

CITY OF SANTA ANA EXECUTIVE ORDER NO. 5-2020

EXECUTIVE ORDER NO. 5 OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SANTA ANA AUTHORIZING RESTAURANTS AND RETAIL BUSINESSES TEMPORARY USE TO EXPAND DINING AND RETAIL OPERATIONS ONTO ALL SIDEWALKS AND ON-STREET PARKING SPACES (FOOD ISLANDS) ON CITY ROADS

SECTION 1. Findings.

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19").
- B. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.
- C. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- D. The Orange County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- E. On March 17, 2020, the Santa Ana City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and support an expedient response to the novel coronavirus ("COVID-19") pandemic.
- F. On March 19, 2020, California Governor Newsom issued Executive Order N-33-20, which mandates that all individuals living in the State of California stay home or at their place of residence, except as needed, to maintain continuity of operations of essential services sectors.
- G. On April 1, 2020, the California Department of Public Health ("CDPH") issued guidance regarding the use of face coverings in public.
- H. On April 4, 2020, the Centers for Disease Control and Prevention ("CDC") recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain, especially in areas of significant community based transmission.
- I. On April 9, 2020, the Orange County Health Officer issued a face covering recommendation for essential businesses, encouraging all employees at essential businesses to wear a face covering while at work and that all residents engaged in essential activities outside the home to do the same.

- J. On May 4, 2020, California Governor Newsom announced that, beginning May 8, 2020 the State can begin to move into Stage Two reopening with some retail, manufacturing, and logistics businesses. Non-essential retail businesses and restaurants are authorized to reopen for curbside pickup and/or deliveries.
- K. On May 23, 2020, the County of Orange announced the State's approval of the County's plan to accelerate local businesses further into Stage Two by demonstrating that Orange County meets the State's required metrics as outlined in the California Resiliency Roadmap.
- L. The City of Santa Ana is taking steps to ensure businesses have the ability to operate safely and successfully during the COVID-19 economic recovery using available private and public right-of-way.
- M. The City of Santa Ana is temporarily authorizing restaurants and retail businesses to expand dining and retail operations onto all sidewalks and on-street parking spaces (food islands) on City roads. The City has also identified certain roadways for full road closures (café & retail zones) and will be temporarily making these street areas available for expanded dining and retail activity.
- N. For the duration of Governor Newsom's stay-at-home order, City Code requirements regarding certain permitting of sidewalk cafes shall be temporarily suspended. Businesses utilizing City rights-of-way shall comply with the following requirements during this time period. Operational requirements for Sidewalk Cafes per the SAMC shall remain in effect as described below and shall apply to all private business operations including retail establishments.
- O. As of May 26, 2020, Orange County has had 5,578 cases of COVID-19 and 131 deaths; the City of Santa Ana has had 1,032 such cases, which is the highest case City in all of Orange County as of this date.
- P. To help existing commercial businesses operate in a safe manner to abide by State of California and local health officials mandate for social distancing, it is necessary to temporarily authorize restaurants and retail businesses to expand dining and retail operations onto all sidewalks and on-street parking spaces (food islands) on City roads.
- Q. This Order is adopted pursuant to the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, the City Charter of the City of Santa Ana and the Santa Ana Municipal Code to protect the peace, health, and safety of the public. This Order is necessary for the preservation of the public peace, health, and safety of residents living within the City. Under Government Code Section 8634, this Order is necessary to provide for the protection of life and property.

NOW, THEREFORE, I, Kristine Ridge, the Director of Emergency Services for the City of Santa Ana, do hereby issue the following order, in conformance with and where not superseded by an Executive Order from the Governor and guidance from the CDC, CDPH, and the Orange County Health Officer, to become effective immediately:

IT IS HEREBY ORDERED THAT:

SECTION 2. The Executive Director of Planning and Building is hereby authorized to:

A. Allow restaurants, food establishments, and retail businesses licensed under Chapter 41 of the Santa Ana Municipal Code (SAMC) to temporarily expand dining and retail operations onto sidewalks and parking spaces (Food Islands/Parklets) on City roads or parking lots within Downtown Santa Ana, subject to written guidelines approved by the City Manager.

B. Allow restaurants, food establishments, and retail businesses licensed under Chapter 41 of the Santa Ana Municipal Code (SAMC) to temporarily expand dining and retail operations on private commercial property by utilizing up to 50% of the off-site private parking spaces servicing the property, subject to written guidelines approved by the City Manager.

SECTION 3: The authorization to allow the activities specified above shall be temporarily exempt from local permitting requirements. The written guidelines approved by the City Manager as referenced above are titled as “The City of Santa Ana Guide for Expanded Restaurant + Retail Spaces” and are attached hereto as Exhibit A.

SECTION 4. This Order shall be superseded by a duly enacted Ordinance of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency expressly superseding this Order.

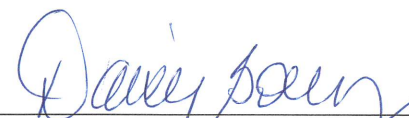
SECTION 5. This Order shall become effective immediately, and shall remain in effect for the duration of Stage 2 and Stage 3 of the State of California Resiliency Roadmap Stages as declared by Governor Newsom, unless extended by the Director of Emergency Services or the City Council.

SECTION 6. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction such decision shall not affect the remaining provisions of this order.

PASSED, APPROVED AND ADOPTED this 28th day of May, 2020.



Kristine Ridge, Director of Emergency Services

ATTEST: 

Daisy Gomez, Clerk of the Council