

## Resolution 2020-40

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS SUSPENDING CERTAIN BUSINESS REGULATIONS IN RESPONSE TO COVID -19 PANDEMIC

WHEREAS, on March 4, 2020, in response to the COVID 19 pandemic, the Governor of California declared a state of emergency; and

WHEREAS, on March 18, 2020, the City of Encinitas ("City") City Council ratified the Emergency Director's proclamation of the existence of a local emergency in response to the COVID 19 pandemic; and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued an Executive Order (N-33-20) for all non-essential workers to stay-at-home (shelter-in-place), for individuals to practice "social distancing" of at least six feet from other individuals, for individuals to avoid congregating in groups of 10 or more, and generally for individuals to avoid contact with others in order to protect the health and well-being of all Californians and to slow the spread of COVID-19; and

WHEREAS, businesses that have not been designated as non-essential in the City that primarily serve the community and visitors, including restaurants, cafes, retail, and retail service are experiencing a significant financial impact as a result of COVID-19, and particularly the "shelter-in-place" order; and

WHEREAS, a significant number of businesses have temporarily closed or are providing limited service and uncertainty exists as to when the "shelter-in place" order will be lifted; and

WHEREAS, COVID -19 is having an immediate impact on local employment and the potential loss of jobs; and

WHEREAS, COVID-19 is having an immediate impact on several of the City's most significant revenue services sources, including Sales Tax, Transient Occupancy Tax (TOT), parking operations and City facility rentals; and

WHEREAS, the business community has indicated that the suspension of certain regulatory restrictions relating to signage, parking requirements and encroachment permits for sidewalk dining would assist businesses in sustaining in remaining in operation during the COVID-19 pandemic and help with recovery efforts for businesses once the "shelter-in-place" order is modified and/or lifted: and

WHEREAS, Vehicle Code Section 22507(a) provides local jurisdictions with the authority to regulate parking on local public streets by ordinance or resolution; and

WHEREAS, the City Council finds that it is in the public interest to support the local business community during this state of emergency and suspend local regulatory restrictions which hinder the continued operation of or the limited reopening of businesses in response to the COVID-19 pandemic; and

WHEREAS, the City Council finds that the suspension of the local regulatory restrictions on a temporary basis will not jeopardize the public health, welfare or safety.

**NOW, THEREFORE BE IT RESOLVED, ORDERED AND FOUND** by the City Council of the City of Encinitas, State of California, as follows:

1. That the City Council finds and determines the foregoing recitals to be true and correct.
2. That the City Council finds there is a current and immediate threat to the public welfare due to the significant financial impacts on businesses and loss of jobs contributing to an immediate

impact on several of the City's revenue sources threatening the City's ability to provide basic City services and resulting in the potential loss of businesses and increase in commercial vacancies along public streets.

3. That the City Council hereby waives fees, suspends application requirements for temporary encroachment permits for sidewalk dining with the exception of insurance verifications, and authorizes a one-year extension for existing 24 valid permits to April 30, 2021.
4. That the City Council suspends the limit on banners pursuant to EMC Section 30.60.110 to allow a maximum of two banners per business and extend the 60-day display period to six months within a 12-month period with one 6-month extension option subject to City approval. Additional banners may be permitted at the discretion of the Development Services Department.
5. That the City Council suspends temporarily parking requirements and wayfinding signage requirements in order to facilitate the designation of on-site parking spaces for restaurants and retail curbside pick-up services.
6. That the City Council authorizes the Development Services Director to designate up to 20 percent of existing on-street parking spaces within each block on both sides of Coast Highway 101 to accommodate curbside pick-up services for restaurant and retail businesses. The Development Services Director may designate additional on-street parking spaces on other streets should a demonstrated need arise.
7. That the City Council authorizes the City Manager/Director of Emergency Services to expeditiously implement the following business recovery measures, with Coastal Commission approval as needed, unless City Council action is required:
  - a. Converting underutilized parking and common space to dining areas on private properties through a temporary use permit process;
  - b. Designating sidewalk areas and underutilized on-street parking spaces as outdoor dining areas; and
  - c. Closing streets and lanes to facilitate additional outdoor dining areas.
8. That this Resolution shall remain in effect until three months after the local emergency is lifted. The City Council will evaluate if the regulatory reliefs authorized under this Resolution remain necessary to support the recovery efforts and may choose to extend the requirements of this Resolution as they see fit.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of May, 2020 by the City Council of the City of Encinitas, State of California.

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Catherine S. Blakespear, Mayor

ATTEST:

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Kathy Hollywood, City Clerk

APPROVED AS TO FORM:

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Leslie E. Devaney, City Attorney

CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 20<sup>th</sup> day of May, 2020 by the following vote:

AYES: Blakespear, Hinze, Hubbard, Kranz, Mosca

NOES: None

ABSENT: None

ABSTAIN: None

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Kathy Hollywood, City Clerk