



AGENCY: City Council
MEETING DATE: January 11, 2021
DEPARTMENT: City Manager
PRESENTED BY: S McCormick
EMAIL ADDRESS: smccormick@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of Urgency Ordinance No. 963-2021 Waiving Certain Zoning Requirements and/or Standards to Facilitate Business Operations Affected by Public Health Orders Designed to Slow Transmission of COVID-19

ISSUE:

On May 26, 2020 Councilmember Norvell introduced Urgency Ordinance 962-2020, which was adopted unanimously and became effective immediately (Attachment 1 – Staff Report) and Attachment 2 – Urgency Ordinance 962-2020). The purpose of the ordinance was to provide a process for business owners to request flexibility of zoning requirements and/or standards, and to streamline the approval process in order to support modifications to business operations affected by COVID-19. Requests have been granted by the Director of Emergency Services (City Manager) to the extent that such waivers comply with health orders and that such requests involve negligible or no expansion of use.

Urgency Ordinance 962-2020 expired six (6) months after its effective date and a new ordinance must be adopted to continue offering this tool to our business community.

ANALYSIS:

The economic impact of the COVID-19 pandemic has affected local businesses differently. Although some have fared well economically, many have been devastated. The City's ability to respond to site specific, individual requests from businesses is an important tool because every business is unique. Since Urgency Ordinance 962-2020 has been put into place, numerous businesses have requested, and been granted, regulatory flexibility to operate outdoor eating areas, gyms and retail space, provide drive-through and curbside pick-up, post additional signage and utilize off site sales.

Staff recommends continuing to offer these regulatory waivers until health orders are lifted statewide by adopting Urgency Ordinance 963-2021. The proposed ordinance would alter the original ordinance by adding a WHEREAS recital paragraph to acknowledge the original ordinance, justify the proposed ordinance, include additional detail under Section 3, and extend the expiration date in Section 6. These changes are identified in red; provided in excerpts below. The proposed ordinance, in its entirety, is included as an attachment (Attachment 3 – Urgency Ordinance 963-2021):

WHEREAS, to facilitate the return to business operations during COVID-19 pandemic, this City Council introduced and unanimously adopted Urgency Ordinance 962-2020 ~~would~~ on May 26, 2020 authorizing the Director of Emergency Services to waive strict application of zoning standards and/or regulations to the extent that such waivers would not result in an increase in general intensity of use beyond that which is generally allowed; and

WHEREAS, Urgency Ordinance 962-2020 has been identified as a valuable tool to support local business operations affected by health orders and expired six (6) months after its effective date; and

WHEREAS, the adoption of this Urgency Ordinance would continue to authorize the Director of Emergency Services to waive strict application of zoning standards and/or regulations to the extent that such waivers would not result in an increase in general intensity of use beyond that which is generally allowed, until statewide health orders are lifted.

Section 3. Urgency Finding and Declaration.

6. On December 3, 2020, California issued a Regional Stay at Home Order to take immediate action to prevent the unprecedented rise in COVID-19 cases, hospitalizations and test positivity rates across California. Since December 3, 2020, the number of COVID-19 cases in the state and locally have set new records. The Northern California Region, which includes Mendocino County, remains the only region in California not subject to the much stricter Regional Order, which now affects more than 98% of the state's population and limits nonessential travel to only the 1.7% of the state's population in the Northern Region. Early predictions by the State Health Official anticipated that all regions would be under the Regional Order by the end of December; and

Section 6. Effective Date. Following adoption by at least a four-fifths vote of City Council, this Ordinance shall take effect and be enforced immediately, and shall remain in effect ~~for six (6) months from the date of adoption or~~ until thirty (30) days after the expiration of ~~any~~ the State of California State of Emergency due to COVID-19, or when repealed by the Fort Bragg City Council, ~~order of the state or county government health orders to slow the transmission of COVID-19~~ whichever comes first.

RECOMMENDED ACTION:

City Council upon review may waive the reading of the Ordinance and adopt by title only an Urgency Ordinance of the City of Fort Bragg establishing authority to the Director of Emergency Services (City Manager) to waive certain zoning requirements and/or standards to facilitate business operations during the COVID-19 pandemic.

ALTERNATIVE ACTION(S):

The City Council may choose to adopt, decline to adopt the Urgency Ordinance and/or provide other direction to staff.

FISCAL IMPACT:

There is no cost to business owners. The General Fund would support staff time to process requests.

GREENHOUSE GAS EMISSIONS IMPACT:

None to negligible impacts associated with greenhouse gas emissions.

CONSISTENCY:

The proposed urgency ordinance is consistent with all state laws, city ordinances, and emergency orders currently in effect.

IMPLEMENTATION/TIMEFRAMES:

If adopted by a four-fifths vote of the entire membership of the City Council, the proposed Urgency Ordinance will become effective immediately.

ATTACHMENTS:

1. Staff Report, May 2020
2. Urgency Ordinance 962-2020
3. Urgency Ordinance 963-2021

NOTIFICATION:

1. "Notify Me" subscriber lists: Fort Bragg Downtown Businesses; and Economic Development