

To: **Mayor and City Council**
Through: **Ryan Schroeder, City Manager**
From: **Melissa Sonnek, City Planner**
Date: **May 26, 2020**

Granting a Temporary Waiver of Business Code and Zoning Requirements to Allow for Expansion of Dining and Business Activities Impacted by the COVID-19 Pandemic

BACKGROUND INFORMATION:

On March 13, 2020, Governor Walz declared a statewide emergency in order to effect measures to slow the community transmission of the novel coronavirus known as COVID-19. This emergency declaration, while not negatively affecting every business within the community, did affect the vast majority of small businesses throughout West St. Paul. More recently, the Governor's latest amendment of emergency orders allows for a reopening of business activity but with requirements that challenge business operators due to continuing guidance on limits on customer interactions, customer counts and the like. However, within the gubernatorial orders, there is an opportunity for cities to assist their businesses by a temporary waiver of existing code and zoning requirements in order to allow for expanded customer count opportunities over what would be possible absent assistance from the City. Enclosed is a proposed temporary policy change, intended to expire before year end 2020 adoption of which would allow restaurants to expand outdoor dining, to allow for consideration of expansion of the licensed premises for those with on sale liquor licenses, and allow for expansion of sales area for other business that have been impacted by the COVID-19 pandemic.

Under the Governors executive orders, bars and restaurants have been ordered closed since late March. Other businesses have been similarly ordered closed during a substantial period of the emergency declaration. It is these businesses that this proposed resolution is intended to assist.

Essentially, the proposed temporary policy allows business activity to expand to outdoor patio and similar spaces so long as a plan is in place that addresses safety and related issues. The policy allows that the Community Development Department would be granted the authority, during the term of this rules waiver, to review and permit such business expansion. However, for business activities under which a Liquor License would govern, expansion of the licensed premises can only be approved through an application for review and consideration by the City Council. By way of explanation, if a restaurant, with a Liquor License, desires to expand into an outdoor dining area, that can be permitted by City Staff under this policy. However, should that same restaurant desire to serve liquor within that expansion area, authority for such an approval is vested only with the City Council and that authority cannot be delegated.

Given the above, we are notifying that portion of the business community that holds a valid Liquor License of this proposed policy change. Further, we are informing these businesses that should they

submit a request for an expansion of their licensed premises prior to the Council meeting (this or any future meeting) and Staff will bring that request to the Council for consideration that same evening. Hence, Council should anticipate that requests might be brought forward at your table.

This same or similar action is being considered by Cities throughout the state. At present in Dakota County, we are aware of similar policy adoptions during the past week or so in Apple Valley, Farmington, Lakeville, Hastings, Eagan, and Burnsville.

FISCAL IMPACT:

None

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

By motion, approve the enclosed resolution.

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