



# City of Santa Clara

1500 Warburton Avenue  
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## Agenda Report

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18-1562

Agenda Date: 11/27/2018

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### REPORT TO COUNCIL

#### **SUBJECT**

Action on Adoption of Ordinance No. 1991 Prohibiting Certain Activities within a Protected Area (Clean Zone)

#### **BACKGROUND**

Proposed Ordinance No. 1991 was passed for the purpose of publication on November 13, 2018. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 1991 was published on November 21, 2018, and copies were posted in at least three public places.

#### **DISCUSSION**

This ordinance restricts or prohibits certain activities during the period of December 31, 2018 through January 8, 2019 in an approximately one mile radius area surrounding Levi's® Stadium (the Protected Area or "Clean Zone"). This ordinance is specific to the 2019 CFP National Championship Game taking place at Levi's® Stadium on January 7, 2019, and will not be codified. The Ordinance prohibits the outdoor sale of food, beverages, alcoholic beverages and merchandise, except if sold or distributed in the ordinary course of business at a location for which the City has issued a Certificate of Occupancy or Conditional Use Permit. The ordinance prohibits vending from any "mobile unit". The ordinance prohibits the sale or distribution of merchandise that violates state or federal law, as well as the distribution or provision of free products, commercial services or coupons (otherwise referred to as sampling) and other promotional giveaways on public streets, sidewalks or rights of way or outside an enclosed building. The ordinance states that no temporary structure shall be constructed, placed, occupied or used unless previously approved with a permit issued by the City. The ordinance also establishes an area or areas within or around the Protected Area that allow for the reasonable expression of non-commercial speech and expressive conduct by the public in a manner that shall not be disruptive to the surrounding businesses, activities and events ("Public Participation Zone(s)").

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **FISCAL IMPACT**

There is no fiscal impact related to this report except for staff time related to transmitting the information.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website

and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Adopt Ordinance No. 1991 Prohibiting Certain Activities within a Protected Area (Clean Zone).

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Ordinance No. 1991