



City of San Leandro

Meeting Date: September 4, 2018

Staff Report

File Number: 18-386

Agenda Section: ACTION ITEMS

Agenda Number: 10.A.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: Staff Report to Extend to One Year An Urgency Ordinance that Places a Temporary Moratorium on Non-Hosted Short-Term Rentals Land Uses

SUMMARY AND RECOMMENDATION

Staff recommends the City Council approve a time extension of the initial 45-day temporary urgency ordinance establishing a moratorium on non-hosted short-term rentals land uses for up to ten months and fifteen days for a total of one year from the date of inception.

BACKGROUND AND DISCUSSION

To provide an opportunity to further examine and address issues related to short-term rentals, the City Council unanimously approved an urgency ordinance on July 23, 2018, which placed a temporary moratorium on non-hosted short-term rental land uses. The ordinance reinforces the City's current prohibitions and provides a more clear enforcement tool until permanent regulations can be established and implemented. State law provides an initial forty-five (45) day effective period for temporary urgency ordinances unless a further extension of time is later approved. Staff is requesting that the City Council adopt an Ordinance to extend the time period of the moratorium up to ten months and fifteen days for a total of one year from its initial effective date, ending July 22, 2019. Staff will utilize this period to conduct public outreach and develop for City Council review and approval new draft short-term rental regulations.

Relevant Definitions

A "short-term rental" is the rental of a residential dwelling unit (or portion thereof) to paying occupants on a short-term basis. Short-term rentals can vary from the rental of a single bedroom or common area to an entire home or apartment. The duration of occupancy may also vary, but short-term rentals are generally defined as the rental of any property or portion thereof for less than 30 days. Short-term rentals are typically advertised and booked online through various short-term rental listing services or rental agencies. The property owner is responsible for the

operation, safety, and remittance of transit occupancy taxes (TOT).

There are two different types of short-term rentals. A “hosted” short-term rental is one where the host or owner is domiciled in the home while it is being rented, such as with the rental of an individual bedroom. A “non-hosted” short-term rental is one where the host or owner is not domiciled in the home and the entire house or apartment unit is rented out, such as with a vacation home rental. These differ from a “Bed and Breakfast,” which is defined and regulated in the City’s Zoning Code as a single or multifamily dwelling converted into a formal lodging business having six or fewer rooms. Hosted and non-hosted short-term rentals tend to be clearly differentiated on short-term rental websites, as renters want to know if they are renting the “entire home” or just a portion thereof.

Analysis

Extending the current moratorium on non-hosted short-term rentals for up to an additional ten months and fifteen days to one year in total will provide staff, the community, and the City Council adequate time to address the issue. Staff will use this time period to conduct further public outreach and garner feedback to help develop policies leading towards City Council review and approval of a new short-term rentals ordinance.

Timeframe

The process will begin with a community meeting to be held in the Karp Room of the San Leandro Public Library on September 24, 2018 at 6 pm to discuss issues and receive feedback regarding short-term rentals. A public survey will be presented at the community meeting and made available during the following weeks thereafter, provided in print and with multilingual options. Staff will then return to City Council for a follow-up work session to present the results sometime in late November or December with the goal of having a draft short-term rentals ordinance ready for adoption early next year.

Summary of Moratorium

During the effective period of the temporary urgency ordinance, any residential property owner in the City of San Leandro whose domicile is not at the San Leandro property that he or she owns and intends to rent is prohibited from renting the residential property, or having an intermediary rent the property, for a term of less than 30 days.

The California Constitution vests the City with the power to impose a moratorium on non-hosted short-term rentals to protect the public health, safety, and welfare of its citizens, and to regulate zoning. The California Government Code enables the City, through passage of an urgency ordinance, to immediately protect and preserve the public peace, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or planning department is considering.

Previous Actions

Ordinance 2017-003 on March 17, 2017 prohibits Accessory Dwelling Units (ADUs) from being used for short-term rentals. The City Council held a work session on July 23, 2018 regarding the urgency ordinance, and a first reading of a Loud and Unruly Gathering Ordinance. Prior to the most recent special meeting of the City Council on July 23, 2018 during which the current urgency ordinance was adopted, the City Council held a work session to discuss the issue of short-term rentals on November 13, 2017.

Applicable General Plan Policies

Land Use 1.9 - Multi-Family Housing Upkeep. Maintain and enforce high standards of property upkeep for existing and new multi-family rental housing development.

Land Use 1.9.B - Maintenance of Rental Properties. Pursue ordinance revisions and incentives to ensure that landlords are held accountable for the appearance, maintenance, and safety of rental properties, including yard areas and structures.

Land Use 3.10 - Market Rate Housing. Encourage the provision of a significant amount of market-rate ownership and rental housing as part of an effort to maintain and diversify the City's economic base.

Economic Development 5.9 - Hospitality. Expand the hospitality sector in San Leandro, including hotels and visitor services such as conference and meeting facilities.

Housing Policy 56.10 - Efficient Use of Housing Stock. Support programs that encourage the more efficient use of existing single-family homes, for instance, roommate matching and shared housing programs. This could also include opportunities for local homeowners to rent out rooms in their homes for short-term stays, thereby providing an extra source of income which makes their own housing more affordable.

Housing Policy 56.11 - Second Units. Recognize second units as an essential part of the City's housing stock and a resource for lower income households, students and young adults, seniors, extended families and small households. Second units established prior to the adoption of the 1961 zoning code should be recognized as legal dwelling units and measures to legalize unregistered units developed after 1961 should be explored.

Housing Policy 59.01 - Zoning Regulations. Ensure that the development standards, use restrictions, parking requirements, and other regulations contained in the San Leandro Zoning Code enable the production of housing for all income groups. Overly restrictive or redundant requirements should be strongly discouraged.

Environmental Review

A time extension of an interim ordinance is not a "project" within the meaning of section 15378 of the State CEQA Guidelines, because it has no potential for resulting in a direct or reasonably

foreseeable indirect physical change in the environment. Furthermore, a time extension of an interim ordinance is categorically exempt from CEQA under CEQA Guidelines section 15308 because it is a regulatory action taken by the City, in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending consideration of further amendments to the City's municipal codes, including its Zoning Code.

Legal Analysis

The City Attorney's Office drafted the urgency ordinance establishing the land use moratorium.

Related Legislative Files:

- Original Urgency Ordinance Establishing Moratorium on Non-Hosted Short-term Rentals of Residential Properties (18-368)
- Short-Term Rentals Study Session (17-616)
- Proposed Extension of an Urgency Ordinance Establishing Moratorium on Non-Hosted Short-Term Rentals of Residential Properties (18-413)

ATTACHMENT(S)

- Staff Report and Attachments from the July 23, 2018 City Council Short-term Rentals Work Session (18-322)

PREPARED BY:

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Richard D. Pio Roda,
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Legislation Text

File #: 18-322, **Version:** 1

Staff Report for City Council Discussion of Short Term Rental Regulations and Consideration of 1) an Urgency Ordinance to Establish a Temporary Moratorium on Non-Hosted Short Term Rentals Land Uses; and 2) First Reading of a Regular Ordinance to Address Unruly Gatherings

SUMMARY

Staff recommends that the City Council consider and adopt two items: 1) An urgency ordinance to establish a temporary moratorium that prohibits non-hosted short term rentals land uses; and 2) a regular ordinance to address unruly gatherings. Staff also seeks direction from the City Council on parameters of a future policy to regulate short term rentals.

BACKGROUND AND DISCUSSION

San Leandro's Zoning Code does not define, enable or permit short term rentals of any kind and there are no enforcement provisions specific to short term rentals in the Municipal Code. This lack of specificity currently limits the City's enforcement efforts on short term rentals as a land use, and focuses instead on the related symptomatic or incidental problems, such as responding to noise complaints or the conduct of other unpermitted activities. It is also difficult to determine if and when a given private residence is being used as a short term rental.

The issue of short term rentals as a land use has evolved since the prior City Council work session held on November 13, 2017 (staff report attached). Since that time, the number of complaints filed by residents regarding short term rentals has increased and the number and nature of identified short term rental listings has become more egregious.

Short term rentals are currently prohibited under San Leandro's Zoning Code. However, staff has become aware of a number of online listings being posted in a manner to evade enforcement, such as not identifying a specific address or using languages other than English. The City has also been made aware of short term rental listed properties offering nightly lodging for up to 40 persons in a given single family residence. It is not legally possible for City staff to enter a private residence, without a judicially approved search warrant, to verify the number of inhabitants and enforce an occupancy limitation.

To address these problems, staff recommends that the City Council consider an urgency ordinance to adopt a temporary moratorium on non-hosted short term rental land uses to reinforce the City's current prohibitions and provide a more effective enforcement tool until permanent regulations can be established and implemented. Staff recommends that the proposed land use moratorium should be limited to prohibiting non-hosted short term rentals.

This would be because 1) most complaints received by the City involve non-hosted short term rental properties 2) a hosted short term rental has a responsible party or owner present and 3) because

some City Council members previously suggested support for permitting limited hosted short term rentals.

In addition to the proposed moratorium, staff recommends that the City Council consider adoption of a regular “Unruly Gatherings Ordinance.” This ordinance, which addresses parties or gatherings on private property that create a substantial disturbance due to unlawful, noisy, or disruptive behavior, was previously discussed at the prior November 13, 2017 short term rentals work session. The Council has the option of considering adoption of the proposed “Unruly Gatherings Ordinance” with a first reading.

Relevant Definitions

A “short-term rental” is the rental of a residential dwelling unit (or portion thereof) to paying occupants on a short-term basis. Short-term rentals can vary from the rental of a single bedroom or common area to an entire home or apartment. The duration of occupancy may also vary, but short-term rentals are generally defined as the rental of any property or portion thereof for less than 30 days. Short-term rentals are typically advertised and booked online through various short term rental listing services or rental agencies. The property owner is responsible for the operation, safety, and remittance of transit occupancy taxes (TOT).

There are two different types of short-term rentals. A “hosted” short-term rental is one where the host or owner is present in the home while it is being rented, such as with the rental of an individual bedroom. A “non-hosted” short-term rental is one where the host or owner is not present and the entire house or apartment unit is rented out, such as with a vacation home rental. These differ from a “Bed and Breakfast,” which is defined and regulated in the City’s Zoning Code as a single or multifamily dwelling converted into a formal lodging business having six or fewer rooms.

ANALYSIS

Need for Urgency Ordinance to Establish a Land Use Moratorium on Short Term Rental Land Uses

The City’s Zoning Code does not expressly allow short-term rental land uses, but short-term rentals are currently taking place within the City. The unregulated expansion of short-term rentals would undermine the City’s achievement of its long-term planning goals and investments. The City Council has received complaints and numerous public comments at its regular meetings indicating that the proliferation of non-hosted short-term rentals within the City adversely affects the quality of life and the character of the City’s residential neighborhoods. In addition, short-term rentals pose challenges for enforcement and tax collection because precise information on their locations, availability, revenues earned, and actual occupancy rates are difficult to obtain. In brief, short-term rentals pose an immediate threat to public health, safety, and welfare.

The City has an overriding interest in planning and regulating the use of property within the City because without stable, well-planned neighborhoods, the quality of life and the character of the City’s neighborhoods can quickly deteriorate and suffer adverse social, environmental, and economic conditions. A moratorium on non-hosted short-term rentals would allow time for the City to revise its zoning code to provide for regulation of non-hosted short-term rentals in a manner that protects public health, safety, and welfare.

Summary of Moratorium

The proposed moratorium on short-term rentals provides that any residential property owner in the City of San Leandro whose place of residence is not at the San Leandro property that he or she owns and intends to rent will be prohibited from renting the residential property, or having an intermediary rent the property, for a term of less than 30 days.

The California Constitution vests the City with the authority to impose a moratorium on non-hosted short-term rentals to protect the health, safety, and welfare of its citizens, and to regulate zoning. In addition, the California Government Code enables the City to immediately protect and preserve the public peace, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or planning department is considering. Therefore, the City can impose a moratorium provided it can demonstrate the need for it.

Enforcement During Moratorium

During the temporary moratorium, City Code Enforcement staff would take the following steps, as per the Community Compliance Program established in the Municipal Code, to enforce against owners who violate the proposed moratorium:

Step 1: Courtesy Notice

Step 2: Notice of Violation (14 days after Step 1)

Step 2: Administrative Citation with \$150 fine (14 days after Step 2)

Step 4: Administrative Citation with \$300 fine (14 days after Step 3)

Step 5: Administrative Citation with \$600 fine (14 days after Step 4)

Step 6: Judicial Order to Abate (at least 1 or more weeks to prepare the order and have a judge approve it)

As shown above, enforcement will take time, as the City must comply and follow the notification procedures outlined above. If the violation becomes more complex (e.g., host status is unclear, clear documentation of short-term rental listings are unavailable, etc.) and City staff requires more time to investigate, then the enforcement process could take longer than 3 months. Particularly egregious violations, which would involve violations that would be public nuisances, or pose an imminent or immediate danger of significant harm to persons or property could be subject to summary abatement. However, the timing of summary abatement is substantially similar to the code compliance timeline described above, in that it would involve the judicial process, including court procedures and hearings.

Unruly Gatherings Ordinance

Staff also recommends that the City Council consider a regular ordinance at first reading to address unruly gatherings on private property. This ordinance would consolidate for enforcement purposes certain behaviors associated with unruly gatherings on private property that have been the subject of numerous calls for service and complaints to the Police Department.

Unruly gatherings would be defined as follows: A gathering of twenty or more persons on private

property that results in conduct that causes a “substantial disturbance” of the quiet enjoyment of private or public property in a significant segment of a neighborhood or presents a threat to the health and safety of those in attendance, responding enforcement personnel, or occupants of immediately adjacent properties. For purposes of the ordinance only, conduct that causes a substantial disturbance would include, but would not be limited to a noise disturbance generating three or more complaints in any four hour period, obstruction of public streets or rights-of-way by people or vehicles, public drunkenness, unlawful possession of alcohol or drugs, serving alcohol to minors, fights, disturbances of the peace, urinating or defecating in public, setting off fireworks, vandalism, littering on public property or private property not belonging to the person responsible for the gathering, the observed presence of persons on rooftop areas not designed for occupancy, and throwing bottles or other objects or substances at law enforcement or any other person.

Persons responsible for the unruly gathering would be jointly and severally liable for any enforcement actions taken, which could include citations, all the way to misdemeanor enforcement. Such persons could be the property owner, the person responsible for the gathering, the parents or legal guardians of the person responsible if that person is a juvenile, and any person found violating the unruly gathering ordinance. There would be an exception if the property owner or person responsible for the unruly gathering had taken reasonable steps to request the uninvited guests or persons responsible for the offending behavior to leave, including making calls for service to the Police Department.

Previous Actions

Ordinance 2017-003 on March 17, 2017 codified the prohibition of short term rentals in Accessory Dwelling Units (ADUs). The City Council previously held a work session to discuss the issue of short term rentals on November 13, 2017. No consensus was reached and Council directed staff to return with the item for further discussion at a future meeting.

Applicable General Plan Policies

Land Use 1.9 - Multi-Family Housing Upkeep. Maintain and enforce high standards of property upkeep for existing and new multi-family rental housing development.

Land Use 1.9.B - Maintenance of Rental Properties. Pursue ordinance revisions and incentives to ensure that landlords are held accountable for the appearance, maintenance, and safety of rental properties, including yard areas and structures.

Land Use 3.10 - Market Rate Housing. Encourage the provision of a significant amount of market-rate ownership and rental housing as part of an effort to maintain and diversify the City’s economic base.

Economic Development 5.9 - Hospitality. Expand the hospitality sector in San Leandro, including hotels and visitor services such as conference and meeting facilities.

Housing Policy 56.10 - Efficient Use of Housing Stock. Support programs that encourage the more efficient use of existing single-family homes, for instance, roommate matching and shared housing programs. This could also include opportunities for local homeowners to rent out rooms in their homes for short-term stays, thereby providing an extra source of income which makes their own

housing more affordable.

Housing Policy 56.11 - Second Units. Recognize second units as an essential part of the City's housing stock and a resource for lower income households, students and young adults, seniors, extended families and small households. Second units established prior to the adoption of the 1961 zoning code should be recognized as legal dwelling units and measures to legalize unregistered units developed after 1961 should be explored.

Housing Policy 59.01 - Zoning Regulations. Ensure that the development standards, use restrictions, parking requirements, and other regulations contained in the San Leandro Zoning Code enable the production of housing for all income groups. Overly restrictive or redundant requirements should be strongly discouraged.

Legal Analysis

The City Attorney's Office drafted the urgency ordinance establishing the land use moratorium, and the unruly gatherings ordinance.

Fiscal Impacts

Short-term rentals are subject to a fourteen percent (14%) Uniform Transient Occupancy Tax as per Chapter 2-10 of the Municipal Code. A City business license and Transient Occupancy Registration Certificate would also be required of anyone operating a short-term rental business. Given the low number of listed properties, if the City opts to permit and regulate short term rentals, the amount of tax revenue generated is projected to be relatively small and not likely to recover the full cost of enforcement.

Related Legislative Files:

- Urgency Ordinance Establishing Moratorium on Non-Hosted Short Term Rentals of Residential Properties (18-368)
- Loud and Unruly Gatherings Ordinance (18-370)

Attachments:

- Staff Report and Attachments from November 13, 2017 City Council Short Term Rentals Work Session

PREPARED BY:

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City of San Leandro

Meeting Date: September 4, 2018

Urgency Ordinance

File Number: 18-413

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Jeff Kay
City Manager

BY: City Attorney,
Rich Pio Roda
City Attorney and
Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: An Interim ORDINANCE of the City Council for the City of San Leandro Adopted as an Urgency Measure, Making Findings and Extending a Temporary City-Wide Moratorium on Non-Hosted Short-Term Rentals of Residential Dwelling Units for a Period of Ten Months and Fifteen Days, to Become Effective Immediately.

WHEREAS, on July 23, 2018, the City Council adopted Ordinance 2018-015 imposing a temporary moratorium on non-hosted short-term rentals for a period of 45 days, which moratorium will expire on September 6, 2018 unless extended; and

WHEREAS, Government Code section 65858 authorizes an extension of the moratorium ordinance, after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan or zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable period of time; and

WHEREAS, the City of San Leandro ("City") has an overriding interest in planning and regulating the use of property within the City because without stable, well-planned neighborhoods, the quality of life and the character of the City can quickly deteriorate and suffer adverse social, environmental, and economic conditions;

WHEREAS, the City Council has heard public comment at its meetings indicating that the proliferation of non-hosted short-term rentals of residential dwelling units within the City adversely affects the quality of life and the character of the City's residential communities;

WHEREAS, City of San Leandro Ordinance 2018-015 provides that a "short-term rental" is the rental of a residential dwelling unit (or portion thereof) to paying occupants on a short-term basis that is generally less than 30 days. A "non-hosted" short term rental is one where the host

or owner is not domiciled at the dwelling unit and the dwelling unit is rented out to another party;

WHEREAS, as reflected in the findings of Ordinance 2018-15, the City Council finds that the failure to regulate non-hosted short-term rentals of residential dwelling units would pose a current and immediate threat to the public health, safety, and welfare of our residential communities by adversely affecting the quality of life and the character of the City's residential communities;

WHEREAS, short-term rentals pose unique challenges for enforcement and tax collection because precise information on their location, availability, cost, and actual occupancy rates are difficult to obtain;

WHEREAS, the City's Zoning Code has not expressly enabled short-term rentals;

WHEREAS, it is necessary for the City to consider revising the City's zoning ordinances to better regulate non-hosted short-term rentals of residential dwelling units in order to protect the quality of life and the character of the City's residential neighborhoods;

WHEREAS, the City proposes extending a moratorium on non-hosted short-term rentals of residential dwelling units to support achievement of the City's long-term planning goals by studying and publicly vetting new legislation related to non-hosted short term rentals of residential dwelling units, protecting the City's investments in its planning efforts, and avoidance of immediate threats to the public health, safety, and welfare;

WHEREAS, the California Constitution, Article XI, section 7, provides cities with the authority to enact ordinances to protect the health, safety, and welfare of their citizens, and zoning regulations are a permissible exercise of this authority; and

WHEREAS, adoption of this interim ordinance does not require review under the California Environmental Quality Act (Pub. Resources, Code, §§ 21000, et seq., "CEQA") based on the following:

- a. This ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because adoption of a temporary moratorium has no potential for resulting in either a direct or indirect physical change in the environment.
- b. This ordinance is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.

NOW, THEREFORE, the City Council for the City of San Leandro Adopts as an Interim Ordinance Under the Provisions of Government Code Section 65858 and **ORDAINS** as Follows:

Section 1. Incorporation of Recitals. The City Council finds that the aforementioned recitals are all true and correct and are incorporated herein by reference.

Section 2. Moratorium Extended on Non-Hosted Short-Term Rentals. In accordance with the authority granted the City of San Leandro under Article XI, Section 7 of the California Constitution and California Government Code Section 65858(a), from and after the date of this interim ordinance: Any residential property owner in the City of San Leandro whose place of domicile is not at the San Leandro property that he or she owns and seeks to rent shall be prohibited from renting such residential property, or having an intermediary rent such property, for a term of less than 30 days.

Section 3. Authority; Urgency Statement. This Ordinance is an interim ordinance, adopted as an urgency measure pursuant to Government Code section 65858(a) and is for the immediate and long-term preservation of the public peace, health, and welfare. The following facts constitute the urgency of this measure: The City has recently begun the process of developing amendments to the zoning provisions contained in the San Leandro Zoning and/or Municipal Codes to protect public peace, health, and welfare within the residential communities of the City by regulating non-hosted short-term rentals of residential dwelling units. Accordingly, there is a current and immediate threat to the public health, safety, or welfare related to land uses that involve non-hosted short-term rentals of residential dwelling units. In order to maintain comprehensive and sound land use planning, the City seeks to study possible amendments to the zoning provisions of its municipal codes, use permit requirements, and other land use entitlement requirements in order to regulate non-hosted short-term rentals of residential dwelling units. Allowing non-hosted short-term rentals of residential dwelling units before the City has had an opportunity to update its regulations could lead to conflicts amongst various land uses and conflicts with the City's long-term planning goals.

Section 4. New Non-Hosted Short-Term Residential Rentals Declared Public Nuisance. Non-hosted short-term rentals of residential dwelling units established within the city limits of the City of San Leandro, during the duration of this moratorium or any extension thereof, shall be declared to be a public nuisance. Violations of this interim ordinance may be enforced by any applicable laws or ordinances, including but not limited to injunctions, or administrative or criminal penalties under the San Leandro Municipal Code.

Section 5. Compliance with California Environmental Quality Act (CEQA). This Ordinance is not a "project" within the meaning of section 15378 of the State CEQA Guidelines, because it has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment. It temporarily prevents certain physical changes in the environment pending study and potential adoption of zoning amendments or policies regulating non-hosted short-term rentals of residential dwelling units. Furthermore, this interim ordinance is categorically exempt from CEQA under CEQA Guidelines section 15308 because it is a regulatory action taken by the City, in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending consideration of amendments to the City's municipal codes, including its Zoning Code.

Section 6. Severability. If any provision of this interim ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this interim ordinance are severable. The City Council hereby declares that it would have passed each section,

subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption, if adopted by at least four-fifths vote of the City Council. It shall extend the moratorium from and after the date that Ordinance 2018-015 would have otherwise expired for a period of 10 months and 15 days for a total moratorium period of 1 year, all in accordance with Government Code section 65858(a).

PASSED, APPROVED and ADOPTED as an Interim Ordinance of the City of San Leandro at a meeting of the City Council held the 4th day of September, 2018 by the following vote: