

**RESOLUTION NO. 105-20 (CM)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE RATIFYING WATSONVILLE DIRECTOR OF EMERGENCY SERVICES ORDER NO. 2020-01 REGARDING OUTDOOR ACTIVITIES AND ENCROACHMENTS FOR RETAIL BUSINESSES OPERATING IN COMPLIANCE WITH SOCIAL DISTANCING REQUIREMENTS**

**WHEREAS**, on March 4, 2020, the Governor of the State of California ("Governor") issued a Proclamation of a State-wide State of Emergency; and

**WHEREAS**, on March 10, 2020, the Council approved a Declaration of Local Health Emergency Regarding Novel Coronavirus (Covid-19) pursuant to Chapter 2 of Title 4 of the Watsonville Municipal Code, and that: a local health emergency exists in the City as of March 10th, 2020; directed the City Manager to act as the City's Director of Emergency Services pursuant to WMC § 4-2.03; and

**WHEREAS**, on March 16, 2020, the County of Santa Cruz Health Department issued a Countywide Shelter In Place (SIP) order that required individuals to isolate in their places of residence, except as needed for the performance of essential activities; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20, which provides that individuals living in the State of California are required to stay at home except as needed to maintain continuity of operations of the critical infrastructure sectors; and

**WHEREAS**, since then, many retail establishments and restaurants in the City have been entirely shut down or engaged in limited operations, resulting in a loss of income and economic stability for members of our community; and

**WHEREAS**, on March 31, 2020, the County of Santa Cruz Health Department extended the March 16 SIP order that required individuals to isolate in their places of residence, except as needed for the performance of essential activities including modification to allow a portion of the construction industry to open; and

**WHEREAS**, on April 30, 2020, the County of Santa Cruz Health Department issued an Order extending the March 31 SIP order's requirements for all residents, and provided modifications to the prior SIP order concerning lodging and business restrictions; and

**WHEREAS**, on May 6, 2020, the Santa Cruz County Public Health Officer issued a supplemental SIP Order directing all individuals living in the County to continue sheltering at their place of residence, relaxing restrictions on low-risk businesses consistent with directions from the State of California, and aligning the County SIP Orders with applicable State SIP Orders; and

**WHEREAS**, on May 8, 2020, the Governor issued a "Resilience Roadmap" that included guidance by industry and including social distancing requirements, for reopening certain segments of the economy. The Roadmap indicated that "curbside retail" which includes but is not limited to bookstores, jewelry stores, toy stores, clothing stores, shoe stores, home and furnishing stores, sporting goods stores, antique stores, music stores, and florists, may reopen with curbside pickup and delivery only, until further notice. The guidance for the "Retail" segment included detailed guidelines for maintaining a safe environment for workers and customers; and

**WHEREAS**, on May 26, 2020, the County of Santa Cruz Health Department issued an Order extending the March 31, April 29, and May 6 Orders to allow certain businesses to re-open and allow expanded recreational activities; and

**WHEREAS**, on May 29, 2020, the County of Santa Cruz issued an Order authorizing all business operations consistent with Stage 2 in the "Resilience Roadmap;" and

**WHEREAS**, Watsonville Municipal Code Section 7-12.02 prohibits the installation of private improvements or obstructions in the public right of way; and

**WHEREAS**, Watsonville Municipal Code Section 14-26.030 requires an applicant to obtain an Administrative Use Permit from the Zoning Administrator for outdoor activity such as outdoor seating for restaurants or food establishments and requires all retail and personal services establishment uses to be conducted entirely within an enclosed building; and

**WHEREAS**, Watsonville Municipal Code § 14-17.103 (regarding additional vehicle parking requirements) specifies that no parking or loading facility may be reduced in capacity unless sufficient replacement capacity is provided; and

**WHEREAS**, § 14-17.103 may prevent retailers, restaurants, and personal service establishments from being able to immediately and effectively provide customers alternatives to inside shopping and dining; and

**WHEREAS**, the safety and security of our community is inextricably linked to the vitality, safety and security of our economy; and

**WHEREAS**, it is possible for businesses to re-open and recover as soon as possible, while remaining compliant with applicable State and County SIP Orders, and mindful of public health and safety concerns; and

**WHEREAS**, the City has an important governmental interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its members of the public and businesses; and

**WHEREAS**, a safe and controlled re-opening of the Watsonville economy, consistent with the State and County orders, is necessary and appropriate to provide for the protection of life and property.

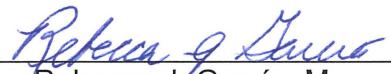
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

That the City Council hereby ratifies the Watsonville Director of Emergency Services Order No. 2020-01 signed by the City Manager on June 5, 2020, attached hereto, and incorporated herein by this reference, regarding outdoor activities and encroachments for retail business operating in compliance with social distancing requirements.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 23<sup>rd</sup> day of June, 2020, by Member Hurst, who moved its adoption, which motion being duly seconded by Member Hernandez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	COUNCIL MEMBERS:	<b>Coffman-Gomez, Estrada, Gonzalez, Hernandez, Hurst, Parker, García</b>
NOES:	COUNCIL MEMBERS:	<b>None</b>
ABSENT:	COUNCIL MEMBERS:	<b>None</b>

  
Rebecca J. García, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk  
  
\_\_\_\_\_  
Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

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I, Beatriz Vázquez Flores, City Clerk of the City of Watsonville, do hereby certify that the foregoing Resolution No. 105-20 (CM) was duly and regularly passed and adopted by the Watsonville City Council at a meeting thereof held on the 23<sup>rd</sup> day of June, 2020, and that the foregoing is a full, true and correct copy of said Resolution.

  
\_\_\_\_\_  
Beatriz Vázquez Flores, City Clerk  
Date   
\_\_\_\_\_  
Date

**WATSONVILLE DIRECTOR OF EMERGENCY SERVICES ORDER NO. 2020-01**

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**AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF  
WATSONVILLE REGARDING OUTDOOR ACTIVITIES AND ENCROACHMENTS  
FOR RETAIL BUSINESSES OPERATING IN COMPLIANCE WITH SOCIAL  
DISTANCING REQUIREMENTS**

**WHEREAS**, Chapter 2 of Title 4 of the Watsonville Code empowers the City Manager of the City of Watsonville to serve as the Director of Emergency Services of the City of Watsonville. The Director of Emergency Services is hereby empowered to, *inter alia*:

- (a) Request the Council to proclaim the existence or threatened existence of an emergency and the termination thereof, if the Council is in session, or to issue such proclamation if the Council is not in session, subject to confirmation by the Council at the earliest practicable time;
- (c) Control and direct the efforts of the Emergency Services Organization of the City for the accomplishment of the purposes of this chapter;
- (d) Direct coordination and cooperation between enterprises, departments, divisions, services and staff of the Emergency Services Organization of the City, and resolve questions of authority and responsibility that may arise between them;
- (e) Represent the Emergency Services Organization of the City in all dealings with public or private agencies pertaining to emergency services.

**WHEREAS**, on March 4, 2020, the Governor of the State of California (“Governor”) issued a Proclamation of a State-wide State of Emergency, and

**WHEREAS**, on March 10, 2020, the Council approved a Declaration of Local Health Emergency Regarding Novel Coronavirus (Covid-19) Pursuant To Chapter 2 of Title 4 of the Municipal Code, and that: a local health emergency exists in the City as of March 10th , 2020; directed the City Manager to act as the City’s Director of Emergency Services pursuant to WMC § 4-2.03;

**WHEREAS**, on March 16, 2020, the County of Santa Cruz Health Department issued a Countywide Shelter In Place (SIP) order that required individuals to isolate in their places of residence, except as needed for the performance of essential activities; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20, which provides that individuals living in the State of California are required to stay at home

except as needed to maintain continuity of operations of the critical infrastructure sectors; and

**WHEREAS**, since then, many retail establishments and restaurants in the City have been entirely shut down or engaged in limited operations, resulting in a loss of income and economic stability for members of our community; and

**WHEREAS**, on March 31, 2020, the County of Santa Cruz Health Department extended the March 16 SIP order that required individuals to isolate in their places of residence, except as needed for the performance of essential activities including modification to allow a portion of the construction industry to open; and

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**WHEREAS**, on May 8, 2020, the Governor issued a "Resilience Roadmap" that included guidance by industry and including social distancing requirements, for reopening certain segments of the economy. The Roadmap indicated that "curbside retail" which includes but is not limited to bookstores, jewelry stores, toy stores, clothing stores, shoe stores, home and furnishing stores, sporting goods stores, antique stores, music stores, and florists, may reopen with curbside pickup and delivery only, until further notice. The guidance for the "Retail" segment included detailed guidelines for maintaining a safe environment for workers and customers; and

**WHEREAS**, on May 26, 2020, the County of Santa Cruz Health Department issued an Order extending the March 31, April 29, and May 6 Orders to allow certain businesses to re-open and allow expanded recreational activities; and

**WHEREAS**, on May 29, 2020, the County of Santa Cruz issued an Order authorizing all business operations consistent with Stage 2 in the “Resilience Roadmap;” and

**WHEREAS**, Watsonville Municipal Code Section 7-12.02 prohibits the installation of private improvements or obstructions in the public right of way; and

**WHEREAS**, Watsonville Municipal Code Section 14-26.030 requires an applicant to obtain an Administrative Use Permit from the Zoning Administrator for outdoor activity such as outdoor seating for restaurants or food establishments and requires all retail and personal services establishment uses to be conducted entirely within an enclosed building; and

**WHEREAS**, Watsonville Municipal Code § 14-17.103 (regarding additional vehicle parking requirements) specifies that no parking or loading facility may be reduced in capacity unless sufficient replacement capacity is provided; and

**WHEREAS**, § 14-17.103 may prevent retailers, restaurants, and personal service establishments from being able to immediately and effectively provide customers alternatives to inside shopping and dining; and

**WHEREAS**, the safety and security of our community is inextricably linked to the vitality, safety and security of our economy,

WHEREAS, it is possible for businesses to re-open and recover as soon as possible, while remaining compliant with applicable State and County SIP Orders, and mindful of public health and safety concerns; and

**WHEREAS**, the City has an important governmental interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its members of the public and businesses; and

**WHEREAS**, a safe and controlled re-opening of the Watsonville economy, consistent with the State and County orders, is necessary and appropriate to provide for the protection of life and property.

**NOW THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED** by the Director of Emergency Services of the City of Watsonville that, effective immediately:

**SECTION 1.** Outdoor Activities Permitted. To allow reopening businesses consistent with State and County local social distancing requirements, all City ordinances, policies and practices that would otherwise prohibit businesses from engaging in their business activities outdoors, including those specifically referenced in this Order, are hereby suspended.

**SECTION 2.** Eligible Businesses and Compliance with State and County Orders. This Order only applies to those businesses that require outdoor space to effectively operate while complying with State and County social distancing requirements. Nothing in this Order shall authorize a business, not otherwise authorized, to operate outdoors unless that business is authorized to operate pursuant to Federal, State and County Orders and laws.

**SECTION 3.** All businesses shall fully comply at all times with all State and County Orders regarding reopening and operation as a condition of benefiting from this Order. Such requirements include compliance with the laws and regulations of the California Department of Alcoholic Beverage Control regarding service and sale of alcoholic beverages.

**SECTION 4.** To be eligible to serve or taste wine or beer outdoors pursuant to this Order, businesses shall offer **sit-down**, dine-in meals. Alcohol may only be sold in the same transaction as a dine-in-meal.

Tasting rooms that do not provide dine-in meals, but contract with another vendor to provide same may serve dine-in meals if both businesses follow the California Department of Public Health and CAL/OSHA “COVID-19 Industry Guidance for Dine-In Restaurants”<sup>1</sup> and alcohol is only sold in the same transaction as a meal.

To facilitate the reopening of tasting rooms consistent with State and County social distancing requirements and “Industry Guidance” (“Industry Guidance”), all City ordinances, policies and practices that would otherwise prohibit tasting rooms from providing dine in meals are hereby suspended.

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<sup>1</sup> <https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf>, published May 12, 2020.

**SECTION 5.** Temporary COVID-19 Outdoor Activities and Encroachment Permit. To be eligible to engage in outdoor activities pursuant to this Order, businesses shall obtain a Temporary COVID-19 Outdoor Activities and Encroachment Permit (hereinafter the "Outdoor Activities Encroachment Permit") attached hereto and incorporated herein by reference.

I will enter into such Outdoor Activities Encroachment Permits on such terms as are appropriate and necessary, including but not limited to changes to the location of outdoor activities, to protect the public health and safety of the public and the risk to the City. Such Permits shall be consistent with State and County Orders regarding essential businesses.

**SECTION 6.** Encroachment Into City Public Right-of-Way. For the next six months (until December 5, 2020, the City's encroachment permit process shall be as follows:

1. Sections 7-2.02, 7-2.03, 7-2.04, 7-2.19 of the Watsonville Municipal Code shall not apply to businesses seeking to encroach into the public right of way for purposes of conducting business in compliance with State and County social distancing requirements.;
2. Businesses seeking to encroach into the public right of way for to comply with State and County social distancing requirements shall execute an Outdoor Activities Encroachment Permit instead of encroachment permits and encroachment agreements required by WMC Chapter 7-2.02.

**SECTION 7.** To allow issuance of temporary restaurant take-out windows and outdoor dining areas within private property owned or leased by applicant, the City hereby amends its Administrative and Conditional Use Permit processes as follows:

1. Watsonville Municipal Code Chapter 14-26 shall not apply to businesses applying to expand onto private property adjacent to the primary use to conduct business in compliance with State and County social distancing requirements.
2. Businesses seeking to expand into private property adjacent to the primary use for purposes of conducting business in compliance with State and County social distancing requirements, shall execute an Outdoor Activities Agreement instead of obtaining a Temporary Use Permit by WMC Chapter 14-26.
3. To be eligible, an applicant shall comply with the applicable City of Watsonville COVID-19 Temporary Outdoor Activities and Encroachment Agreement Guidance, available at [www.cityofwatsonville.org](http://www.cityofwatsonville.org)

**SECTION 8.** Reduction in Parking Allowed. To conduct business in compliance with State and County social distancing requirements, parking areas may be reduced in capacity. Section 14-17.103 of the Watsonville Municipal Code otherwise requiring sufficient replacement parking when parking is reduced shall not apply to businesses seeking to expand into private property adjacent to the primary use to conduct business in compliance with State and County social distancing requirements.

**SECTION 9.** Nothing in this Order relieves a business from any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain appropriate consent from any private property owners whose property will be used for outdoor operations.

**SECTION 9.** Building Permit and Design Review Required. Nothing in this Order relieves a business from the requirement to obtain a building permit for outdoor activities if a building permit would otherwise be required, nor does this order relieve a business from complying with all provisions of the Building Code, including but not limited to, maximum occupancy requirements. Nothing in this Order relieves a business from the requirement to obtain a Design Review Permit for permanent exterior alterations if such review is required pursuant to Watsonville Municipal Code section 14-12.400, except that temporary installments, including but not limited to, canopies, fencing, barriers, windows, and enclosures, may be authorized to facilitate proposed outdoor activities and removed to the original state after the Shelter in Place Order is lifted.

**SECTION 10.** County Permits. Nothing in this Order relieves a business from the requirement to obtain any and all County permits that may be required for the provision of food and beverages.

**SECTION 11.** State Permits. Nothing in the Order relieves a business from the requirement to obtain any and all State permits including encroachment permits into State right of way as well as regarding the provisions of serving and/or selling alcoholic beverages.

**SECTION 12.** Violations of Order. Any violation of this Order or any other local, State, or Federal law shall constitute an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to enforcement as such; violations of this order may result in the immediate termination of an Outdoor Activities Agreement and the cessation of any activities authorized by said Agreement and this Order.

**SECTION 13.** Effective Date of Order. This Order shall become effective on the date signed by the Director of Emergency Operations for the City of Watsonville and shall expire on December 5, 2020 or upon such times as declared by resolution of the State of Emergency regarding COVID-19 by the Watsonville City Council. This Order shall only apply to the extent businesses are authorized to operate pursuant to State and County orders regarding essential businesses.

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**SECTION 14.** The City Clerk shall certify the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 5<sup>th</sup> Day of June, 2020

Attest:

Beatrix Vasquez

  
City Clerk

Matthew D. Huffaker

  
Director of Emergency Services and  
City Manager,  
City of Watsonville

Dated June 5, 2020

Dated: June 5, 2020

  
Approved as to Form: City Attorney

Dated: May 4, 2020