



## Legislation Text

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**File #:** 16-346, **Version:** 1

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Staff Report for a Resolution Authorizing the City Manager to Approve a Memorandum Of Understanding (MOU) with the San Leandro Improvement Association (SLIA) for the Placement of Items in the Public Right-Of-Way.

### **SUMMARY AND RECOMMENDATIONS**

This Memorandum of Understanding between the City of San Leandro and the San Leandro Improvement Association would memorialize the responsibilities, terms and conditions for placement of items in City-owned public right-of-way or on City-owned properties for the purposes of activating, programming, and beautifying Downtown San Leandro.

### **BACKGROUND**

Title 2, Chapter 2-20 of the San Leandro Municipal Code authorized the City to establish a Community Benefit District (CBD) in the City based on the Property and Business Improvement Law of 1994 (California Streets and Highways Code sections 36600 et seq.), which sets forth the regulations for establishing a property-based benefit assessment district. On May 20, 2013, the City Council adopted a Resolution of Intention (Resolution No. 2013-067) to establish the Downtown Community Benefit District (CBD) as a result of the Steering Committee having received petitions representing over 30% of the weighted assessment within the proposed boundaries of the District and further directed staff to proceed to the balloting process necessary to determine whether the requisite 50% of the weighted ballots of property owners within the proposed CBD supported its establishment. Based on the weighted majority support for the establishment of the Downtown CBD, the City Council approved the formation of the CBD on July 15, 2013.

Later in 2013, the San Leandro Improvement Association (SLIA) was formally incorporated as the management corporation for the CBD. SLIA was subsequently recognized as a tax-exempt non-profit by the State of California and the Internal Revenue Service.

### **Analysis**

The City and SLIA recognize a shared interest in activating, programming, and beautifying Downtown San Leandro. Recent steps have already been taken by SLIA to make the Downtown area more pedestrian-friendly by installing planters on E. 14<sup>th</sup> Street and patio furniture and umbrellas in public plazas. SLIA also employs a maintenance crew to keep the Downtown area clean and inviting. This MOU enables SLIA to place or install items on City-owned properties, such as sidewalks, plazas and parks without the need to make a formal application for a City encroachment permit, or pay City encroachment fees for each proposed activity, unless the City deems that the proposed activity is not covered by this MOU or requires a higher level of review.

The intent of this policy is to streamline the process so that SLIA can expand its efforts with minimal

disruption, while still supporting the City's responsibility to review projects under applicable regulations and safety requirements. A process by which SLIA provides information on, and the City approves, proposed projects and encroachments is outlined in the MOU. Feedback on the Draft MOU was provided by the Public Works, Engineering, and Finance Departments.

### **Previous Actions**

- Formation of the San Leandro Benefit District (Resolution No. 2013-102)
- Approval of the Community Benefit District 2013 Management District Plan

### **Legal Analysis**

The MOU was reviewed by the City Attorney and is approved as to form.

### **Fiscal Impacts**

There is no fiscal impact as a result of this MOU.

### **ATTACHMENT(S)**

#### **Attachment(s) to Related Legislative File**

- MOU between SLIA and the City of San Leandro for the Placement of Items in the Public Right-of-Way

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