

**PROCLAMATION OF THE CITY MANAGER OF
THE CITY OF ARCADIA IN HIS CAPACITY AS
EMERGENCY SERVICES DIRECTOR
SUSPENDING CERTAIN LAND USE
REQUIREMENTS RELATED TO OUTDOOR
SEATING TO PROVIDE FLEXIBILITY FOR
BUSINESSES DURING THE LOCAL
EMERGENCY AND BEYOND**

This Order suspends certain land use requirements related to outdoor seating for restaurants and other retailers at the discretion of the City Manager/Director of Emergency Services or designee. This action will provide flexibility for restaurants and other retail establishments to allow a streamlined process for obtaining approvals for outdoor seating to help augment occupancy while still meeting required social distancing requirements as a result of the COVID-19 pandemic.

WHEREAS, On March 4, 2020, the Health Officer of Los Angeles County determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County and declared a Local Health Emergency and the Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency due to the spread and effects of COVID-19; and

WHEREAS, On March 17, 2020, the City Council of the City of Arcadia ("City Council") adopted Resolution 7300, ratifying the City Manager's proclamation of a local emergency and declaring a local emergency; and

WHEREAS, Resolution 7300 by its express terms "shall be superseded by a further order of the Director of Emergency Services adopted during the local emergency that expressly supersedes" the orders contained in Resolution 7300; and

WHEREAS, on March 19, 2020, California Governor Newsom issued Executive Order N-33-20 which, with certain exceptions, ordered all individuals in the State to stay at home to stop the spread of the Coronavirus (COVID-19); and

WHEREAS, on May 29, 2020, the Los Angeles County Health Department issued protocols for on-site dining for restaurants as part of their "Roadmap to Recovery". These protocols include workplace policies to protect employee health, workplace practices to ensure social distancing, measures to ensure infection control, communication between employees and the public, and measures to ensure equitable access to required facilities; and

WHEREAS, as a result of the "Stay at Home" Order, and the subsequent protocols placed on businesses to ensure safety, hardships have been created for restaurants and retailers in being able to keep businesses active and viable through the limitations on occupancy; and

WHEREAS, it is important for the City of Arcadia to take measures to keep businesses active and viable during this period of unprecedented economic upheaval and to do what is possible to assist businesses in their ability to sustain themselves; and

WHEREAS, rules and regulations to enable businesses to expand or utilize outdoor spaces for seating are reasonably related to the protection of life and property because, according to public health officials, social distancing and avoiding crowded indoor spaces reduces the risk of further spread of COVID-19; and

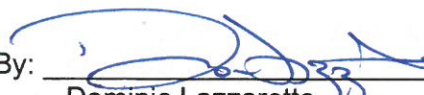
WHEREAS, California Constitution Article XI, Section 7 enables the City to make and enforce local land use regulations, and Article IX of the Arcadia Municipal Code governs land use and development including, without limitation: building, planning, zoning, and subdivision regulations.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED THAT:

1. The City of Arcadia shall waive land use processes associated with sidewalk dining and outdoor dining, except that interested businesses shall still apply for Temporary Use Permits (private property) and Sidewalk Dining (public right-of-way), as applicable. No Minor Use Permits, Conditional Use Permits, or other discretionary actions shall be required to permit dining during the extent of this Proclamation.
2. The City of Arcadia shall suspend imposition of fees associated with Temporary Use Permits, encroachment permits, fire inspections, and other fees associated with any application for outdoor seating or dining. This includes fees for temporary banners/signs to advertise businesses.
3. Applications, and associated submittal requirements, remain necessary for Temporary Use Permits and encroachment permits for sidewalk dining, respectively, including insurance requirements. Decisions on these applications remain appealable pursuant to the Development Code.
4. The City of Arcadia will re-examine the need for this Proclamation on an on-going basis. The waivers will be in effect until specifically lifted by the City Manager/Director of Emergency Services, and may be in place beyond the lifting of the local emergency.
5. This Proclamation shall only apply to applications that are specific to enable expansion of outdoor seating for social distancing and the waivers stated here do not apply to any other applications. Interpretations of this Proclamation shall be made pursuant to Arcadia Development Code Section 9101.02.

ORDERED by the City Manager/Director of Emergency Services on this 19th day of June, 2020.

Dated: June 19, 2020

By: 

Dominic Lazzaretto
Director of Emergency Services/
City Manager
City of Arcadia, California