



# CITY COUNCIL AGENDA STATEMENT



July 14, 2020

File ID: 20-0276

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MINISTERIAL PERMIT PROCESS TO ALLOW BUSINESSES ALONG THIRD AVENUE BETWEEN E AND G STREETS TO EXPAND THEIR OPERATIONS INTO THE PUBLIC RIGHT-OF-WAY WITH: 1) SOCIAL DISTANCING AND QUEUING AREAS; 2) SIDEWALK CAFÉS; AND/OR, 3) CURB CAFÉS

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

On May 5, 2020, in response to the ongoing COVID-19 pandemic, the City Council approved Chula Vista's COVID-19 90-Day Economic Recovery Plan. One tenet of this plan is the exploration and establishment of business-friendly City policies and programs to create an environment that minimizes costs, burdens, and barriers for Chula Vista businesses. These efforts are guided by the City's pursuit to facilitate a safe re-opening and recovery of Chula Vista's local economy.

One additional feature of the COVID-19 90-Day Economic Recovery Plan, and the focus of this agenda item, is the City Council's establishment of a no-fee permit that will allow businesses on Third Avenue between E and G Streets to encroach into the public right-of-way, where feasible, for expanded business operations.

## **ENVIRONMENTAL REVIEW**

The proposed activity 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 May 5, 2020, in response to the ongoing COVID-19 pandemic, the City Council approved Chula Vista's COVID-19 90-Day Economic Recovery Plan. One tenet of this plan is the exploration and establishment of business-friendly City policies and programs to create an environment that minimizes costs, burdens, and barriers to Chula Vista businesses.

Based on requirements and expectations we all must comply with in light of COVID-19, businesses are unable to accommodate the same capacity levels they were accustomed to prior to onset of the pandemic. As a result, staff continues to explore unique ways to create opportunities for business success during our economic recovery by safely optimizing capacity levels for Chula Vista businesses. The proposed program and permit process will accommodate a safe and reasonable absorption of economic demand within the local economy during the City's recovery from COVID-19.

One additional feature of the COVID-19 90-Day Economic Recovery Plan, and the focus of this agenda item, is the City Council's establishment of a permit process to allow businesses on Third Avenue between E and G Streets to encroach into the public right-of-way, where feasible, for expanded business operations. The goal of this program and permit process is to allow for customers and employees to distance themselves from one another while safely optimizing the business' capacity levels through a permit approved by the City Manager or his/her designee for one or more of the following:

1. **Social Distancing and Queuing**—businesses can obtain City approval to utilize no more than three public parking spaces designated for customers to congregate while maintaining sufficient social distance when awaiting access to the business, picking up delivery, placing takeout orders, awaiting preparation of orders or browsing merchandise.
2. **Sidewalk Café**—businesses can obtain City approval for sidewalk cafés while consolidating the process with items 1 above, and 3 below.
3. **Curb Café**—businesses can obtain approval to utilize no more than three public parking spaces for temporary curb cafés installed at the business' expense and subject to design guidelines and standards approved by the City Manager. A number of cities locally and globally have established processes to successfully allow for curb cafés in the public right-of way.

The recommended action would formalize and consolidate the process for Social Distancing and Queuing; Sidewalk Cafés; and, Curb Café's into a single no-fee permit for businesses along Third Avenue between E and G streets. Permit approval would be subject to each business entering into a Temporary Right of Entry License Agreement with the City, a sample of which is provided for reference as Attachment 1.

## DECISION-MAKER CONFLICT

Staff has reviewed the property holdings of the City Council and has found that, Mayor Casillas-Salas has real property holdings within 500 feet of the boundaries of the property which is the subject of this action. Consequently, pursuant to California Code of Regulations Title 2, sections 18700 and 18702.2(a)(7), this item presents a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.) for the above-identified member.

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 a decision-maker conflict of interest in this matter.

#### **CURRENT-YEAR FISCAL IMPACT**

The master fee schedule charges a cost of \$1,175 per application for the processing of an Encroachment Permit for use of the public right-of-way. Based on the anticipated number of applications for social distancing and queuing areas, sidewalk cafés, and curb cafés, the current-year fiscal impact is not expected to exceed \$15,000. Reimbursement for the cost associated with processing these permits will be sought from CARES Act funding, as these permits are directly related to mitigating impacts caused by the COVID-19 pandemic.

#### **ONGOING FISCAL IMPACT**

Staff anticipates processing all permit applications associated with this agenda item during the current fiscal year. As a result, ongoing fiscal impact to the General Fund is not anticipated.

#### **ATTACHMENTS**

1. Sample Temporary Right of Entry License Agreement

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