



City of San Leandro

Meeting Date: December 17, 2018

Ordinance

File Number: 18-562 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.E.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Adding Section 1-3-135 to Title 1, Chapter 1-3 of the City of San Leandro Municipal Code to Enable Concurrent Appointments to the City of San Leandro Planning Commission and Board of Zoning Adjustments

The City Council of the City of San Leandro does **ORDAIN** as follows:

WHEREAS, State planning law (California Government Code Section 65900 *et al.*) grants every city and county in California the authority to establish and organize themselves with any board or commission deemed necessary to carry out the functions and decisions of a planning agency; and

WHEREAS, on June 4, 2018, the City Council directed staff to proceed with a merger of the Board of Zoning Adjustments and Planning Commission; and

WHEREAS, regular public meetings of the merged Board of Zoning Adjustments and Planning Commission are to be held concurrently on the first Thursday of the month, as per Resolution 2018-133; and

WHEREAS, in order to proceed with a merger of the Board of Zoning Adjustments and Planning Commission, it will be necessary for the City Council to designate a single appointee to serve as both a Planning Commissioner and a Board Member; and

WHEREAS, the City Council finds that the proposed Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment (Section 15060(c)(2) of the California Environmental Quality Act Guidelines); and

WHEREAS, this agenda item was noticed in accordance with the Ralph M. Brown Act (72 hours in advance of the public meeting) and the item appeared upon the agenda for this meeting which was duly noticed in accordance with the Municipal Code.

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. AMENDMENT OF CODE. Title 1, Chapter 1-3-135 of the City of San Leandro Municipal Code is hereby added as identified on Exhibit "A," attached hereto and incorporated herein by this reference.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 4. EFFECTIVE DATE AND PUBLICATION. 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.

Exhibit A

San Leandro Municipal Code
Chapter 1-3 Boards and Commissions
Article 1. General Provisions

§1-3-135 Members - Concurrent Appointments

The City Council may designate a single appointee to serve concurrently as both a Planning Commissioner and Board of Zoning Adjustments member.