



AGENDA ITEM SUMMARY

City Council

STAFF

Ginny Sawyer, Policy and Project Manager
Brad Yatabe, Legal

SUBJECT

Resolution 2022-101 Granting A Revocable Permit to Current Holders of Temporary Outdoor Expansion Permits Issued Pursuant to Emergency Rule and Regulation No. 2020-17A and Emergency Ordinance No. 124, 2020, to Temporarily Continue to Occupy Public Rights-of-Way.

EXECUTIVE SUMMARY

The purpose of this item is to bring forth a resolution that addresses a timing gap between terminating emergency rules and regulations and consideration of code changes to allow expanded outdoor permitting on an on-going basis.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On October 6, 2020, Council adopted Emergency Ordinance No. 124, 2020, to approve Emergency Rule and Regulation No. 2020-17A to allow local businesses to expand their patios/business operations onto City rights-of-way or private property to accommodate social distancing and occupancy restrictions imposed in response to the COVID emergency.

These expansions were permitted provided certain conditions were met while recognizing and allowing that not all existing requirements would be met or enforced. These Temporary Outdoor Expansion Permits ("Expansion Permits") terminate when the local declared public health emergency is deemed over and the Emergency Rules are lifted. The City Manager, in consultation with the County Health Director, is ready to terminate the emergency orders. Code changes to clarify and allow expanded outdoor permits are scheduled before Council on first reading on October 18, 2022. The timing between the code changes, implementation, and terminating the emergency rules and the Expansion Permits leaves a gap during which existing outdoor patios could be at risk of being in violation of both local ordinances and liquor licensing requirements.

This resolution addresses the timing gap by granting a temporary revocable permit pursuant to City Charter Article XI, Section 10, to let current holders of Expansion Permits continue to expand their businesses into the right-of-ways provided the holders continue to comply with the terms of the issued Expansion Permits and Emergency Rule and Regulation No. 2020-17A. The rights granted by the temporary revocable permit are intended, among other things, to grant a temporary possessory interest in public rights-of-way specified in each Expansion Permit to satisfy liquor licensing requirements to allow the transport of alcoholic

beverages across or within such rights-of-way. A total of ten temporary revocable permits would be granted with the list of grantee businesses contained in the Resolution.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

Not applicable.

ATTACHMENTS

1. Resolution for Consideration.