



CITY OF RANCHO SANTA MARGARITA

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OFFICE OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES

Executive Orders Pursuant to Proclamation 20-03-16-01 Declaring the Existence of a Local Emergency

RE: NOVEL CORONAVIRUS, COVID-19

Issue Date: July 6, 2020

On March 16, 2020, in my capacity as the Director of Emergency Services (RSMMC 6.05.060), I issued Proclamation 20-03-16-01 Declaring the Existence of a Local Emergency in response to severe public health concerns and economic impacts relating to the COVID-19 pandemic. The novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a significant public health threat, and States of Emergency have been declared by the County of Orange, the State of California and the Federal Government of the United States. On March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20, which bans gatherings, public and private, and orders residents to stay at home at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as defined, in order to mitigate the impact of COVID-19. Executive Order N-33-20 is enforceable pursuant to California law per Government Code Section 8665.

In order to comply with all applicable Public Health and Executive Orders and to protect public health in the City of Rancho Santa Margarita, Executive Orders Nos. 1 through 7 were issued on March 16, 2020. Executive Orders Nos. 8 through 12 were issued on March 31, 2020, Executive Orders Nos. 13 through 15 were issued on April 6, 2020, Executive Orders Nos. 16 through 18 were issued on May 18, 2020, and Executive Orders 19 through 21 were issued on May 29, 2020, all which remain in effect until further notice, except those that have been modified or rescinded as noted. It is hereby necessary to issue additional Executive Orders as follows:

22. Executive Order Nos. 17 and 18, issued on May 18, 2020, authorize the use of temporary Site Development Permits to allow certain outdoor commercial activity. To assist local businesses with compliance of State and County Public Health Orders designed to slow the spread of COVID-19, the Development Services Director is hereby further authorized to grant administrative Site Development Permits to commercial

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businesses for the utilization of outdoor private property, parking lots, sidewalks, and public property and right-of-way under certain limited circumstances in accordance with the following interim procedures to allow for the operation of certain outdoor business activities.

Interim Procedures to Allow for the Operation of Certain Outdoor Business Activities:

A. Purpose and Intent. The purpose and intent of this Executive Order is to assist existing legally-established commercial businesses operate in a safe manner where social and physical distancing is mandated by the State of California and local health officials through Executive Orders, Public Health Orders or guidelines and regulations. Such compliance necessitates that commercial businesses be permitted to temporarily operate outdoors on adjacent or nearby private property, parking lots, sidewalks and public property. This Executive Order is necessary in order to help limit the spread of COVID- 19 and to protect the health, safety and welfare of the public.

B. Administrative Site Development Permits. The Development Services Director is hereby authorized to grant administrative Site Development Permits which allow for the temporary use of private property, parking lots, sidewalks, and public property for outdoor commercial uses in accordance with the procedures set forth in this Executive Order.

C. Application. An application for an administrative Site Development Permit shall be filed with the Development Services Department on forms approved by the Development Services Director, and shall include all information and materials specified by the Development Services Director. After consulting with City departments, as applicable, the Development Services Director may approve or conditionally approve an administrative Site Development Permit if the Development Services Director finds that the temporary outdoor commercial use would not create a hazard to the health, safety or welfare of the public. The Development Services Director may impose any reasonable conditions deemed necessary to ensure that the temporary outdoor use does not create a hazard to the public health, safety or welfare of the public.

D. Revocation. The Development Services Director shall have the authority to immediately revoke any administrative Site Development Permit granted pursuant to this Executive Order if the Development Services Director determines that there has been a violation of any condition of approval or if the temporary outdoor use creates a hazard to the public health, safety or welfare of the public. Any revocation of an administrative Site Development Permit shall be deemed effective upon the issuance of written notice and the posting of a notice of revocation at the site of the business granted the permit.

E. Appeal. Any decision made by the Development Services Director, pursuant to the authority granted the Development Services Director under this Executive

Order, may be appealed by the applicant/permittee to the City Manager by notifying the City Manager of the appeal within three (3) calendar days of the decision. The City Manager shall have authority to sustain, reverse, or modify the decision of the Development Services Director. The City Manager's decision shall be final.

F. Fee Waiver. All application fees and appeal fees directly related to applications for temporary outdoor uses as described in this Executive Order are hereby waived.

G. Temporary Suspension of Code and Discretionary Permit Requirements. As long as an administrative Site Development Permit is in effect, all Rancho Santa Margarita Municipal Code provisions and any restrictions set forth in a discretionary permit regulating uses, nonconforming uses, development standards, parking, signage, permit procedures, or other regulations specifically addressed in the administrative Site Development Permit that would otherwise regulate the use and development of private or public property, are hereby temporarily suspended for sites subject to an administrative Site Development Permit, to the extent that the Rancho Santa Margarita Municipal Code provisions or restrictions set forth in a discretionary permit conflict with the terms of the administrative Site Development Permit.

H. Indemnification. As a condition of receiving an administrative Site Development Permit, the permittees shall agree to defend, indemnify, and hold harmless the City and its employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the issuance of the administrative Site Development Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding.

I. Encroachment Permit. Permittees that utilize public property, including any City-owned property and/or the public right-of-way, shall obtain an Encroachment Permit from the Public Works Department/City Engineer in conjunction with any administrative Site Development Permit issued pursuant to this Executive Order.

J. Accessibility for Disabled. Areas used for temporary commercial uses pursuant to this Executive Order shall be accessible to the disabled.

K. Parking Allocations. The Development Services Director is hereby authorized to approve the temporary reallocation of any Code-required parking areas to accommodate temporary outdoor commercial uses.

Executive Orders Re: COVID-19
Pursuant to Proclamation 20-03-16-01
July 6, 2020

L. Expiration. Any administrative Site Development Permit issued pursuant to this Executive Order shall expire either on December 30, 2020, or fourteen (14) days after the locally declared emergency pursuant to Proclamation No. 20-03-16-01 is terminated (whichever occurs first), unless such administrative Site Development Permit is revoked earlier by order of the Development Services Director, as authorized herein.

23. The City-owned Skate Park, located at Cañada Vista Park, is hereby closed to the public. The City-owned Dog Park, located at Cañada Vista Park, remains open to the public. Executive Order No. 19, issued on May 29, 2020, is hereby modified accordingly. This modification is necessary to comply with current California Department of Public Health Guidelines.

Additional Executive Orders may be issued at any time relating to this public health emergency. Additional Executive Orders are cumulative, and do not negate or reverse these Executive Orders contained herein unless explicitly stated.



Jennifer M. Cervantez,
Director of Emergency Services/City Manager

cc: Mayor McGirr and Members of the City Council
Gregory E. Simonian, City Attorney
John McCulloch, Chief of Police Services/OCSD
Diego Chavez, HR/RM Administrator, Asst. Director of Emergency Services
Cheryl Kuta, Development Services Director
Brendan Dugan, Public Works Director/City Engineer
Stefanie Turner, Director of Finance
Amy Diaz, City Clerk
Wendi Redington, Community Services Supervisor
Laura Lopez, Public Information Officer