



IMPORTANT VICTORY – SB 939 FAILS to pass Senate Appropriations Committee – SB 939, the controversial measure by Senator Scott Weiner from San Francisco -- which would have changed commercial leasing contracts, allowing tenants to terminate them without recourse, and establish a statewide commercial eviction moratorium, with rent to be paid back over a full year (find bill language and other information [HERE](#)) – did **NOT** make it off of the suspense file, meaning it **FAILED** to get out of the Senate Appropriations Committee yesterday. As a result, this specific vehicle is now no longer viable. NAIOP CAL will continue to be vigilant, though, as this damaging language could, potentially, get added to another active bill. In the meantime, a big THANK YOU to the thousands of members of NAIOP and allied groups who contacted their state senators and asked them to oppose this poorly conceived bill.

NEW – California announces changes to facial covering requirements – although the County of San Diego has already been under mandatory order to wear facial coverings, the State of California’s Department of Public Health announced yesterday an expansion of the statewide order with new guidance for facial coverings focusing on “high risk” areas when outside of the home.

According to the new guidance, Californians must wear face coverings when:

- Inside of, or in line to enter, any indoor public space;
- Obtaining services at a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;
- Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible.

The following individuals are **exempt** from wearing a face covering:

- Children aged two and under;
- Persons with a medical, mental health, or developmental disability that prevents wearing a face covering;
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence;
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others;
- Persons who are incarcerated. Prisons and jails will have specific guidance on the wearing of masks or face coverings for both inmates and staff.

For more information about the new guidance, please click [HERE](#).

IT SHOULD BE NOTED, that the County of San Diego has been under a mandatory wear mask order when outside the home since May 1, 2020. For more information on the County's requirements, please click [HERE](#).

NEW – County of San Diego **PAUSES** future re-opening due to increased community outbreaks – the County of San Diego Public Health Officer, Dr. Wilma Wooten, announced yesterday that due to a key trigger threshold being exceeded in the County, further expansion of business reopening beyond those already announced and scheduled for today would be paused. The “trigger” had to do with community outbreaks. A community outbreak is defined as three or more confirmed COVID cases in a specific location involving people who are not related. In the current case, 2 outbreaks were found at restaurants, 3 at businesses, 1 at a campground, 1 at a social club and 1 in a private residence. Since the other 12 triggers have not been exceeded, County officials have said they are not planning further action to curtail currently allowed activities but warned residents that it could happen if other triggers thresholds are exceeded. An updated version of the County's Public Health Order can be found [HERE](#).

NEW – County of SD allows more businesses to reopen – the County of San Diego announced last week that a number of businesses can now reopen as of today. They include the following (with links by clicking on each for the state reopening guidelines for each type of activity):

- Nail salons
- Facial salons
- Tattoo parlors
- Therapeutic massage businesses

As noted above, any additional re-openings have been paused until further notice, even if state guidance is given for additional business reopening.

NEW – City of San Diego announces new **TEMPORARY outdoor business operation permit** – Mayor Kevin Faulconer announced yesterday that the City will begin issuing temporary permits for local retail and restaurants to be able to

expand their operations outside on the public right of way, pending approval by the San Diego City Council early next month. This program is intended to further the success of the pilot project launched in Little Italy last weekend. Interested businesses can apply now for the permit, and, if the program is approved by the Council, review will be fast tracked, with fees waived for the permit, as well as any special event fees for street closures. The permit would last until the end of the social distancing requirements for these businesses or the end of the year, whichever is first. If approved by the City Council For more information and to access the permit application, please click [HERE](#).

NEW – **City of San Diego announces resumption of city parking regulation enforcement** – the City of San Diego announced that beginning July 1, parking regulations will **START** to be enforced. The City will phase in enforcement to give people an opportunity to get back in the habit of following rules that have been suspended for the last couple of months. Starting July 1 through July 15, vehicles violating street sweeping, metered parking, time limits and yellow commercial zones **will receive written warnings**. Citations will continue to be issued for vehicles parked illegally at red and blue painted curbs. **STARTING July 15, full enforcement will go into effect for all parking regulations, including all curb colors.**

NEW – **City of San Diego offers online zoning and parcel information map** – the City of San Diego has launched its NEW Zoning and Parcel Information Portal (ZAPP – find link [HERE](#)). This portal is intended to make it easier for customers to research real time zoning and property information 24 hours a day, 7 days a week. The interactive portal allows customers to review multiple layers of information, including assessor parcel numbers, zoning maps, City Council districts, school districts, historic districts, fire risk areas, earthquake fault buffers and various regulatory areas.

REMINDER NOTICE – **Previously adopted City of San Diego development fees to increase July 1, 2020** – Adopted three years ago, the City announced that the next **planned increase will be 6.2% effective July 1, 2020**. According to the announcement, the increase will allow the Development Services Department (DSD) to meet established levels of service, provide full cost recoverability and provide sufficient resources to continue to improve the quality of the mandated regulatory review process. The increased fees will apply to all projects submitted on or after July 1, 2020. For the City’s Public Information Notice on the fee increase, please click [HERE](#). Information Bulletins containing fees are in the process of being updated and will be posted to the DSD web site as they become available, but no later than July 1, 2020.

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 Public Health Order – [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.