



URGENT UPDATE – SB 939 moves to the Senate Appropriations Committee – following its narrow passage out of the Senate Judiciary Committee, SB 939, the controversial measure to change commercial leasing contracts and establish a statewide commercial eviction moratorium, will now be heard by the Senate Appropriations Committee next week. SB 939 by Senator Scott Weiner from San Francisco is being pushed by a group of restaurants in the Bay Area and is considered a top concern presently in the state legislature. You can find the bill text, along with the Senate Judiciary Committee analysis [HERE](#). **All members are being asked to use this [LINK](#) to communicate opposition to your state senator.** The coalition in opposition has grown due to the broad implications, including the threat to private contracts, but we need your help today to stop this poorly considered and potentially economically disastrous measure.

New – City of San Diego allows for temporary permitting of outdoor business operations – The City of San Diego has announced that it is taking permit applications to allow for temporary outdoor business operations. Further actions are planned for presentation to the San Diego City Council to allow for more expansion opportunities into public rights-of-way, public spaces and parks on June 23rd. More information can be found [HERE](#) in the memo sent by Development Services Director Elyse Lowe. NAIOP supports these efforts as a way to get more occupancy and business volume for small businesses, like restaurants and other retailers, looking to reopen. You can find a link to the permit application [HERE](#).

NEW – City of San Diego EXTENDS development permits due to COVID – San Diego’s City Council adopted on Tuesday, June 2nd a staff recommendation to extend the expiration dates of various development permits issued by the City. The Citywide emergency ordinance extends the 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 supported this effort and appreciates the City’s recognition of the need given these extraordinary times. The staff report can be found [HERE](#).

UPDATE – CA Judicial Council CHANGES tolling DEADLINES – the California Judicial Council amended its previous order issued on April 6th regarding the tolling period for filing CEQA challenges. The previous order said there would be an extension of 90 days following the end of the Statewide emergency. The revised order now sets a date specific, being August 3, 2020. The previous order had been of great concern to our members because of the uncertainty it created and the likely delays it would create. NAIOP CAL, along with numerous other statewide advocacy groups including the CBIA, pushed for this in order to provide certainty for projects moving through the process. The report summary and new rules can be found [HERE](#).

NEW – City of San Diego to require on-line submittal of all new applications and permit submittals – Starting JULY 1, 2020, all new applications or permits and approvals will need to be submitted on-line through the OpenDSD system at sandiego.gov/DSD web. Until July 1st, paper applications can still be submitted. For more information, please go to the City’s Development Services Department information sheet [HERE](#).

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.

NEW – County of San Diego extends eviction moratorium – Following a trend, the County of San Diego extended earlier this week their eviction moratorium to June 30, 2020 for the unincorporated area. As a part of the motion, Supervisor Kristin Gaspar was able to get added direction to staff to report back on rental support programs the County might consider. The revised ordinance with the extension date can be found [HERE](#). The decision follows the Governor’s new executive order issued last week that allowed local jurisdictions to extend eviction moratoriums through July 28, 2020.

NEW – County of San Diego asks Governor for broader reopening – the San Diego County Board of Supervisors at their Tuesday Board meeting agreed to send a list of businesses types to the Governor that they’d like the ability to reopen, pending local public health official approval. These are in addition to the “pilot program” that was previously sent to the Governor for approval. The list includes (with capacities limited to 6-foot social distancing requirements): hotels, theme parks, sports fishing operations, gyms, wineries/breweries, churches, youth sports and community pools. It also includes allowing gatherings adhering to social distancing guidelines, as well as allowing parking at beach parking lots and full beach activities. These activities WILL NOT be allowed until the state authorizes the County to open these activities.

NEW – Additional protests planned for Downtown San Diego on June 6th – social media feeds and contacts with several protest organizers indicate that a large protest downtown is planned for Saturday, June 6th. The protest is planned to start at 10:00am at the County Administrative Center on Pacific Highway. There are no indications that this event will be anything other than peaceful. Nevertheless, City officials are asking downtown residents, property owners and workers to take note of the protest and the resulting potential for closures of streets or redirected traffic. For more real time information on protests downtown, please follow the San Diego Police Department twitter feed, or contact Central Division Community Relations Officer Marlo Woods - mjwoods@pd.sandiego.gov.

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.