



Legislation Text

File #: 20-1003, **Version:** 1

Planning and Building Department, Economic Development Division, recommending the Board approve Urgency Ordinance **5126**, adopting Amendments to the Zoning Ordinance to temporarily ease restrictions on outdoor dining and outdoor retail sales areas, and providing a County of El Dorado Temporary Outdoor Dining and Retail Sales Program.

FUNDING: N/A

DISCUSSION / BACKGROUND

During the COVID-19 pandemic, Governor Newsom has issued numerous executive orders related to reducing the spread of COVID-19, including the state mandate for the use of face masks in public, closure of indoor seating at restaurants, closures of particular businesses, and social distancing.

The COVID-19 pandemic and the corresponding executive orders are directly affecting retail operations within El Dorado County since social distancing recommendations for the creation of physical space between individuals significantly reduces the ability of retail businesses to operate at financially viable levels. The executive orders and social distancing measures have also resulted in reduced business operations within the County, a loss of revenue, lost employment, and impacts to the livelihood of County residents.

This Urgency Ordinance and the County of El Dorado Temporary Outdoor Dining and Retail Sales Program have been established to ensure restaurants and retailers have the greatest ability to operate successfully through the recovery process. Restaurants and retail establishments with access to private sidewalks or private parking may utilize these areas for dining activities in accordance with guidelines published by California Department of Public Health <<https://www.cdph.ca.gov/>>.

Urgency Ordinance Provisions

This Urgency Ordinance would temporarily ease regulations specified in the Zoning Ordinance pertaining to temporary outdoor retail sales and outdoor dining areas. This Urgency Ordinance accomplishes this by enacting the County of El Dorado Temporary Outdoor Dining and Retail Sales Program for the duration of the Urgency Ordinance. The County of El Dorado Temporary Outdoor Dining and Retail Sales Program includes social distancing requirements and other site design standards to ensure that outdoor dining and sales areas function in a safe way while the County recovers from the COVID-19 pandemic. This Urgency Ordinance would also temporarily ease provisions of the Zoning Ordinance pertaining to restrictions for off-street parking and temporary signage.

Outdoor Retail Sales and Outdoor Dining

Outdoor retail sales are broken into both temporary and permanent classifications. While permanent outdoor retail sales areas such as for a lumber yard or nursery are not affected by this Urgency

Ordinance, the Zoning Ordinance does specify that outdoor seating at a restaurant must comply with the standards identified for permanent outdoor retail sales. Therefore, in Section 130.40.220B (Outdoor Retail Sales) of the Zoning Ordinance, minor text changes are proposed on an interim and uncodified basis that implements the County of El Dorado Temporary Outdoor Dining and Retail Sales Program for outdoor seating areas.

Temporary Outdoor Retail Sales are allowed in commercial and industrial zones with issuance of an Administrative Use Permit (AUP) and/or Temporary Use Permit (TUP). To ease restrictions for outdoor sales in these zones, this Urgency Ordinance temporarily removes the need to obtain either of the above permits, and instead requires compliance with the County of El Dorado Temporary Outdoor Dining and Retail Sales Program. Therefore, not only would an Administrative Permit not be required for the duration of this Urgency Ordinance, but temporary outdoor retail sales would be allowed to remain for the duration of this Urgency Ordinance and not be subject to the Temporary Use Permit time limits specified in the Zoning Ordinance.

Restaurants are allowed in many zones either by right and/or with issuance of a Conditional Use Permit (CUP). Outdoor dining areas would be subject to the conditions of a CUP and/or the development standards located in the Permanent Retail Sales section of the Zoning Ordinance. The only change this Urgency Ordinance makes to outdoor dining areas is to ease restrictions by implementing the County of El Dorado Temporary Outdoor Ordinance Program for the duration of this Urgency Ordinance.

Parking

Off-street parking requirements are specified in Table 130.35.030.1 of the Zoning Ordinance and this Urgency Ordinance does not change the required off-street parking calculation for retail and/or restaurant uses. However, this Urgency Ordinance does implement, on a temporary basis, the County of El Dorado Temporary Outdoor Dining and Retail Sales Program that allows for 50% of the required parking spaces to be converted to outdoor dining space or retail space. The 50% reduction in parking spaces is intended to offset the reduction of patrons allowed inside due to social distancing requirements.

Temporary Signs

Temporary sign regulations are stipulated in Section 130.36.050 of the Zoning Ordinance including how many and what type of temporary signs are allowed for each use type. While this Urgency Ordinance does not change the number, size, or type of allowed temporary signs, it does allow for temporary signs to be used during the duration of this Urgency Ordinance and not subject to the time limits specified in the Zoning Ordinance (e.g. 90 cumulative days in a calendar year).

Duration

This Urgency Ordinance will be in effect from the date of approval by the Board of Supervisors until April 1, 2021, or unless extended or terminated by the Board.

Environmental Clearance

This action is exempt from the California Environmental Quality Act (CEQA), since it would result in minor alterations to existing facilities and does not have the potential for causing a significant effect on the environment in accordance with CEQA Guidelines Section 15061(b)(3) (common sense exemption), 15301 (existing facilities) and 15303 (new construction or conversion of small

structures).

ALTERNATIVES

The Board could choose to not approve the Urgency Ordinance, thereby disapproving the County of El Dorado Temporary Outdoor Program and temporary uncodified Zoning Ordinance text amendments.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel reviewed and approved the Ordinance and the program.

FINANCIAL IMPACT

The impacts of this action are assumed to be fiscally positive to the County, its businesses and residents, and will assist in the economic recovery from the COVID-19 crisis. No new or additional funding is required to implement or administrate this Urgency Ordinance.

CAO RECOMMENDATION/COMMENTS

Approve as recommended.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Economic Development - This project furthers the Strategic Plan goals of retaining, developing and attracting businesses that provide economic sustainability and quality job creation and investing in infrastructure needs to improve and maintain competitiveness.

CONTACT

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