



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: SEPTEMBER 14, 2021

DEPARTMENT: COMMUNITY DEVELOPMENT

FROM: MEGAN HUNTER, DIRECTOR

BY: LISA BRINTON, PLANNING MANAGER

TITLE: ISSUANCE, EXTENTION AND FEE WAIVER FOR CERTAIN
OUTDOOR ACTIVITY PERMITS

RECOMMENDED MOTION:

A motion to allow issuance and extension of COVID-19 outdoor activity permits for bingo/card rooms, gyms, and religious assembly until December 31, 2021 with a continued fee waiver.

RECOMMENDATION:

It is recommended that the City Council approve a Resolution approving the issuance and extension of COVID-19 outdoor activity permits for bingo/card rooms, gyms, and religious assembly and the extension of the associated permit fee waiver granted by Executive Order Nos. 05-2020, 06-2020 and 07-2020 and Resolution Nos. 21948, 22049 and 22146 until December 31, 2021.

EXECUTIVE SUMMARY:

Federal policies and state and local orders put in place starting in March 2020 to slow the spread of COVID-19 resulted in sudden and dramatic impacts to local small businesses as many were forced to reduce operations or close their doors. A fast-track permitting process was established to facilitate legal outdoor business operations in accordance with state and local guidelines. Staff utilized the City's existing Temporary Use of Land Permit (TULP) and Sidewalk Café Encroachment Permit (SCEP) processes to allow business operations to move outdoors. SCEPs are required for expansion into the public right of way, including streets, alleyways, and sidewalks, while TULPs allow for outdoor operations on private property. Given the continued spread of the Delta variant of the coronavirus, it is recommended that COVID-19 outdoor activity permits for bingo/card rooms, gyms, and religious assembly and the associated permit fee waiver be extended until December 31, 2021.

BACKGROUND:

Staff utilized the City's existing Temporary Use of Land Permit (TULP) and Sidewalk Café Encroachment Permit (SCEP) processes to allow business operations to move outdoors. To support

fast-tracking of COVID related outdoor activities permits, staff assisted businesses with completing the application and committed to permit approval within 24-hours of an application being deemed complete. In addition, the length of time for TULPs was extended from four (4) consecutive days to six (6) months, with one six (6) month extension (Order 06-2020). As indoor restrictions continued into the fall of 2020, City Council approved waiving the fees for temporary outdoor activity through June 30, 2021 (Resolution 21948).

In February 2021, the City Council approved further extension of outdoor activity permits and fee waiver. Resolution No. 22049 allowed outdoor activity permits to be extended every six-months and associated permit fees be waived until the County of Monterey returned to the Yellow tier. When the state moved into the Yellow tier June 15, 2021, the City Council adopted Resolution 22146 (June 22, 2021) which

1. authorized outdoor activity permits for restaurants, bars, and COVID-19 testing and vaccination clinics be issued and extended to December 31, 2021 provided outdoor operations are being conducted as approved under the permit and liability insurance is in place through the end of 2021;
2. waived associated outdoor activity permit fees until December 31, 2021; and
3. mandated that other currently permitted COVID-19 outdoor activities such as bingo/card rooms, gyms, and religious assembly cease temporary outdoor operations and remove all associated furniture, equipment and structures by August 15, 2021.

To date, staff has issued 71 Temporary Use of Land Permits to allow for outdoor activities on private property and eight (8) Sidewalk Café Encroachment Permits for outdoor operations in the public right of way. See Table 1 below for a more detailed breakdown of permits issued.

Table 1

Outdoor Business Activity	SCEP		TULP	
	Total Permits Issued	Current Active Permits	Total Permit Issued	Current Active Permits
Restaurant/Bar	8	8	38	13
Personal Service (barber, hairdresser, nail salons)	—	—	12	0
Shopping Centers	--	--	9	1
Gym	--	--	6	0
Card Room	--	--	1	1
Bingo Parlors	--	--	2	1
Religious Assembly	--	--	1	0
COVID-19 Testing Site	--	--	2	1

This item was to be considered at the August 24, 2021 City Council Meeting, that was continued to September 14th. Currently permitted COVID-19 outdoor activities such as bingo/card rooms, gyms, and religious assembly that were to cease temporary outdoor operations and remove all associated furniture, equipment and structures by August 15, 2021 have been allowed to continue to operate. Code Enforcement staff continues to cite all outdoor activities operating without the required permits (SCEP and TULP).

DISCUSSION:

With the number of COVID-19 cases tied to the Delta variant continuing to rise in areas across the nation, state and county and as numbers are expected to continue to increase, staff proposes that COVID-19 outdoor activity permits for bingo/card rooms, gyms, and religious assembly be issued and extended until December 31, 2021 with a continued fee waiver.

If approved, staff proposes taking the following actions:

- 1) Code Enforcement staff will continue to cite all outdoor activities operating without the required permits (SCEP and TULP).
- 2) Code Enforcement and Plan and Project Implementation staff will notify bingo/card rooms, gyms, and churches (religious assembly) that they may obtain or extend a permit for outdoor operations until December 31, 2021.

Businesses desiring to continue outdoor dining activities in 2022 under a SCEP will be required to renew their permit by January 1, 2022 in compliance with SCEP program requirements, including payment of fees. SCEPs are issued for one year and can be renewed annually.

CEQA CONSIDERATION:

The proposed actions are not projects as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines section 15378).

STRATEGIC PLAN INITIATIVE:

This staff report and recommendations align with the following City Council strategic plan initiatives (2020-2023):

- Investment Strategies/Risk Management
- Operational Efficiencies
- Public Safety

DEPARTMENTAL COORDINATION:

Administration, Community Development Plan and Project Implementation and Code Enforcement Divisions, Public Works Development Engineering Division, as well as the City

Attorney's Office collaborated on the development of the proposed recommendation to extend outdoor operations.

FISCAL AND SUSTAINABILITY IMPACT:

General Fund revenue loss from outdoor activity permit fee waivers from July 2020 to date is \$19,902.85 for TULPs and \$2,543.88 for SCEPs. This fiscal impact resulting from fee waivers has been absorbed as part of City operations during fiscal years 2020-2021. Future fiscal impact to the General Fund depends on City Council direction regarding fee waivers and the number of new and renewed COVID-19 outdoor activity permits issued through the end of 2021.

ATTACHMENTS:

1. Resolution to issue and extend COVID-19 outdoor activity permits for bingo/card rooms, gyms and religious assembly to December 31, 2021