

City of Newark



URGENCY ORDINANCE AUTHORIZING
COMMUNITY DEVELOPMENT
DIRECTOR TO ISSUE COVID-19 MINOR
USE PERMITS AND WAIVE
REQUIREMENTS OF ZONING CODE

Background

- Many businesses are experiencing substantial declines in business due to the Shelter-in-Place Orders and COVID-19
- Shelter-in-Place orders are gradually being modified
- County Health Officer will be allowing additional businesses, such as outdoor in-person dining, to reopen soon



City Council: June 16, 2020

Continued COVID-19 Restrictions

- Businesses are likely to remain subject to social distancing requirements once they reopen, such as increased physical distance between tables
- Restrictions will impact businesses' ability to operate at 100% capacity
- CDPH's guidelines for restaurants specifically recommend prioritizing outdoor seating



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Newark Zoning Code

- Contains various regulations that may hinder the ability of businesses to successfully operate while also complying with health orders
- Staff has explored ways to help facilitate the continued operation of businesses impacted by COVID-19 health orders



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Proposed Urgency Ordinance

- Authorizes Community Development Director to issue COVID-19 Minor Use Permit and waive any restrictions contained in Zoning Code in order to facilitate businesses impacted by health orders
- Anticipated that most common request will be to waive normal regulations regarding outdoor seating or outdoor merchandise displays
- Ordinance is broad to allow flexibility and account for unanticipated requests



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Outdoor Seating

- Outdoor seating may occur on private patios, sidewalks, or off-street parking spaces
- City cannot allow seating on sidewalk if it will interfere with ADA path of travel
 - Some businesses may not be able to have outdoor seating
 - Broad authority for Community Development Director allows waiver of other requirements to help these businesses
 - City will not be able to grant all types of requests



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COVID-19 Minor Use Permit

- Lasts for duration of urgency ordinance or other time if specified by Community Development Director
- No fee for COVID-19 Minor Use Permit or Encroachment Permit issued pursuant to Urgency Ordinance
- COVID-19 Minor Use Permit will contain necessary conditions
 - Example: restricted hours of operation for outdoor seating



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BUSINESS OUTREACH

- Staff will engage in outreach to business community to enhance awareness of urgency ordinance
 - Online outreach
 - Contact Chamber of Commerce
 - Direct outreach to commercial property owners and businesses



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Recommendation

Staff recommends that the City Council adopt an urgency ordinance authorizing the Community Development Director to issue temporary use permits and waive requirements of Zoning Code to facilitate business operations impacted by COVID-19

- If adopted by a four-fifths (4/5) vote of the City Council, the proposed urgency ordinance will go into effect immediately.



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