

**CITY OF CARMEL-BY-THE-SEA  
CITY COUNCIL**

**URGENCY ORDINANCE NO. 2020-003**

**AN URGENCY ORDINANCE WAIVING A PROVISION OF SECTION 1318 OF  
ORDINANCE NO. 122 C.S. FOR AN ANNUAL RESOLUTION SETTING VALUE OF  
IMPROVED OFF-STREET PARKING FACILITIES**

WHEREAS, in December 2019, reports began spreading worldwide about a flu-like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus ("COVID-19"); and

WHEREAS, on March 4, 2020, a State of Emergency was proclaimed by Governor Gavin Newsom; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") classified the spread of COVID-19 internationally as a global pandemic; and

WHEREAS, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments including shelter in place Orders; and

WHEREAS, the Monterey County Public Health Officer has issued multiple Orders due to COVID-19 which have also significantly impacted individuals and the operations of businesses and local governments including shelter in place Orders; and

WHEREAS, the Governor and the Monterey County Public Health Officer have issued Orders which will allow limited reopening of businesses, but the ability of businesses to reopen and the timing on reopening and the extent of operations upon reopening is not currently known; and

WHEREAS, the impacts to local governments caused by COVID-19 have included, but are not limited to, financial impacts which have significantly limited the resources available to local governments to function at the same level of service as provided prior to COVID-19; and

WHEREAS, Section 1318 of Ordinance No. 122 C.S. of the City of Carmel by the Sea provides for an annual resolution setting the value of improved off-street parking facilities; and

WHEREAS, in order to reduce the demand on the City's limited resources, this Urgency Ordinance is being proposed to suspend the provisions of Section 1318 of Ordinance No. 122 C.S. in regard to adopting an annual resolution setting the value of improved off-street parking facilities until such time as the City Council determines the adoption of such annual resolutions are in the best interests of the City; and

WHEREAS, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937 (b) that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL- BY-THE-SEA DOES ORDAIN AS FOLLOWS:**

**Section 1:** Incorporation of Findings. The City Council of the City of Carmel- by-the-Sea incorporates the findings above by reference as though fully set forth here.

**Section 2:** Codification. This Ordinance shall not be codified in the Carmel-by-the-Sea Municipal Code.

**Section 3:** CEQA/Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Urgency Ordinance maintains the status quo and prevents changes in the environment pending the completion of the contemplated municipal code review. Because there is no possibility that this Urgency Ordinance may have a significant adverse effect on the environment, the adoption of this Urgency Ordinance is exempt from CEQA.

**Section 4: Off-Street Parking.**

A. Section 1318 of Ordinance No. 122 CS of the City of Carmel by the Sea provides for an annual resolution setting the value of improved off-street parking facilities.

B. Due to the impacts of COVID 19 on City resources both currently and projected for the foreseeable future, the City Council hereby suspends the provision of Section 1318 of Ordinance No. 122 CS of the City of Carmel-by-the-Sea for an annual resolution setting the value of improved off-street parking facilities until such time as the City Council determines the adoption of such annual resolutions are in the best interests of the City.

**Section 5: Severability.** If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

**Section 6: Effective Date and Duration.** This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until rescinded by the City Council.

**Section 7: Publication.** The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA this 2<sup>nd</sup> day of June, 2020, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Britt Avrit, MMC  
City Clerk