



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/19/2020

Agenda Placement: 10C

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: David Morrison, Director, Planning, Building & Environmental Servi - (707) 253-4805

SUBJECT: Establishing Temporary Measures to Establish Safe and Healthy Business Operations During the COVID-19 Pandemic

RECOMMENDATION

Director of Planning, Building and Environmental Services requests adoption of a resolution creating a policy in Napa County Policy Manual, Part I: Section 12C, "Maintain Safe and Healthy Business Operations During the COVID-19 Pandemic" effective May 19, 2020 to provide flexibility for business owners to accommodate physical distancing and to provide partial economic relief to affected businesses, as approved to re-open by the State.

EXECUTIVE SUMMARY

In March 2020, local state and federal declarations of public health emergency were declared as a result of the COVID-19 pandemic. The scale of the current disaster has been global. The County continues to aggressively pursue assessment, monitoring, testing, and caring for people who are infected and/or affected by COVID-19. However, additional measures need to be taken by the County to address the economic effects created by the pandemic. The resolution before the Board today will help to restore a portion of the economy.

PROCEDURAL REQUIREMENTS

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Fees paid for restaurant inspections performed by the Consumer Protection program within the PBES Department.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The proposed 17% reduction would provide partial economic relief to food vendors who have had their businesses significantly reduced during implementation of the Orders by the County Health Officer.
Is the general fund affected?	Yes
Future fiscal impact:	None, as the waiver would only be granted during the 2020-2021 Fiscal Year.
Consequences if not approved:	Food vendors would pay the entire annual fee.
County Strategic Plan pillar addressed:	Livable Economy for All
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. The proposed action allows for the minor modification of existing private facilities, involving negligible or no expansion of the existing use, as provided for under 14 California Code of Regulations 15301 (State CEQA Guidelines) - Class 1 Categorical Exemption. The proposed action allows for the construction of limited numbers of new, small facilities or structures, as provided for under 14 California Code of Regulations 15303 (State CEQA Guidelines) - Class 3 Categorical Exemption. The proposed action allows for the minor alteration of private land, water, and vegetation, as provided for under 14 California Code of Regulations 15304 (State CEQA Guidelines) - Class 4 Categorical Exemption. The proposed action involves the issuance of permits for ministerial projects as provided for under 14 California Code of Regulations 15268 (State CEQA Guidelines) - Statutory Exemptions. The proposed action involves emergency projects as provided for under 14 California Code of Regulations 15269 (State CEQA Guidelines).

BACKGROUND AND DISCUSSION

On March 4, 2020, Governor Gavin Newsom issued an emergency proclamation for the State of California due to the COVID-19 pandemic.

On March 12, 2020, the County Public Health Officer declared a local health emergency. On March 13, 2020, the County Executive Officer acting as the Director of Emergency Services issued a Proclamation of Local Emergency. On March 17, 2020, the Board of Supervisors adopted a resolution ratifying the actions of the County Executive Officer and the Director of Emergency Services, and declared a local health emergency and a local emergency throughout all jurisdictions within Napa County due to the threat of COVID-19.

On March 13, 2020, President Donald Trump declared a nationwide emergency pursuant to Section 501(b) of the Stafford Act.

The scale of the current disaster has been global. The County continues to aggressively pursue assessment, monitoring, testing, and caring for people who are infected and/or affected by COVID-19. However, additional measures need to be taken by the County to address the economic effects created by the physical distancing guidelines required for businesses to operate.

During the COVID-19 emergency, all business activities must be safely conducted with adequate physical distancing. The goal of this policy is to provide flexibility to business owners who may need to conduct activities outdoors in temporary on-site areas, within the existing developed footprint of the facility, so long as the legally entitled level of activity is not exceeded. This will allow owners to maintain their existing business activities while protecting the public health and safety, to reduce the potential economic impacts of the pandemic. Specifically, the policy addresses each of the following areas:

- a. CEQA
- b. Code Compliance
- c. Parking
- d. Temporary Structures
- e. Temporary On-Site Areas
- f. Notice of Intent
- g. Viewshed

The County understands that at the present time, tasting rooms and wineries are not eligible to re-open under Stage 2 of the Governor's Resilience Roadmap. This is in contrast to the COVID-19 Industry Guidance for Dine-In Restaurants issued by the California Department of Public Health and the California Department of Industrial Relations on May 12, 2020. This policy is proposed with the understanding that any provisions that may apply to wineries and tasting rooms are contingent upon the State's decision to allow wineries as a permitted use.

SUPPORTING DOCUMENTS

A . Attachment A - Draft Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi