



NEW – **City of San Diego proposes to extend development permits due to COVID** – San Diego’s City Council will consider on Tuesday, June 2nd, a staff recommendation to extend the expiration dates of various development permits issued by the City. If approved, the Citywide emergency ordinance would extend the expiration dates of development permit applications, building permit applications, and construction, development, grading, and public right-of- way permits. It would extend expiration of development permit applications by 60 calendar days; building permit applications by an additional 365 calendar days; and construction, development, grading, and public right-of-way permits by 365 calendar days. NAIOP San Diego fully supports this effort and appreciates the City’s recognition of the need given these extraordinary times. The staff report can be found [HERE](#).

UPDATE – **CA Senate Judiciary Committee moves *CONTROVERSIAL RENT* and *LEASE* bill SB 939 forward** – the Senate Judiciary Committee narrowly approved the controversial measure to change commercial leasing contracts and establish a statewide commercial eviction moratorium. SB 939 by Senator Scott Weiner from San Francisco is being pushed by a group of restaurants in the Bay Area. You can find the bill text, along with the Senate Judiciary Committee analysis [HERE](#). In short, the measure would:

- Establish a statewide moratorium on commercial evictions through the duration of the state emergency order
- Would extend repayment of past due and owed commercial rent over 12 months
- Allow for leases to be amended or terminated by the tenant if the tenant and property owner can’t come to terms

The WAS amended in the committee, but the amendments did little to change the net impact of the bill. Those amendments include:

- Would create a narrower test for who would qualify for the eviction protection
- Would extend the statewide eviction moratorium under this narrower test for 90 days after the end of the state emergency order (this would make it consistent with the CA Judicial Council order)
- Would narrow the criteria for being able to access the 12-month pay back schedule
- Would narrow the lease amendment and termination applicability provisions to those with a hardship

A large coalition has formed to oppose the measure and will continue to engage the CA Senate. The bill now heads to the Senate Appropriations Committee for a hearing on June 8th. A specific call to action will be forthcoming, so please be prepared to help stop this bill.

NEW – **CA Judicial Council considers changes to court hearing & tolling mandates** – the California Judicial Council is considering changes to its previous order issued on April 6th. The previously adopted recommendations have been of concern to our members because of the prohibition on court actions, including unlawful detainers, as well as the tolling of statutes of limitations, which could impact development

permits. Particularly problematic is the tolling date, which is set at 90 days following the end of the declared state of emergency. The Council is considering establishing an actual date, rather than the 90-day threshold. NAIOP CAL, along with numerous other statewide advocacy groups, are pushing for this in order to provide certainty for projects moving through the process. The current emergency rules can be found [HERE](#).

NEW – County opens up beaches to sitting – the County of San Diego announced that cities in the County can allow beach goers to sit on the beach starting June 2nd. The change comes after most residents visiting beaches in the County were following social distancing rules over the Memorial Day Weekend. The rules require that social distancing protocols be followed and that those sitting can ONLY be with their home quarantine family units. Other activities on the beach, like group sports (volleyball, football, etc.) will not be allowed. The County release announcing this change can be found [HERE](#).

NEW – Places of worship, hair salons and barbers can reopen with protocols – the County also announced this week that, effective immediately, hair salons and barber shops can start to receive customers. Social distancing protocols and facial coverings are required, and many hair stylists/barbers are implementing procedures to reduce occupancy, waiting, queuing to ensure these protocols can be followed. For more information on specific reopening protocols for hair salons and barbers, please click [HERE](#). For more information on specific protocols for places of worship, please click [HERE](#).

For now, the previously announced “pilot program” has not been approved by the Governor. That program proposes a broader reopening of Stage 3 activities, including: research lab space not presently open, therapeutic and peer support groups (fewer than 12 people), modified youth sports and clubs (for practice, not games), fitness centers (@ 25% capacity), multi-family and HOA common area pools (@25% capacity), among other activities. No indication has, as of yet, been given on the status of the state’s review or when a decision might be made. Hotels, won't be allowed to open for other than housing for essential workers, at this time. They are presently in Stage 4 for broader reopening.

NEW – Cities EXTENDING Eviction Moratoriums – Cities around the County of San Diego are continuing to extend their eviction moratoriums. The extension date is typically June 30, 2020. As reported last week, the San Diego City Council extended on Tuesday their previously adopted eviction moratorium ordinance by 30 days to June 30, 2020 (see revised ordinance [HERE](#)). Most ordinances previously adopted had sunset dates of May 31, 2020. Since the California Judicial Council had already adopted a hold on any unlawful detainer (UD) actions for 90 days FOLLOWING the end of the emergency orders (see CA Judicial Council Order [HERE](#)), this action was largely symbolic. San Marcos, Escondido, Chula Vista have now acted to extend with more expected.

REMINDER – County of San Diego Clarifies rules on health screening – The County updated and posted its written Health Order, last week, effective May 10th, which includes the newly clarified provisions for either temperature checks **OR** health screening when equipment isn't available, as well as the facial covering provisions for businesses **WHEN** you're within six feet of someone else noted above. You can read the Health Order [HERE](#).

REMINDER – High-risk groups, INCLUDING essential infrastructure workers, can be tested for COVID-19 – the County has expanded their recommendations for testing in San Diego, including for “high-risk” groups. **This includes anyone in an “essential infrastructure” occupation (more information [HERE](#))**. In order to get tested at a hospital, health care provider or one of the County’s testing sites, individuals who fall into any of these expanded testing categories should contact their doctor or call 2-1-1.

REMINDER – City of San Diego COVID-19 construction site protocols – effective April 24, 2020, the City of SD is requiring all active construction sites within the City follow new safety protocols to protect the health and safety of construction workers. The protocols include guidance on tenant improvement projects based upon input from NAIOP and other commercial real estate construction experts. The key rule is social distancing with a minimum separation of 6-feet. Construction industry employers must develop a comprehensive COVID-19 “exposure control plan” which includes social distancing, symptom checking and reporting, hygiene, decontamination procedures and training. Additionally, gatherings of 10 or more people are prohibited at any time on the job site. Click [HERE](#) to view the construction site protocols.

REMINDER – County of San Diego Health Orders STILL in effect AND being enforced – Please continue to follow the County of San Diego’s health orders ([found HERE](#)), including the “stay at home” orders for those not in an essential business or newly opened non-essential businesses. These orders include the requirement for facial coverings in public or at work and within six feet of another person not in your family. The County’s health orders, also require that **essential** businesses complete and post their checklist (see link [HERE](#)) AND **non-essential** businesses that can operate must create and post a **DIFFERENT** “Safe Reopening Plan” or SRP. A downloadable version of the SRP template can be found [HERE](#). If you are an essential business, you do NOT need to complete, distribute to employees and post an SRP, but you do need to complete a “Social Distancing and Sanitation Protocol” checklist linked above.

REMINDER – County of San Diego mandates FACIAL COVERINGS in public and at work starting MAY 1st (when you’re within in six feet of someone) – the County of San Diego has mandated that facial coverings be worn when in public and within six feet of another person not in your immediate household. This includes when you’re working in either an essential job or a job in a non-essential business that has been allowed to open, again, when you get closer than six feet to another person who is not a member of your direct, household family. The requirements can be found [HERE](#).

REMINDER – San Diego Superior Court services remain CLOSED until an estimated re-opening on May 26th. Until then, nearly all court services, except for some criminal case processing and **consideration of temporary restraining orders** are suspended.

REFERENCE LIST:

State of California *Resilience Roadmap* Page (including industry specific guidance and checklists) – LINK [HERE](#)

State of California COVID-19 County Variance Attestations (list of all CA Counties and their specific attestation plans) – Link [HERE](#)

County of San Diego’s SPECIFIC VARIANCE ATTESTATION PLAN – Link [HERE](#)

County of San Diego Essential Business *Social Distancing and Sanitation Protocol* Template – LINK [HERE](#)

County of San Diego *Safe Reopening Plan* (SRP) Template for NON-ESSENTIAL businesses – LINK [HERE](#)

County of San Diego *Restaurant/Food Facility Operating Protocol* Template – Link [HERE](#)

County of San Diego *Hair Salon/Barber Shop* reopening protocols – Link [HERE](#)

City of San Diego COVID-19 *Construction Safety* Protocols - [LINK HERE](#)

County of San Diego COVID-19 Resource Page – [LINK HERE](#)

City of San Diego COVID-19 Resource Page – [Link HERE](#)

County of San Diego REOPENING PLAN Attestation Document – [Link HERE](#)

US Federal Government COVID-19 Resource Website – [Link HERE](#)

US Small Business Administration COVID-19 Resource Page – [Link HERE](#)

US Federal Reserve COVID-19 Resource Page – [Link HERE](#)

State of California COVID-19 Resource Website – [Link HERE](#)

Essential Services – There has not been any further change to either the definitions or the rules for “essential services” as previously defined by [Governor Newsome’s Executive Order](#) (EO) to “stay at home” issued on March 19, 2020. The EO provided guidance on “Essential Critical Infrastructure Workers” and pointed to the [federal guidance](#) on “essential critical infrastructure workforce” contained within the EO by reference. That was updated on March 28th but did not change the applicability for commercial real estate. In short, office buildings are still allowed to be open, but certain tenants and tenant functions may not be allowed to occur. Each tenant should individually verify whether they can open (as an essential or non-essential business). For reference to the federal government’s definition of what constitutes an “essential service”, please find the updated CISA document [HERE](#).

For now, at the local, state and federal levels, NAIOP Corporate and NAIOP CAL, in addition to our local team, are working to make sure our members continue to operate, and their tenants get back to work as soon as safely possible. We are also working to make sure that local government operations related to our members’ needs, like planning, permitting and inspections also continue.