



CITY COUNCIL AGENDA STATEMENT



August 4, 2020

File ID: 20-0341

TITLE

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING AND CONFIRMING EMERGENCY ORDER 006-2020 (EFFECTIVE JULY 29, 2020) OF THE CHULA VISTA DIRECTOR OF EMERGENCY SERVICES ALLOWING CERTAIN BUSINESSES TO TEMPORARILY OPERATE OUTDOORS AND ESTABLISHING LOCAL HEALTH AND SAFETY STANDARDS THEREFOR CONSISTENT WITH STATE AND COUNTY GUIDELINES

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

This proposed resolution ratifies and confirms Emergency Order 006-2020 issued by the Chula Vista Director of Emergency Services, in accordance with Chula Vista Municipal Code section 2.14.080(F)(1).

ENVIRONMENTAL REVIEW

The proposed resolution ratifying and confirming Emergency Order 006-2020 has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a "Project" as defined under Section 15378 of the state CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Notwithstanding the foregoing, it has also been determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

On March 17, 2020, the Chula Vista City Council, pursuant to Resolution No. 2020-065, adopted and ratified a Proclamation declaring a Local Emergency issued by the Chula Vista Director of Emergency Services ("Emergency Director"). The Proclamation was issued as a result of the worldwide COVID-19 pandemic, which continues to directly impact the State of California, County of San Diego, and City of Chula Vista. Since March, the number of cases in the County of San Diego and particularly, the South Bay region that includes

the City of Chula Vista, continues to rise. As of July 28, 2020, the total number of County cases involving residents of Chula Vista stands at 3,633 persons, 13% of the County's total cases.

During this unprecedented time, the City remains committed to protecting the public health of the residents of and visitors to Chula Vista and to utilizing City resources to respond to the COVID-19 pandemic and its associated ongoing threat to public safety and well-being. Accordingly, the Emergency Director previously issued the following emergency orders:

- Emergency Orders 002-2020 and 002-A-2020, which were ratified and confirmed by City Council on April 21, 2020. Emergency Order 002-2020 adopted the San Diego Health Officer's Order, as it may be amended from time to time, as a City order so that violations of can be enforced using both state law and local law provisions. Emergency Order 002-A-2020 ordered that City Council meetings would take place by teleconference until further notice; ordered the cancellation until further notice of City Board, Commission, and Committee; ordered all City parks, including dog parks, closed, and City trails closed where marked; and ordered all essential public and private workers and volunteers to wear face coverings if they have contact with the public or prepare food for consumption by the public.
- Emergency Order 002-B-2020, ratified and confirmed by City Council on April 28, 2020, expanded City's face covering provisions to require members of the public to wear face coverings when they enter business facilities or service areas, and made individuals and business owners responsible for ensuring compliance with all face covering requirements.
- Emergency Order 002-C-2020, ratified and confirmed by City Council on May 12, 2020, reopened City parks and trails for limited purposes and updated the City's face covering requirements to conform with the most recent San Diego County Order.
- Emergency Order 004-2020, ratified and confirmed by City Council on May 26, 2020, tolled and extended the deadlines for land use and building permit-related actions for 180 days. Emergency Order 002-D-2020, ratified and confirmed by City Council on July 14, 2020, authorized City Board, Commission, and Committee meetings to occur in specified circumstances, expanded permitted activities at City parks and trails, and revised face covering requirements to conform to the County's and State's requirements.
- Emergency Order 005-2020, ratified by City Council on July 14, 2020, extended the City's eviction moratorium ordinance through July 31, 2020. Such moratorium was subsequently extended by City Council through Resolution 20-0324 until August 31, 2020.

Most recently, on July 29, 2020, the Emergency Director issued Emergency Order 006-2020 (effective July 29, 2020) allowing certain businesses to temporarily operate outdoors on private property. The businesses authorized to temporarily operate outdoors pursuant to this Order include personal services businesses, restaurants, bars, wineries, breweries, and cardrooms. The Order establishes a number of life and safety standards and restrictions for such outdoor operation, including compliance with accessibility requirements of the Americans with Disabilities Act, accommodation for appropriate vehicle and pedestrian circulation, compliance with all fire and building code requirements, limitations on occupancy, and compliance with State and County requirements and guidelines. For the duration of the Order, Chula Vista Municipal Code off-street parking requirements and temporary event permit requirements are waived so long as the requirements of the Order are complied with.

Pursuant to Chula Vista Municipal Code section 2.14.080(F)(1), rules and regulations issued by the Emergency Director must be confirmed by the City Council at the earliest practicable time.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

The COVID-19 pandemic creates a wide range of potential fiscal impacts to the City; however, the subject resolution to ratify and confirm Emergency Order 006-2020 is unlikely to contribute in any significant way to such current-year fiscal impacts. Staff is evaluating the broader fiscal impact of the current public health crisis, and a comprehensive report will be presented to council in the future.

ONGOING FISCAL IMPACT

The COVID-19 pandemic creates a wide range of potential fiscal impacts to the City; however, the subject resolution to ratify and confirm Emergency Order 006-2020 is unlikely to contribute in any significant way to such ongoing fiscal impacts. Staff is evaluating the broader fiscal impact of the current public health crisis, and a comprehensive report will be presented to council in the future.

ATTACHMENTS

1. Attachment A: Emergency Order No. 006-2020

Staff Contact: Maria V. Kachadoorian; Glen R. Googins