



City of San Leandro

Meeting Date: May 1, 2017

Ordinance

File Number: 17-167 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.H.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: An ORDINANCE Amending Chapter 5-1 of the San Leandro Municipal Code to Establish Parklets

WHEREAS, the quality of life and wellness of residents and visitors is declared by the City Council to be in the public interest; and

WHEREAS, public interest and the City are best served when strategies for economic vitality, complete streets and neighborhood engagement are aligned; and

WHEREAS, in cities such as San Francisco and Oakland, parklets, plazas, and seating areas have been created in the parking lanes of the public right-of-way by interested neighborhood groups and businesses that sponsor and maintain the installations with oversight by city staff; and

WHEREAS, a parklet program would temporarily reclaim parking lanes of city streets and turn them into new public parklets, plazas, and seating areas. Through this process streets are converted into inviting and pedestrian-friendly public spaces for people to sit, relax and enjoy the atmosphere of the neighborhood around them; and

WHEREAS, a program has been presented and the City Council is familiar with the contents thereof and declares that a two year, two permit pilot program should begin immediately; and

WHEREAS, the City Manager recommends approval of said pilot program.

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

SECTION 1. Recitals. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. Environmental Review. This program is categorically exempt pursuant to subsection (c) of section 15301 of the California Environmental Quality Act Guidelines.

SECTION 3. Amendments to the Municipal Code.

1. Title I, Chapter 1-3, Article 10, Section 1-3-1005(c) of the City of San Leandro Municipal Code is hereby amended to read as follows:

(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;

2. Title 5, Chapter 5-1, Article 1., Section 5-1-100(d) of the City of San Leandro Municipal Code is hereby amended to read as follows:

(d) PUBLIC WORKS DIRECTOR. "Public Works Director" shall mean the San Leandro Public Works Director, Engineering & Transportation Director or designee.

3. Title 5, Chapter 5-1, Article 6., Section 5-1-650 of the City of San Leandro Municipal Code is hereby amended in its entirety to read as follows:

5-1-650 PARKLETS

Parklets shall be temporary spaces in the public right-of-way for the use of the general public that are privately constructed and maintained according to permits issued by the City that in addition to such requirements of the San Leandro Municipal Code also shall meet the requirements in Title 8, Chapter 13 of the San Leandro Administrative Code.

- (a) Parklets shall remain publicly accessible with signage to this effect.
- (b) Table service is not permitted and neither alcohol nor smoking are allowed at a Parklet.
- (c) Commercial signage and advertising are not permitted on Parklets.

4. Title 5, Chapter 5-1, Article 6, Section 5-1-655 of the City of San Leandro Municipal Code is hereby added to read as follows:

5-1-655 ENFORCEMENT

The Public Works Director is designated as the enforcement authority for purposes of enforcing the provisions of this Chapter.

SECTION 4. Severability

That if any section, subsection, sentence, clause or phrase of this legislation for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. Publication and Effective Date This ordinance shall take effect thirty (30) days after adoption. 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.