City of Redwood City  
Director of Emergency Services  
Proclamation Allowing Outdoor Business Activity During COVID-19 Emergency  
and Superseding the June 15, 2020 Proclamation Allowing Outdoor Dining

WHEREAS, the California Emergency Services Act (California Government Code section 8550 et seq.) confers upon the governing bodies of the political subdivisions of this state emergency powers necessary to protect health and safety and preserve lives and property; and

WHEREAS, Government Code Section 8630 and Redwood City Code ("City Code") Chapter 10 (Emergency and Disaster Relief) empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, on March 12, 2020, the City Council ("City Council") of the City of Redwood City ("City") adopted a resolution Proclaiming the Existence of a Local Emergency Caused by the Novel Coronavirus (Covid-19) ("Emergency Resolution"); and

WHEREAS, the City’s Emergency Resolution provided that that during the existence of said local emergency, the powers, functions and duties of the City Council, the Director of Emergency Services and the Emergency Organization of the City shall be those prescribed by state law, ordinances, resolutions and administrative policies of this City and by the City of Redwood City Emergency Plan; and

WHEREAS, City Code Section 10.6(B) provides that upon the proclamation of a local emergency, the City Council or, if a quorum of the Council is unable to convene, the Director, is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; provided, however, such rules and regulations, if not enacted by the Council pursuant hereto, shall be ratified or rescinded by the Council at the earliest practicable time after issuance thereof; and

WHEREAS, on March 16, 2020, as a result of the widespread community transmission of COVID-19, the Health Officer of the County of San Mateo ("Health Officer") issued an Order for all County residents to shelter in place except for certain essential activities. This mandate to shelter in place was extended and superseded by Order No. c19-5b dated March 31, 2020, Order No. c19-5c dated April 29, 2020, Order No. c19-5d on May 15, 2020 and Order No. c19-5e on May 28, 2020 and Order No. c19-5f on June 4, 2020 and all referenced appendices; and

WHEREAS, on June 17, 2020, the Health Officer issued Order No. c19-11 rescinding Order No. c19-5f (issued on June 4, 2020), allowing limited gatherings not exceeding 50 people, allowing social bubbles, and imposing requirements related to social distancing, face covering, and other specified matters, (the "County Health Requirements"); and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all of California to stay at home, unless in the category of essential services; and
WHEREAS, on May 4, 2020, Governor Newsom issued Executive Order N-60-20 directing the public to continue to follow the directives of the State Public Health Officer and county health officers when more restrictive and noting the continued threat of the global COVID-19 pandemic, but allowing reopening of lower risk businesses to reopen pursuant to a framework developed by the State Public Health Officer; and

WHEREAS, on June 15, 2020, the City Manager acting as the Director of Emergency Services issued a Proclamation allowing outdoor dining during the Covid-19 emergency through an outdoor dining permit with specified conditions. On June 22, 2020, the City Council ratified the June 15, 2020 Proclamation by adopting Resolution No. 15858; and

WHEREAS, this Proclamation is intended to continue to allow outdoor dining and to allow additional businesses to conduct their operations outdoors through an Outdoor Business Permit, subject to specified conditions, County Health Requirements, and requirements and guidelines issued by the State of California, including but not limited to orders issued by the Governor and the State Public Health Officer; and

WHEREAS, pursuant to the City Zoning Ordinance, and Precise Plans including the Downtown Precise Plan (“DTPP”), and the North Main Precise Plan (“NMPP”) (collectively, the “Zoning Regulations”) outdoor uses, such as dining, seating, shopping, or other activity that promote pedestrian activity, are either permitted as of right, or the Zoning regulations do not explicitly prohibit such activity; and

WHEREAS, pursuant to City Code Chapter 29 (Streets, Sidewalks and Work in or Use of City Right-Of-Way), any activity in the public right-of-way requires an encroachment permit from the City; and

WHEREAS, the City must consider making alterations to normal permitting requirements for certain outdoor commercial activity to allow businesses to extend their operations outdoors in a timely and safe manner, so as to provide a safe environment for customers; and

WHEREAS, the City has an important governmental interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its residents and businesses; and

WHEREAS, in order to protect the health and safety of the City, while fostering economic well-being of the City's citizens and businesses, the City wishes to assist businesses in remaining open, or re-opening when lawfully permitted to do so; and

WHEREAS, when non-essential businesses are permitted to re-open pursuant to State and County orders, laws, and/or guidance, the City will suspend certain permit and license requirements in order to facilitate business operations in a manner that is consistent with County Health Requirements including all social distancing requirements, and protects the health and safety of the citizens of Redwood City; and

WHEREAS, under authority contained in Government Code Sections 8610 and 8634 and City Code Section 10.6(B)(5), the City Manager is empowered, as the Director of Emergency
Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; however, such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, the City Council is not in session and cannot immediately be called into session; and

WHEREAS, the City Manager is also empowered, as the Director of Emergency Services, to execute all ordinary powers as City Manager, all the special powers conferred upon her by any statute or agreement approved by the City Council or by any other lawful authority, and, in conformity with the provisions of Government Code Section 38791, to exercise complete authority over the City and all police powers vested in the City by the California Constitution and general laws of the State; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Proclamation to protect life, property and civil order.

NOW, THEREFORE, BE IT RESOLVED, that I, Melissa Stevenson Diaz, as the Director of Emergency Services of the City of Redwood City, based on the foregoing recitals that shall constitute findings in this Proclamation, do hereby declare that the following rules and regulations are necessary and order the following:

SECTION 1. June 15, 2020 Proclamation Superseded. The June 15, 2020 Proclamation allowing outdoor dining during the Covid-19 emergency is hereby superseded by this Proclamation allowing outdoor businesses as specified herein, subject to ratification by the City Council of the City of Redwood City.

SECTION 2. Application of this Proclamation. Only those businesses that are authorized to operate pursuant to the County Health Requirements and require outdoor space in order to effectively run their business while complying with State and County Orders, are eligible to operate outdoors pursuant to the provisions of this Proclamation. Nothing in this Proclamation shall authorize a particular business to operate outside unless and until that business is authorized to operate pursuant to State and County Orders. All businesses must be in full compliance with all State and County Orders regarding business reopening and operation in order to comply with this Proclamation.

SECTION 3. Limited Suspension of Parking and Signage Requirements. To facilitate the reopening of certain businesses to engage in outside activities on private property in a manner that is consistent with State Guidelines (including Statewide Industry Guidance), Executive Orders and County Health Requirements ("State and County Orders") related to COVID-19, the requirement to maintain required parking under the Zoning Regulations (including but not limited to Zoning Ordinance Article 30 (Off-Street Parking and Loading)) and to comply with certain sign-related requirements under City Code Chapter 3 (Advertising and Signs), Sections 3.126 (General Regulations), 3.127 (Temporary Signs), 3.128 (Special Event Signs), 3.147 (Permit Application) and any other regulations and/or policies that would otherwise prohibit businesses from engaging
in their business activities outside are hereby suspended in accordance with the provisions of this Proclamation. For the sake of clarity, parking and signage requirements are only suspended to the extent necessary to enable outdoor business activity, again in accordance with the provisions of this Proclamation.


A. Existing businesses that do not currently have a permit to operate their business outside of an enclosed structure ("Outdoor Activities") shall be required to enter into a "Temporary Outdoor Business Permit (COVID-19)" (hereinafter the "Temporary Outdoor Business Permit"), in the form provided by the City to be eligible to engage in Outdoor Activities. The Temporary Outdoor Business Permit shall include the minimum operational standards identified in Exhibit "A", attached hereto and incorporated by reference, and may include additional requirements, if appropriate.

B. A Temporary Outdoor Business Permit on private property shall be available only to those current tenants of an existing shopping center or commercial structure and shall not be available to mobile businesses or vacant property or on property without commercial tenants.

C. The Director of Emergency Operations or her designee shall be authorized to enter into a Temporary Outdoor Business Permit with the applicant and shall be entitled to seek the review of any City staff regarding any and all site-specific considerations related to the proposed Outdoor Activities, and make any necessary changes to the Temporary Outdoor Business Permit based on those site-specific considerations, to ensure ongoing protection of the public health and safety of the City.

D. Temporary Outdoor Dining Permits previously issued by the City shall continue to be valid under the terms of the permit and this Proclamation.

SECTION 5. Encroachment Into Public Right-of-Way. To streamline the issuance of temporary rights of encroachment into the public right-of-way, the City hereby amends its encroachment permit process as follows:

A. City Code Chapter 29 (Streets, Sidewalks and Work In Or Use of City Right-of-Way) Sections 29.3 (Encroachment Permit Required), 29.6 (Application), 29.11 (Terms and Conditions of all Encroachment Permits) subsections (D) (commencing of work) and (E) (term), 29.21 (revocation), and 29.26 (fees) regarding encroachment permits shall not apply to businesses who enter into a Temporary Outdoor Business Permit for purposes of conducting Outdoor Activities in compliance with State and County Orders subject to the provisions of this Proclamation.

B. Businesses seeking to encroach into the public right way for purposes of conducting Outdoor Activities in compliance with State and County Orders shall execute a Temporary Outdoor Business Permit in lieu of obtaining a standard encroachment permit.
C. “Personal Services, General” and “Personal Services, Studio” as defined in the Zoning Ordinance (Article 2, Definitions), including but not limited to hair and nail salons and barbershops are not eligible to encroach into the public right-of-way.

D. Retail uses are not permitted with the public right-of-way, except on sidewalks, subject to applicable federal, state and local laws, including but not limited to regulations implementing the Americans with Disabilities Act (ADA).

E. Fitness uses, such as gymnasiums, exercise studios, martial arts studios, health clubs, and similar uses, are not allowed within the public right-of-way. Such uses may be considered by the Parks, Recreation and Community Services Department for use in public parks, consistent with the City Code.

**SECTION 6. No Interference with Private Property.** Nothing in this Proclamation relieves a business from any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain consent of any private property owners whose property will be used for outdoor operations. Nothing in this Proclamation is intended to circumvent private property agreements or leases and conveys no rights to operate a use or conduct commercial activities outdoors.

**SECTION 7. Building Permit Required.** Nothing in this Proclamation relieves a business from the requirement to obtain a building permit for Outdoor Activities if a building permit would otherwise be required, nor does this order relieve a business from complying with all provisions of the Building Code, including but not limited to, maximum occupancy requirements. Nothing in this Proclamation relieves a business from the requirement to undergo design review for exterior alterations if such design review is required pursuant to applicable provisions of the City Code or Zoning Regulations, except that temporary installments, including but not limited to, tents, fencing, barriers and enclosures, may be authorized in the Outdoor Activity Agreement to facilitate proposed Outdoor Activities.

**SECTION 8. State and County Permits and Licenses.** Nothing in this Proclamation relieves a business from the requirement to obtain any and all State and County permits and licenses.

**SECTION 9. Violations of Proclamation.** Any violation of this Proclamation or any other local, State, or Federal law shall constitute an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to enforcement as such; violations of this Proclamation may result in the immediate termination of a Temporary Outdoor Business Permit and the cessation of any activities authorized by said Agreement and this Proclamation.
SECTION 10. Effective Date of Proclamation. This Proclamation shall become effective on the date signed by the Director of Emergency Operations for the City of Redwood City and shall expire when repealed or upon a declared termination of the state of emergency regarding COVID-19 by the City Council of Redwood City. This Proclamation shall only apply to the extent businesses are authorized to operate pursuant to State and County orders regarding essential businesses.

CITY OF REDWOOD CITY,
a Charter City and Municipal Corporation

09/11/2020 5:30 pm
Date and Time

By: Melissa Stevenson Diaz,
Director of Emergency Services

ATTEST:

Pamela Aguilar,
City Clerk
Exhibit “A”
Operational Standards

Eligibility

1. Outdoor Activities on private property shall be available only for those current tenants of the shopping center or commercial building and shall not be available to mobile businesses, or on vacant property, or on property without commercial tenants.

2. All Outdoor Activities conducted on private property must be done with consent of the property owner.

   a) Outdoor dining may operate on private property and within the public right-of-way.

   b) Retail may operate on private property and within the public right-of-way but limited to the sidewalk area only where space allows, consistent with applicable law including but not limited to ADA requirements. No use of on-street parking or closed streets is permitted.

   c) Personal Services may operate on private property only. Electrolysis, tattooing and piercings are not allowed outdoors. Personal Services is defined in Zoning Ordinance Article 2 (Definitions), and any applicable Precise Plan, and includes but is not limited to hair salons, barbershops, nail salons, massage parlors, body waxing, facials and threading.

   d) Fitness uses may operate on private property or in public parks. Use of public parks is considered by the Parks, Recreation and Community Services Department at (650) 780-7250 and not through the Outdoor Business Permit process. Fitness uses include but are not limited to gymnasiums, exercise studios, martial arts studios, health clubs, and similar uses.

Safety, Location, Accessibility

3. All Outdoor Activities shall be consistent with State Guidelines (including Statewide Industry Guidance), Executive Orders and County Health Requirements issued by the State and County in response to COVID-19 (“State and County Orders”). Outdoor Activities must, at all times, be operated in accordance with State and County Orders, including but not limited to, health guidelines regarding number of patrons, disinfectants, table spacing, use of shared materials, staff hygiene, and social distancing.

4. No permanent item or structures shall be installed on City property. No permanent or temporary signage shall be affixed to any publicly owned structure, including but not limited to streetlights, benches, bus shelters, or similar appurtenances.

5. The Outdoor Activity area shall be contiguous to commercial structures or walkways immediately adjacent to commercial structures. Businesses on private property shall utilize outdoor space contiguous to their tenant space unless authorized by the landlord to use other space contiguous to commercial structures or walkways immediately adjacent
to structures. Notwithstanding the foregoing, a landlord may designate an alternative location for consolidated outdoor dining of take-away meals or retail pickup provided all other provisions of this Proclamation and State and County Orders are followed.

6. Temporary barriers not exceeding three (3) feet in height shall be placed in a safe manner around the Outdoor Activity area.

7. The Outdoor Activity area must remain clear of drive aisles and fire lanes necessary to provide adequate vehicular circulation and access by public safety vehicles in the event of a fire, medical, or other emergency.

8. A temporary accessible ramp from curb to Outdoor Activity area is required if a permanent ramp is not already available.

9. Accessible parking stalls, accessible van loading areas, and associated paths of travel shall not be impeded by Outdoor Activity areas.

10. Businesses shall not be permitted to expand beyond pre-Covid-19 capacity.

11. No permanent items or structures shall be installed within the Outdoor Activity area.

12. All walkways and sidewalks shall maintain a five-foot clear path of travel.

Operations

13. Temporary canopies or tents must comply with fire requirements. Permits from the Redwood City Fire Department are required for canopies or tents over 400 square feet. Only one side of the tent or canopy can be closed at any given time.

14. Hours of operation for Outdoor Activity uses shall not exceed the normal hours of operation for the corresponding business with which the outdoor use is associated.

15. Outdoor Activity areas shall be regularly maintained free of trash and debris.

16. Use of electric powered tools such as hair dryers, cutters, curling irons, steam machines, equipment for polishing or electric nail drills shall only be allowed if the cords are kept from the path of travel, and shall be removed at the end of each day. Hair blowers cannot be used outside.

17. Any outdoor alcohol consumption shall be in compliance with the rules and regulations of the Department of Alcoholic Beverage Control and State and County Orders.

18. No outdoor music or entertainment is permitted.

19. Outdoor cooking or grilling is not permitted.