

**LOCAL EMERGENCY ORDER AND REGULATION NO. 7
COVID-19**

**TEMPORARILY SUSPENDING CERTAIN DEVELOPMENT STANDARDS FOR
NON-RESIDENTIAL USES**

WHEREAS, at 6:30 p.m. on March 18, 2020, the San Luis Obispo County Emergency Services Director, in coordination with the County Health Officer and with the support of the seven cities within San Luis Obispo County, issued Local Emergency Order and Regulation No. 4 (“Order No. 4”) directing that all residents of the county shelter at home. Order No. 4 further required businesses to cease operations unless that business was deemed an “Essential Business,” in which case the business was allowed to remain open subject to Social Distancing and other requirements; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order No. N-33-20 likewise mandating cessation of certain activities and directing that all residents of the county stay at home (“Stay at Home Order”); and

WHEREAS, also on March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay at home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, on March 20, 2020, the State Public Health Officer designated a list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety; and

WHEREAS, the State Public Health Officer further lists specific jobs and functions within those critical infrastructure sectors that are deemed “necessary.” This includes hotels and lodging activities related to isolating or quarantining persons infected with or exposed to the COVID-19 virus, or housing workers performing jobs deemed essential to maintaining critical infrastructure; and

WHEREAS, on May 16, 2020, County’s Order No. 4 expired on its own terms leaving in effect the State’s Stay at Home Order; and

WHEREAS, on August 28, 2020, the State issued its Blueprint for a Safer Economy and a new Health Officer Order which set forth the State’s framework for reopening. The State’s framework for reopening program set forth a series of tiers which corresponded to specific epidemiological profiles. In each tier, different business sectors were allowed to open, close or modify their business practices; and

WHEREAS, on August 28, 2020, the County was placed in the most restrictive tier known as Widespread (purple) Tier 1; and

WHEREAS, on September 22, 2020, the County moved from Widespread (purple) Tier 1 to Substantial (red) Tier 2; and

WHEREAS, on November 16, 2020, the County moved back into the Widespread (purple) Tier 1 category and was later subject to the State's Regional Stay at Home Orders issued on December 3, 2020; and

WHEREAS, as the County moves between the various tiers and as the State continues to adjust its guidance documents regarding what business sectors may be open and/or how their business operations need to be modified, businesses within the County have needed to change their operations in order to accommodate social distancing requirements and allowing for outdoor operations. The County's development standards in Titles 22 and 23 of its code may create an immediate bar for these businesses to successfully move their operations outdoors typically because such outdoor operations need to be located in areas which otherwise provide onsite parking or are located within the setback area; and

WHEREAS, it is in the health, safety and welfare for the County to temporarily suspend such development standards in order for these businesses to successfully implement modified operations.

NOW, THEREFORE, it is ordered as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. The following development standards set forth in Titles 22 and 23 of the San Luis Obispo County are hereby temporarily suspended for any non-residential use for purposes of modifying the business' operations to comply with State orders regarding COVID-19:
 - a. Minimum setback: zero (0) feet when adequate ADA access and emergency access is provided in accordance with Cal-Fire – Office of the State Fire Marshall guidance, copy attached as Exhibit "A".
 - b. Onsite Parking Requirements: No onsite parking required except any existing required ADA accessible parking spaces shall remain accessible and an accessible path of travel shall be provided to the temporary outdoor area. Fire lanes and emergency access shall be provided and unobstructed.
 - c. Maximum Height: Maximum height of any temporary structure needed to implement the business' modified operations (i.e. tents) shall be limited to the maximum height of the underlying zoning, however, exceptions may be granted by the Planning Department on a case by case basis upon the showing of the need for the additional height and a finding that such exception will not be detrimental to the health, safety and welfare of the community and the adjacent property owners or their employees or customers.

- d. Review Process: Any business owner wishing to utilize the setback or parking areas for their modified business operations shall submit an application with the County Department of Planning and Building. The application shall be developed by the County Department of Planning and Building and shall require the following information:
 - i. Site plan with the name of the business and address;
 - ii. Affected area and if applicable:
 - 1. the number of parking spaces impacted;
 - 2. the number of tables/seating that will be provided;
 - 3. the type of overhead or winterization that will be provided;
 - 4. hours of operation;
 - 5. ADA parking and path of accessible travel; and
 - 6. Location of fire lane and emergency access routes.

There shall be no fee for this service.

- e. All applicable guidelines related to ADA access, winterization and safety still apply (i.e. California Building Code; California Fire Code, State Fire Marshall Bulletin 20-007, etc.). All temporary structures shall substantially comply with the California Department of Public Health's guidance on the use of temporary structures for outdoor business operations, attached hereto as Exhibit "B" and can be found in the following link: [Use of Temporary Structures for Outdoor Business Operations \(ca.gov\)](#).
3. This Order No. 7 shall be effective immediately and shall automatically terminate upon termination of the County's March 13, 2020 proclamation of local emergency and declaration of a local health emergency.

A copy of this Local Emergency Order and Regulation No. 7 shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

Date: 27 JAN 2021

Time: 1245



Wade Horton
Emergency Services Director