



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

SUBJECT: SEE BELOW

DATE: March 20, 2020

Approved

Date

3/21/2020

SUBJECT: RATIFICATION OF THE DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES SUSPENDING COMMERCIAL AND INDUSTRIAL DELIVERY AND LOADING REGULATIONS IN THE SAN JOSE MUNICIPAL CODE

RECOMMENDATION

Adopt a resolution ratifying the Director of Emergency Services' Declaration of March 16, 2020 suspending commercial and industrial delivery and loading regulations in the San José Municipal Code so that commercial and industrial deliveries of products to be sold to the public may occur at any time.

OUTCOME

Continued suspension of commercial and industrial delivery and loading regulations will facilitate delivery of food and other supplies to local retail establishments for public consumption.

BACKGROUND

On March 10, 2020, the City Council ratified the Director of Emergency Service's Proclamation of Local Emergency due to the outbreak of novel coronavirus (COVID-19) in San Jose. In the event of a proclamation of local emergency, California Government Code Section 8634 and San José Municipal Code Section 8.08.250 empower the Director of Emergency Services (hereafter, "the Director") to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, provided that such rules and regulations are ratified at the earliest practicable time by the City Council.

On March 16, 2020, pursuant to the powers outlined above, the Director issued a declaration suspending commercial and industrial delivery and loading regulations in the San José Municipal

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Code. The purpose of this item is to bring forward that declaration for ratification by the City Council.

ANALYSIS

The San José Municipal Code imposes restrictions on when commercial and industrial businesses can receive deliveries or conduct loading activities. For example, Section 20.40.500 of the San José Municipal Code provides that no outdoor loading activity may occur within 150 feet of a residentially zoned property between 12:00 midnight and 6:00 am without a conditional use permit that allows such activity. The purpose these restrictions is to maintain the quality of life in San José's residential neighborhoods.

With the outbreak of COVID-19 in San José, public demand for food and other necessary supplies has increased as residents seek to provision themselves to remain in their residences, in compliance with the shelter in place order issued by the County of Santa Clara on March 16, 2020, or to prepare to undergo quarantine should they contract the virus. Retailers in San José are striving to resupply stores to meet public demand. In support of this effort, the Director suspended commercial and industrial delivery and loading restrictions in the San José Municipal Code to make it easier for retail establishments to take deliveries and ensure that the public can have uninterrupted access to food and other necessities.

CONCLUSION

By ratifying the Director's declaration, the City Council will continue suspension of delivery and loading restrictions, thus aiding retailers in maintaining an uninterrupted supply chain.

EVALUATION AND FOLLOW-UP

Suspension of delivery and loading restrictions shall remain in effect until such time as the Director's declaration is terminated by either the Director, the City Council, or the termination of the local state of emergency.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

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COORDINATION

This memorandum was coordinated with the City Manager's Office of Emergency Management and the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

Pursuant to section 15269 of the California Code of Regulations, this action is statutorily exempt from the requirements of CEQA on the basis that it is an emergency project undertaken for specific actions necessary to prevent or mitigate an emergency. Statutorily Exempt, Section 15269, Emergency Projects Undertaken for specific actions necessary to prevent or mitigate an emergency.

/s/

LEE WILCOX

Chief of Staff

City Manager's Office

For questions, please contact Andrew Ehrich, Assistant to the EOC Director, at (408) 535-8195.