

RESOLUTION NO. NS-29,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AUTHORIZING THE TEMPORARY EXTENSION OF COMMERCIAL USE PERMIT
ABANDONMENT PERIOD IN CONNECTION WITH THE COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State of California due to the threat posed by COVID-19; and

WHEREAS, on March 6, 2020, the County of Santa Cruz Health Officer ("Health Officer"), under her civil authority, declared a Local Health Emergency, finding an imminent and proximate threat to public health and welfare from the introduction of COVID-19 in the County of Santa Cruz; and

WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re COVID-19 by Resolution No. NS-29,640 on March 10, 2020, extended the emergency declaration by Resolution No. NS-29,653 adopted at its regular meeting of April 28, 2020, and further extended the emergency declaration by Resolution Nos. NS-29,677 on June 23, 2020, NS-29,695 on August 11, 2020, NS 29,714 on September 22, 2020, NS-29,739 on November 10, 2020, NS-29,749 on December 8, 2020, NS-29,766, on January 26, 2021, NS-29,782, on March 9, 2021, NS-29-802 on April 27, 2021, and NS-29,839 on June 22, 2021, at its special meeting of September 21, 2021 by Resolution No. NS-29, 873, and at its regular meeting of November 9, 2021 by Resolution No. NS-29,884, extending Declaration of Emergency for another sixty days.

WHEREAS, as a result of the restrictions imposed by the State's COVID-19 related guidance and the County's Health Order, businesses, and particularly restaurants, have suffered significant economic hardships; for example, more than 100 Santa Cruz businesses closed as a result of pandemic, according to a 2020 survey conducted by the Santa Cruz Chamber of Commerce; and

WHEREAS, it is clear that the longer the emergency declaration is in place, the more difficult it will be for operators to return and reopen their businesses; and

WHEREAS, in light of the devastating impacts COVID-19 has had on local businesses, providing certainty with respect to the timeframe that use permits will remain in effect will facilitate business recovery and generate increased sales tax revenue for the City; and

WHEREAS, cities across the State are extending the expiration dates of permits to accommodate the disruptions by business closures and restrictions; and

WHEREAS, during this State of Emergency, the City of Santa Cruz must consider the welfare of its businesses while protecting the health and welfare of its citizens; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz (City Council) as follows:

1. Extension of the use permit expiration date: That all commercial use permits approved between March 4, 2020, and up to and including the expiration date of the local health emergency declaration, shall have the life of the permit automatically extended to expire one year from the expiration date of the emergency declaration, unless otherwise extended by the City Council. Extension of abandonment period: That all active commercial use permits and nonconforming uses that have ceased operation between March 4, 2020, and up to and including the expiration date of the local health emergency declaration, shall have the six month abandonment period automatically extended to expire one year from the expiration date of the emergency declaration, unless otherwise extended by the City Council.
2. That this resolution shall be implemented as follows:
 - a. For any new business operator who obtained a use permit during the emergency declaration and was unable to begin operating within the time allowed under the use permit, the new business operator may begin operating upon proof of a valid Business License from the Finance Department in order to exercise its approved use permit and all applicable conditions of approval at the subject property.
 - b. For any existing business operator that ceased operation for a period of time during the emergency declaration and for which no other use has been approved seeks to resume operation at the same property, the existing business operator shall renew or obtain a new Business License from the Finance Department to continue to exercise its approved use permit and all applicable conditions of approval or prior nonconforming use at the same property.
 - c. For any new business operator without previous operation at a subject property where the use was abandoned during the emergency declaration period, the new business operator may begin operations under the most recent use permit or consistent with prior nonconforming use upon obtaining a Zoning Clearance from the Planning & Community Development Department and a Business License from the Finance Department to fully exercise the most recent use permit and all applicable conditions of approval or prior nonconforming use at the subject property. Activation of a prior use may be approved by the Planning & Community Development Department in consultation with the Economic Development Director.
3. That the City Council finds that the potential environmental impacts of an approved use permit were considered within the scope of the original permit and the extension of an approved use permit does not have any additional impacts under CEQA that have not been mitigated within the scope of the approved use permit conditions and is therefore exempt from further CEQA review under the Class 1 Existing Facilities Categorical Exemption (CEQA Guidelines section 15301).

PASSED AND ADOPTED this 25th day of January, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator