to queue while waiting to enter the business premises; and

**WHEREAS**, under conditions of the emergency and in the interest of public health and safety, it is deemed necessary to suspend enforcement of certain provisions in land use permits and planning approvals issued by the City and certain provisions in the San Leandro Zoning Code and Municipal Code; and

**WHEREAS**, life and property are deemed to be in peril and speed of implementation is of the essence.

**NOW, THEREFORE THE CITY OF SAN LEANDRO CITY COUNCIL RESOLVES** that the above recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED** by the City Council that it is hereby proclaimed and ordered 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 including all Exhibits, is hereby confirmed.

**BE IT FURTHER RESOLVED by the City Council that:**

1. The Declaration of the Director of Emergency Services of the City of San Leandro establishes appropriate regulations to address the suspension of enforcement of certain provisions in land use permits, approvals and zoning requirements, and encroachment requirements while balancing public safety.

2. The Declaration of the Director of Emergency Services of the City of San Leandro will not be detrimental to the public interest, health, safety, or welfare of the City.

3. The Declaration of the Director of Emergency Services of the City of San Leandro conforms with the relevant and applicable provisions of the California Government Code and the San Leandro Municipal Code authorizing the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property.

4. Following adoption of the Declaration of the Director of Emergency Services of the City of San Leandro, Exhibits A and B shall be combined into a single "final" Declaration of the Director of Emergency Services of the City of San Leandro document.

5. During the existence of the declared local emergency, the powers, functions, and duties of the City Manager, acting as Director of Emergency Services, and the emergency organization of this City shall be those prescribed by State law and by ordinances and resolutions of the City of San Leandro.