

**ORDER NO. 9 OF THE CITY MANAGER OF
THE CITY OF ANAHEIM IN FURTHERANCE OF THE
ANAHEIM ECONOMIC RECOVERY PLAN**

WHEREAS international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the City Council declared the existence of a local emergency regarding COVID-19, seeking all available financial aid from federal, state, and county authorities, directing the City Manager and Director of Emergency Services to take steps to protect public health and safety, and increasing purchasing authority of the City Manager; and

WHEREAS, On March 17, 2020, the Orange County Public Health Officer declared a public health emergency in Orange County due to COVID-19. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease. In addition, the Centers for Disease Control and Prevention and the California Department of Public Health have issued public health recommendations to the community including but not limited to staying home if sick, social distancing from non-family members, canceling or postponing events and gatherings, and taking other precautions to protect public health and prevent transmission of this COVID-19; and

WHEREAS, on March 26, 2020, the Anaheim City Council adopted the Anaheim Economic Recovery Plan ("Plan") to help Anaheim recover from the economic harm caused by COVID-19 and associated governmental orders necessary to protect public health; and

WHEREAS, concurrent with the Plan's adoption, the City Council directed the City Manager to implement the Plan consistent with City Council's direction and authorized the City Manager to utilize a variety of programs, policies and practices designed to incentivize development and business activity in the City; and

WHEREAS; on August 28, 2020, California Governor Gavin Newsom unveiled the Blueprint for a Safer Economy identifying a plan for business sector re-opening using a color-coded, tiered system that will use two metrics to measure the novel coronavirus: spread rate and test positivity percentage; and

WHEREAS, the City is sensitive to the struggles of local businesses planning to re-open using modified operating procedures while implementing social distancing measures; and

WHEREAS, the City recognizes that businesses are being severely impacted by the COVID-19 pandemic and Governor's stay at home orders; and

WHEREAS, allowing flexibility in temporary signage will allow for businesses to more effectively communicate with their customers of their available services and provide signage guiding curb side pick-up orders, carry out orders, modified hours of operation, etc.; and

WHEREAS, on April 1, 2020, the City Manager issued Order No. 1 temporarily relaxing regulations relating to retail sales of alcohol in the City of Anaheim until April 30, 2020, consistent with the measures set forth in the Notice of Regulatory Relief issued by the California Department of Alcoholic Beverage Control on March 19, 2020; and

WHEREAS, on April 8, 2020, the City Manager issued Order No. 2 temporarily waiving certain provisions set forth in the Anaheim Municipal Code in order to allow for the establishment of an emergency homeless shelter on property owned by the Salvation Army and located at 1100 North La Palma Park Way; and

WHEREAS, Order No. 1 expired on April 30, 2020 and on May 4, 2020, the Interim City Manager issued Order No. 3 extending Order No. 1, allowing the off-site alcohol sales associated with Restaurants, Full Service, Restaurant, Take-Out, and Restaurant, Walk-Up as these terms are defined by Section 18.92.210, and Alcohol Beverage Manufacturers as this term is defined by Section 18.92.040 of the Anaheim Municipal Code; and

WHEREAS, on May 8, 2020, the Interim City Manager issued Order No. 4 temporarily allowing the outdoor display of temporary signs, flags, banners or fixed balloons for the promotion of business activities that are conducted within a building, and referred to as "Special Events--Flags and Banners" in Section 18.38.240.020 of the Anaheim Municipal Code (herein referred to as "Temporary Signs"), shall be permitted without the prior approval of a special event permit with an expiration date of September 15, 2020; and

WHEREAS, on May 15, 2020, the Interim City Manager issued Order No. 5 extending a temporary moratorium on eviction of residential or commercial tenants unable to pay rent because of COVID-19 and clarifying the timing of tenant notice requirements and back rent payments; and

WHEREAS, on May 28, 2020 the Interim City Manager issued Order No. 6 to provide temporary relief from the City's Special Event Permit requirements and Outdoor Dining standards to allow restaurants and other businesses to temporarily create or expand outdoor dining operations, as well as conduct other business operations outdoors in order to provide for the safe re-opening of businesses in compliance with public health directives; and

WHEREAS, on June 30, 2020, the Interim City Manager issued Order No. 7 consistent with the California Department of Public Health mandate for the use of face coverings; and

WHEREAS, on August 17, 2020, the Interim City Manager issued Order No. 8 reinstating a temporary moratorium on eviction of residential and commercial tenants for non-payment of rent attributable to COVID-19; and

WHEREAS, Order No. 4 remains in effect until September 14, 2020 or until expressly repealed or superseded by an ordinance of the City Council or by further Order of the City Manager; and

WHEREAS, it is the City's desire to continue to provide temporary relief from the requirement for businesses to obtain Special Event Permits for the display of temporary banners and flags to inform the public of modified hours of operation, and service and operating procedures such as "curb side pick-up", "carry out", or similar-type information as the City and the County progress through the various tiers of the Governor's blueprint for reducing COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Manager to exercise the authority provided by Charter of the City of Anaheim Article VI, Section 604(i) and issue this Order No. 9 in furtherance of the Anaheim Economic Recovery Plan; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq. ("CEQA")) and the State of California Guidelines for the Implementation of CEQA commencing with Section 15000 of Title 14 of the California Code of Regulations ("CEQA Guidelines"), this Order is not subject to CEQA pursuant to CEQA Guidelines Section 15061 (b)(3) and, further, the effects of this Order are typical of those generated within that class of projects that are categorically exempt from the provisions of CEQA pursuant to Section 15311 of the CEQA Guidelines (Class 11-Accessory Structures).

NOW, THEREFORE, I, Jim Vanderpool, the City Manager for the City of Anaheim, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. In order to support businesses providing essential services during the COVID-19 pandemic and to support the re-opening of businesses under Governor Newsom's recovery plan for California, temporary signs, including the outdoor display of temporary signs, flags, banners or fixed balloons for the promotion of business activities that are conducted within a building, and referred to as "Special Events--Flags and Banners" in Section 18.38.240.020 of the Anaheim Municipal Code (herein referred to as "Temporary Signs"), shall be permitted without the prior approval of a special event permit so long as this Order remains in effect.
2. In lieu of standards and criteria for Temporary Signs (set forth in Section 18.38.240 of the Anaheim Municipal Code), and in order to provide flexibility in the type, size and location of such outdoor displays, the following criteria shall apply to Temporary Signs so long as this Order remains in effect:

- a. The intent of the Temporary Sign shall be to inform the public of modified business operations and services, including hours of operation; service and operating procedures, such as "curb side pick-up" or "carry out only", or similar-type information;
 - b. Other ancillary promotional materials including "yard signs", window signs, flags, balloons, portable signs, including A-frame signs and ground mounted feather banners are permitted, as reasonably necessary to inform the general public of business operations and service;
 - c. Temporary Signs shall be constructed of waterproof materials, maintained in good working order, and shall be safely secured to a building wall or ground;
 - d. Temporary Signs shall not be located within the public right-of-way;
 - e. Temporary Signs shall be located as not to obstruct the line of sight of any pedestrian, bicycle or vehicle entering or exiting a property;
 - f. Temporary Signs that move, flash, comprise of an inflatable or pose a safety hazard are prohibited; and
 - g. Temporary Signs shall not be placed on the roof of any building.
3. The City wishes to encourage the safe and successful promotion of businesses operating as the City's economy recovers from the COVID-19 health emergency while maintaining a quality commercial environment that is not denigrated by an excessive number Temporary Signs. Businesses should exercise reasonable discretion as to the installation of Temporary Signs under this Order and are encouraged to seek guidance from the City to ensure that the size and number of Temporary Signs do not create a blighting influence. The City reserves the right to order the reduction in the size and number of Temporary Signs in the case of excessive signage beyond that reasonably required to identify and promote the business to the public.

4. This Order shall take effect immediately and shall remain in effect until January 19, 2021, or expressly repealed or superseded by a duly enacted Ordinance of the City Council or by a further Order by the City Manager.

ADOPTED this 15 day of September 2020.

By: 

JIM VANDERPOOL
City Manager

ATTEST: 

THERESA BASS
City Clerk

APPROVED AS TO FORM: 

ROBERT FABELA
City Attorney

W a / u / h o w

139441