

ORDINANCE NO. 20-1446

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 8634 AND DOWNEY CITY CHARTER SECTIONS 511 AND 514 ENACTING A TEMPORARY EXTENSION OF THE VALIDITY OF PLANNING ENTITLEMENTS AND PERMITS ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT AND EXTENDING THE TIME FOR REVIEW AND ACTION ON DEVELOPMENT APPLICATIONS IN RESPONSE TO EFFECTS OF THE COVID-19 PANDEMIC; AND, SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, according to the World Health Organization (WHO), COVID-19 has spread globally to over 216 countries, infecting more than 7.8 million persons and killing more than 43,000 individuals worldwide, and has been characterized as a pandemic; and,

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, on March 4, 2020, the Health Officer of Los Angeles County determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County, and declared a Local Health Emergency, and the Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles; and,

WHEREAS, on March 15, 2020, the Governor announced via press conference that he was: (1) calling for home isolation for adults over the age of sixty-five and individuals with chronic conditions; (2) directing the closure of bars, brewpubs, wineries, and nightclubs; and (3) calling for restaurants to limit occupancy to half their current allowance and practice social distancing; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continuing spread and the effects of COVID-19; and on March 16, 2020, announced guidelines advising people to avoid gatherings of ten (10) or more persons for a period of fifteen (15) days; and

WHEREAS, since March 13, 2020, all schools in the Downey Unified School District are closed to prevent the spread of COVID-19; and,

WHEREAS, on March 16, 2020 (and expanded on March 19, 2020), Los Angeles County Department of Public Health instituted the "Safer at Home" order to control the spread of COVID-19, which among other things, temporarily prohibits all events and public gatherings of 10 or more people, and the closure of non-essential businesses and areas;

WHEREAS, on March 18, 2020, the City Manager, acting as the Director of Emergency Services for the City of Downey, proclaimed the existence of a Local Emergency due to the spread and potential further spread of COVID-19, which the City Council for the City of Downey ratified at its regular meeting on March 24, 2020; and

WHEREAS, in April 2020, the Governor and the State Public Health Officer articulated a 4 Stage framework ("California Pandemic Resilience Roadmap") to reintroduce business sectors and activities in a phased manner to protect the public health and safety and lower COVID-19 transmissions and outbreaks in the community; and

WHEREAS, on May 13, 2020, the County of Los Angeles announced its "Reopening Safer at Work and in the Community Revised Order" moving the County of Los Angeles through "Stage 2" of "California's Pandemic Resilience Roadmap"; and

WHEREAS, on May 29, 2020 the County of Los Angeles announced the State's approval of the County's plan to move business sectors and activities further into "Stage 2" of California's "Pandemic Resilience Roadmap"; and

WHEREAS, the COVID-19-related social distancing measures imposed by federal, state, and municipal agencies and the slow reopening of businesses under the County's plan will continue to result in a substantial loss of income for many individuals, businesses and developers; and,

WHEREAS, the Orders, the temporary closure of Downey City Hall and other efforts to slow the spread of COVID-19 have resulted in the slowing, delay or cessation of land use development activity and permit processing effectively shortening the validity of planning entitlements and building permits;

WHEREAS, this Urgency Ordinance extending the deadlines for the expiration of entitlements, permits, and reviews would alleviate additional costs and delays to projects which encountered COVID-19-related interruptions and impediments; and,

WHEREAS, this Urgency Ordinance extending the deadlines for the expiration of Community Development permits and application reviews due to COVID-19-related delays alleviates potential financial burdens associated with application costs, revisions to project plans, and time delays; and,

WHEREAS, in accordance with California Government Code Section 8634 and Downey City Charter Sections 511 and 514 and based on the recitals set forth herein, the City Council finds that this Urgency Ordinance is necessary to immediately preserve and protect the public peace, health, safety and welfare and is enacted pursuant to the City's police powers afforded by the California State Constitution and State law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference as findings in support of the regulations contained in this Urgency Ordinance.

SECTION 2. The City Council of the City of Downey hereby enacts this Urgency Ordinance extending the validity of the entitlements and permits issued by the Community Development Department as a result of COVID-19-related impacts as follows:

A. Notwithstanding the provisions of Downey Municipal Code (DMC) Sections 8006 and 8007, the following permit applications and permits issued by the Building Official pursuant to DMC Article VIII shall be extended for an additional 180 days:

(1) any permit that was issued on or after November 1, 2019 through June 1, 2020; and

(2) any plan check application submitted on or after November 1, 2019 through June 1, 2020.

This extension shall be granted upon submission of an extension request to the Building Division and at no cost to a project applicant.

B. Notwithstanding the provisions of DMC Sections 9820.06(j)(1) and 9820.06(j)(2), 9824.04(j)(1) and 9824.04(j)(2) the time to commence the following Planning Approval is hereby extended for an additional 180 days:

(1) Site Plan Review and Conditional Use Permit approvals granted by the Planning Commission as of June 1, 2019 through June 1, 2020 that were not able to commence the use or obtain construction permits for activity. This extension shall be provided automatically and at no cost to a project applicant.

SECTION 3. The City Council finds and declares that this Urgency Ordinance is required for the immediate preservation and protection of the public peace, health, safety and welfare for the following reasons:

a. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to adopt this Urgency Ordinance related to the extension of validity of entitlements and permits issued and reviews completed by the Community Development Department, to ensure individuals and businesses have sufficient time to successfully complete development projects while complying with the safety guidelines set by the County Health Officer to prevent the further spread of COVID-19.

b. The Governor's Executive Orders and the Los Angeles County Department of Public Health's "Safer at Home" order resulted in the temporary closure of Downey City Hall and other nonessential businesses for approximately three months. Individuals and businesses experienced three months of uncertainty which may have impacted progress on their approved entitlements, permits issued, or application reviews; the six month extension provides them the opportunity to recover some of the lost time and allows them an opportunity to successfully complete their projects by following the continued safety measures without additional financial or time impediments.

c. Social distancing required many industries to adjust their typical business practices, in some cases resulting in delays to typical project schedules in that architects and engineers who began working from home may have had limited ability to complete project plans for City review resulting in longer review periods. Extending the validity of entitlements and plan reviews removes inadvertent penalties that may have resulted from applying existing review times for individuals who adhered to the County's "Safer at Home" orders.

d. During the COVID-19 pandemic outbreak, construction sites were required to adhere to social distancing where practical, which in many cases resulted in construction crews for different trades to alternate their time on a construction resulting in slower progress because they could not work concurrently. Extension of permit validity will allow construction projects who adhered to social distancing guidelines to continue development under existing permits.

SECTION 4. This Urgency Ordinance is adopted pursuant to Government Code Section 8634 and Downey City Charter Sections 511 and 514, and shall become effective immediately upon its adoption by a four-fifths (4/5th) vote of the City Council.

SECTION 5. This Urgency Ordinance shall be in effect until the final expiration of permits, plan reviews, and entitlements issued during the time periods specified in Section 2 of this Ordinance, unless extended by action of the City Council. If the term of this Urgency

Ordinance is not extended, then it shall automatically expire at 11:59 p.m. on its last day without further action of the City Council.

SECTION 6. The City Council finds and determines that the adoption of this Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Urgency Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that temporarily extending certain permit approvals and application processing timelines for a limited period of time will not have a significant effect on the environment.

SECTION 7. If any article, section, subsection, paragraph, sentence, clause or phrase of this Urgency Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have adopted this Urgency Ordinance, and each article, section, subsection, paragraph, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraph, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify to the adoption of this Urgency Ordinance and cause the same to be published in the manner prescribed by law.

APPROVED AND ADOPTED this 14th day of July, 2020.



BLANCA PACHECO, Mayor

ATTEST:



MARIA ALICIA DUARTE, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I **HEREBY CERTIFY** that the foregoing Uncodified Urgency Ordinance No. 20-1446 was introduced and adopted at a Regular Meeting of the City Council of the City of Downey held on the 14th day of July, 2020, by the following vote, to wit:

AYES:	Council Members:	Ashton, Rodriguez, Saab, Frometa, Mayor Pacheco
NOES:	Council Member:	None.
ABSENT:	Council Member:	None.
ABSTAIN:	Council Member:	None.

I **FURTHER CERTIFY** that a Summary of the foregoing Uncodified Urgency Ordinance No. 20-1446, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on July 16, 2020, (after adoption). It was also posted in the regular posting places in the City of Downey on the same dates.



MARIA ALICIA DUARTE, CMC
City Clerk