

CITY COUNCIL

Lori Wilson, Mayor  
Wanda Williams, Mayor Pro-Tem  
Anthony Adams  
Jane Day  
Michael A. Segala



CITY COUNCIL MEETING

First and Third Tuesday  
Every Month

## CITY OF SUISUN CITY

701 Civic Center Blvd.  
Suisun City, California 94585  
Incorporated October 9, 1868

June 19, 2020

### **LOCAL EMERGENCY DIRECTIVE TO ALLOW LIMITED ENCROACHMENT ON SIDEWALKS, STREETS, AND PARKING LOTS FOR OUTDOOR DINING AND RETAIL ACTIVITIES**

On March 16, 2020, in my capacity as Director of Emergency Services and pursuant to the authority vested in that position by Chapter 2.32 of the Suisun City Municipal Code, I declared a state of local emergency related to the rapidly evolving public health threat caused by Coronavirus (COVID-19). That declaration was ratified on March 17, 2020 by City Council Resolution No. 2020-40.

As provided by the declaration of local emergency, and by Resolution No. 2020-40, as Director of Emergency Services I have the authority to issue directives as deemed necessary for the protection of the public health.

Based on the public health threat caused by COVID-19, the City's businesses were shut down (except in some limited capacity) for almost three months. As a result, businesses have lost a great deal of revenue. The economic devastation affects the City's health, safety, and welfare. In the recent weeks, the County of Solano has moved towards allowing certain businesses to reopen with certain conditions, including restaurants and retail businesses. The guidelines for these businesses are provided by Cal-OSHA/CDPH's *COVID-19 Industry Guidance: Dine-In Restaurants* (found here: <https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf>), and *COVID-19 Industry Guidance: Retail* (found here: <https://covid19.ca.gov/pdf/guidance-retail.pdf>) (collectively, *Industry Guidance*). Among other things, *Industry Guidance* requires that restaurants and retail businesses maintain social distancing between patrons, and that restaurants prioritize outdoor seating.

The above limitations restrict how many customers can be served. In order to allow restaurants and retail businesses to serve more customers and increase their revenue at a time when economic recovery is critically important, expansion of dining areas and shopping areas into sidewalks, streets, and parking areas is desirable as this can provide additional space where customers can be served in compliance with the *Industry Guidance* and other applicable orders to protect the health and safety.

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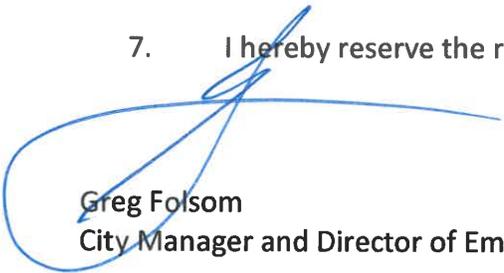
DEPARTMENTS: AREA CODE (707)  
ADMINISTRATION 421-7300 • DEVELOPMENT SERVICES 421-7335 • BUILDING 421-7310 • FINANCE 421-7320  
FIRE 425-9133 • RECREATION & COMMUNITY SERVICES 421-7200 • POLICE 421-7373 • PUBLIC WORKS 421-7340  
SUCCESSOR AGENCY 421-7309 FAX 421-7366

I, therefore, hereby authorize the following pursuant to Section 2.32.070(A) of the Suisun City Municipal Code, to be ratified by the City Council within the earliest practicable time:

1. Effective immediately, and for the duration of the local emergency, or for as long as *COVID-19 Industry Guidance: Dine-In Restaurants* and *COVID-19 Industry Guidance: Retail* apply, whichever ends first, temporary encroachment permits for outdoor dining and retail activities may be obtained by existing restaurants and retail businesses.
2. Restaurants and retail businesses wishing to temporarily expand their dining and retail areas pursuant to Section 1, above, shall be required to obtain temporary encroachment permits. Permit fees shall be waived.
3. Effective immediately, and for the duration of this directive, enforcement of the following provisions of the Suisun City Municipal Code (SCMC) shall be modified as follows:
  - a. A temporary encroachment permit application pursuant to this directive shall comply with the requirements of Section 18.64.030, except that the application shall require one set of proposed plans, not two.
  - b. Section 18.64.020 (Applicability) of Chapter 18.64 (Sidewalk Cafés) currently provides in relevant part that a “sidewalk café area must be located adjacent to the restaurant and may be located along a street, within a pedestrian mall or plaza, or alley.” Sidewalk cafés shall be additionally permitted in all City-designated outdoor spaces, which may include sidewalks, streets, and parking lots, provided the use can be accommodated without undue interference with pedestrian and vehicular traffic.
  - c. Enforcement of parking ratios for existing retail or restaurant businesses, as provided in Table 18.42.02 of the SCMC, is suspended.
  - d. Perimeter barriers, as required by Section 18.64.050, shall not be required for temporary encroachments on sidewalks, but shall be required for temporary encroachments on parking lots and streets.
  - e. Section 18.64.060(G), allowing restaurant furnishings to be left outside overnight shall not apply to temporary encroachment permits issued pursuant to this directive; all restaurants and retail businesses that obtain a temporary encroachment permit must bring all their furnishings inside every evening after closing.
4. The temporary encroachment permits issued pursuant to this directive shall expire upon the earlier of the lifting of the *Industry Guidelines* or the local state of

emergency, unless revoked sooner. Upon expiration or revocation of its temporary encroachment permit, the establishment shall immediately comply with all applicable municipal code provisions.

5. A temporary encroachment permit issued under this directive may be revoked by the City for failure to comply with all applicable SCMC provisions, or for noncompliance with this directive.
6. Notwithstanding anything to the contrary, this directive may be rescinded or amended by the Director of Emergency Services or by the City Council for any reason prior to the lifting of the local state of emergency or of the *Industry Standards*.
7. I hereby reserve the right to issue additional directives as needed.



Greg Folsom  
City Manager and Director of Emergency Services