

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.22
(ID # 12709)

MEETING DATE:

Tuesday, June 02, 2020

FROM: TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Adoption of Resolution No. 2020-153 Establishing Measures for Temporary On-Site Areas to Assist Legally Existing Businesses to Maintain Operations During COVID-19; All Districts. [\$3,000 Total - 100% Planning Department] (CEQA Exempt)

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** that Resolution No. 2020-153 is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b) (3) (Common Sense Exemption) and Section 15301 (Existing Facilities) based on the findings and conclusions included herein; and
2. **ADOPT** Resolution No. 2020-153 establishing measures for temporary on-site areas to assist legally existing businesses to maintain operations while the State of California's Health Order related to COVID-19 remains in place.

ACTION: Policy

Charissa Leach, Assistant TLMA Director 5/27/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: June 2, 2020
xc: Planning

Kecia R. Harper
Clerk of the Board

By:
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|--|-----------------------------|--------------------------|---------------------------|---------------------|
| COST | \$ 3,000 | \$ N/A | \$ 3,000 | \$ N/A |
| NET COUNTY COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A |
| SOURCE OF FUNDS: 100% Planning Department | | | Budget Adjustment: | No |
| | | | For Fiscal Year: | 19/20 |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

On May 22, 2020, the State of California approved the County of Riverside's readiness to move to accelerated Stage 2 of California's Pandemic Resilience Road Map. Businesses allowed to reopen and operate under the provisions of accelerated Stage 2 are to comply with all physical distancing requirements as set forth in the State of California's Health Order and any applicable statewide industry guidance to reduce risk as set forth by the State.

In accordance with Government Code section 8634 and Health and Safety Code section 101025, the Board of Supervisors may take measures necessary to provide for the protection of life, public health and property.

The measures set forth in Resolution No. 2020-153 provides flexibility for temporary on-site areas to assist businesses in maintaining their operations as were permitted prior to the COVID-19 emergency while the State of California's Health Order remains in place. The purpose of the resolution is to increase the total area available for legal business activities to accommodate for physical distancing requirements but not to allow any total intensity increase in what was previously permitted prior to the COVID-19 emergency.

Restaurants, wineries and other eating establishments utilizing temporary on-site areas will need to comply with their approved land use permit, conditions of approval and all applicable laws and regulations including, but not limited to, the California Disabled Persons Act, Alcoholic Beverage Control Act, the California Building Code, the California Fire Code, Riverside County Ordinance No. 348 and Riverside County Ordinance No. 457.

Additionally, such establishments will also need to provide notice to the Assistant TLMA Director – Planning & Land Use on the form provided by the Planning Department indicating the business owner's intent to comply with this resolution.

The Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3), as this Project is subject to the general rule that CEQA applies only to those projects that have the potential for causing a significant effect on the environment. The proposed Project is also exempt from CEQA review pursuant to State CEQA Guidelines Section 15301 (Existing

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Facilities). This resolution will only be applicable to existing establishments with previously approved land use permits for such uses. All applicable conditions of approval will remain in place and the existing operations must continue to comply with all required laws and regulations for such facilities. The resolution stipulates that the use of the temporary on-site areas must be within legally established areas on the subject lot and must not be located within any sensitive environmental areas. Lastly, the resolution merely allows the operations to continue to operate at their existing levels, while maintaining the ability to meet the State's distancing requirements; there will be no increase in the intensity of the existing operations.

Impact on Residents and Businesses:

This Resolution will assist the County's businesses in their economic recovery efforts, while providing for a safer reopening in accordance with State and County public health guidance for physical distancing.

Additional Fiscal Information:

NA

ATTACHMENTS:

A. Resolution No. 2020-153



Jason Farin, Senior Management Analyst

5/27/2020



Gregory L. Priamos, Director County Counsel

5/27/2020

**RESOLUTION NO. 2020-153
ESTABLISHING TEMPORARY MEASURES TO
MAINTAIN SAFE AND HEALTHY BUSINESS OPERATIONS
DURING THE COVID-19 PANDEMIC**

WHEREAS, on March 4, 2020, pursuant to Government Code section 8625, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of Novel Coronavirus (COVID-19); and,

WHEREAS, on March 8, 2020, pursuant to Health and Safety Code section 101080, the Riverside County Public Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Riverside County; and,

WHEREAS, on March 10, 2020, pursuant to Government Code section 8630, the Riverside County Board of Supervisors adopted Resolution No. 2020-062 proclaiming the existence of a local emergency regarding COVID-19; and,

WHEREAS, on March 10, 2020, the Riverside County Board of Supervisors adopted Resolution No. 2020-063 proclaiming that the local health emergency shall continue to exist until its termination is proclaimed by the Board of Supervisors; and,

WHEREAS, on March 19, 2020, in accordance with Executive Order N-33-20, the Governor of California and the State Public Health Officer directed all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors along with other specified essential services; and,

WHEREAS, on April 4, 2020, the Riverside County Public Health Officer issued an order for the public to stay home in conjunction with the Governor’s order issued on March 19, 2020; and,

WHEREAS, on May 4, 2020, the Governor of California issued Executive Order N-60-20 directing the State Public Health Officer to establish criteria and procedures to determine whether and how particular local jurisdictions may implement public health measures that depart from statewide directives; and,

FORM APPROVED COUNTY COUNSEL
BY: *Aaron C. Gettis*
AARON C. GETTIS
DATE: 5/27/20

1 **WHEREAS**, on May 7, 2020, the State Public Health Officer set forth criteria that would allow
2 local jurisdictions to move through Stage 2 of California’s Pandemic Resilience Road Map more quickly
3 than the State as a whole and reopen additional low-risk businesses; and,

4 **WHEREAS**, on May 8, 2020, the Riverside County Board of Supervisors directed the Riverside
5 County Public Health Officer to adopt revised local Public Health orders so as to align with the State’s
6 Orders, as they exist of that date or may be amended; and

7 **WHEREAS**, as a result of the hard work and sacrifices by the residents of Riverside County, the
8 County has been able to take positive steps and reduce the impact of the epidemic within the County of
9 Riverside; and,

10 **WHEREAS**, on May 21, 2020, the County of Riverside submitted a revised letter and attestation to
11 the Governor of California notifying the Governor that Riverside County has the ability to meet, exceed or
12 plan to achieve the criteria needed to accelerate through the current Stage 2 of the economic expansion plan
13 and is ready to cautiously and safely open more businesses; and,

14 **WHEREAS**, on May 22, 2020, the State of California approved the County of Riverside’s readiness
15 to move to accelerated Stage 2 of California’s Pandemic Resilience Road Map; and,

16 **WHEREAS**, businesses allowed to reopen and operate under the provisions of accelerated Stage 2
17 are to comply with all physical distancing requirements as set forth in the State of California’s Health Order
18 and any applicable Statewide industry guidance to reduce risk as set forth by the State; and,

19 **WHEREAS**, those businesses impacted by the physical distancing requirements and any applicable
20 Statewide industry guidance imposed in response to the COVID-19 emergency are in immediate need of
21 alternative temporary facilities in which to safely accommodate their approved dining, visitation, events
22 and other legally established activities to maintain business operations as were permitted prior to the
23 COVID-19 emergency, avoid greater economic loss, and allow employees to return to work; and,

24 **WHEREAS**, to provide relief to businesses experiencing economic impacts caused by the physical
25 distancing required to protect the public health and safety during the COVID-19 pandemic, the Board of
26 Supervisors desires to provide flexibility for temporary on-site areas to assist businesses in maintaining
27 their operations as were permitted prior to the COVID-19 emergency while the State of California’s Health
28 Order remains in place; and,

1 **WHEREAS**, the purpose of allowing temporary on-site areas is to increase the total area available
2 for legal business activities to accommodate for physical distancing requirements but not to allow any
3 increase in what was previously permitted prior to the COVID-19 emergency; now, therefore,

4 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors
5 of the County of Riverside in regular session assembled on June 2, 2020:

- 6 1. Pursuant to Government Code section 8634, during a local emergency the Board of
7 Supervisors may promulgate orders and regulations necessary to provide for the
8 protection of life and property.
- 9 2. Pursuant to Health and Safety Code section 101025, the Board of Supervisors shall
10 take measures as may be necessary to preserve and protect the public health in the
11 unincorporated area of the County, including the adoption of ordinances, regulations
12 and orders not in conflict with general laws.
- 13 3. As provided in this resolution, temporary on-site areas may be allowed within
14 existing legally established areas to increase the total area available to allow the
15 accommodation of physical distancing requirements.
- 16 4. Restaurants, wineries and other eating establishments permitted pursuant to an
17 approved land use permit such as, but not limited to, a plot plan or conditional use
18 permit may conduct legally approved activities outdoors in temporary on-site areas,
19 so long as the legally approved activities are consistent with the approved land use
20 permit and do not change the approved land use, increase or exceed the approved
21 intensity of the land use.
- 22 5. Except as provided in this resolution, activities conducted indoors or outdoors in
23 temporary on-site areas shall comply with the approved land use permit for the
24 subject site, conditions of approval and all applicable laws and regulations including,
25 but not limited to, the California Disabled Persons Act, Alcoholic Beverage Control
26 Act, the California Building Code(s), the California Fire Code, California Retail
27 Food Code, Riverside County Ordinance No. 348, Riverside County Ordinance No.
28 457 and Riverside County Ordinance No. 787.

- 1 6. No food or drink preparation activities shall take place in outdoor temporary on-site
2 areas.
- 3 7. Temporary on-site areas shall only be within existing legally established areas on the
4 subject lot such as parking lots, hardscape, decomposed granite, crush pads, lawns
5 or other similar and comparable areas. In no case shall temporary on-site areas be
6 located within any sensitive environmental area or vineyards.
- 7 8. Where existing parking areas are used to provide temporary on-site areas, the
8 restaurants, wineries and other eating establishments shall not offset the loss of
9 parking spaces elsewhere on-site or off-site.
- 10 9. Temporary on-site areas shall be a minimum of 500 feet from any off-site one family
11 dwelling, unless conditions of approval require a greater distance.
- 12 10. Temporary on-site areas, as well as the existing facilities, shall not serve a greater
13 number of visitors or events than allowed pursuant to the approved land use permit
14 and Ordinance No. 348.
- 15 11. Hours of operation for restaurants, wineries and other eating establishments may be
16 extended an additional two hours beyond that set forth in the approved land use
17 permit so long as the operation complies with the Alcoholic Beverage Control Act,
18 and does not go beyond 10 p.m. if within 500 feet of residential dwellings.
- 19 12. All temporary structures, including tents, shall be open on all sides and obtain all
20 necessary permits and approvals including any required permits and approvals from
21 the Building and Safety Department or the Riverside County Fire Department.
- 22 13. Temporary structures, including tents, shall be located within 150 feet of the
23 approved land use permit's fire apparatus access roadway or as approved by the
24 Riverside County Fire Department.
- 25 14. Unless otherwise approved by the Riverside County Fire Department, temporary on-
26 site areas shall not obstruct fire apparatus access roads, fire hydrants or fire protection
27 equipment.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

15. While this resolution is in effect, the Code Enforcement Department shall not take action on any activities within the temporary on-site areas that are in compliance with this resolution, approved land use permit, and all applicable laws and regulations.

16. Within thirty (30) days of expiration or termination of the proclamation of local emergency and local health emergency, all temporary areas shall be restored to their prior condition.

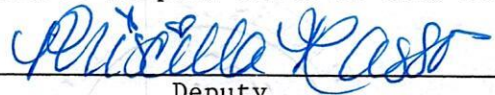
BE IT FURTHER RESOLVED by the Board of Supervisors, that any business owner desiring to use temporary on-site areas in accordance with this resolution shall provide notice to the Assistant TLMA Director – Planning on the form provided by the Planning Department indicating the business owner’s intent to comply with this resolution and all health orders issued by the State and County Public Health Officer.

BE IT FURTHER RESOLVED by the Board of Supervisors, that this resolution shall take effect immediately upon its adoption by the Board of Supervisors.

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

Kecia R. Harper, Clerk of said Board
By 
Deputy