City of San Diego
EXECUTIVE ORDER NO. 2020-11
By the Mayor

On March 12, 2020, I issued a proclamation of local emergency in preparation and response to the spread of the COVID-19 virus in our community, which our City Council ratified on March 17, 2020. The local emergency will continue until its termination.

On March 19, 2020, in Executive Order N-33-20, the Governor directed all California residents to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, under the Order of the State Public Health Officer until further notice.

On March 12, 2020, the County Public Health Officer issued orders directing the public to take certain actions to protect the public health from COVID-19. The Public Health Order was amended several times and is in effect until further notice, unless extended.

The Centers for Disease Control and Prevention recommends staying at least six feet away from non-household members in both indoor and outdoor spaces to reduce the spread of COVID-19.

On July 6, 2020, San Diego County was placed on the County Monitoring List.

On July 13, 2020, the State of California ordered the closure of indoor activities for the following industries and activities within counties on the County Monitoring List for 3 consecutive days: fitness centers, places of worship, indoor protests, offices for non-essential sectors, personal care services, hair salons, barbershops, and indoor malls.

Due to these mandated indoor closures, many of these industries, including fitness centers and related businesses, may not be able to fulfill their financial obligations, which may result in a loss of property. These business closures will negatively affect the local economy by creating job loss, limiting services available to city residents, and decreasing tax revenues to the City to respond to COVID-19. It is in the City and public's best interest to protect life and property by acting to mitigate a substantial loss of income to local residents and businesses due to the loss of compensable work hours or wages, layoffs, and business closures. Allowing for the operation of fitness centers and gyms in city parks is necessary to protect the residents of San Diego by meeting social distancing requirements that reduce the spread of COVID-19, and expediting economic recovery efforts available to impacted employees who continue to suffer during this pandemic.

Places of worship are unable to provide indoor worship services, which will negatively impact city residents by limiting human interaction and spiritual support. Recognizing that residents

have a constitutional right to religious expression and speech in public forums, such as city parks, it is necessary to protect the residents of San Diego by meeting social distancing requirements that reduce the spread of COVID-19 by allowing worship services to operate in city parks. This will provide them additional room and space to comply with all social distancing and additional guidelines set forth by the State of California and Public Health Officer.

Based on the aforementioned concerns to protect life and property, I issued Executive Order 2020-10 which allowed for the issuance of permits in the City of San Diego's outdoor parks to faith-based organizations for religious worship services and to gyms, fitness facilities, and personal trainer businesses for physical fitness activities and deferred the time for payment of any and all associated permit fees for sixty (60) days, or until the City Council acts on an emergency ordinance to waive the above mentioned fees, which shall be presented for the City Council's consideration at the earliest practicable time, whichever comes first.

On August 28, 2020, the State of California issued a new tier of restrictions which impose risk-based limitations on sectors including places of worship and gym and fitness centers. These new restrictions increase indoor capacity to allow up to 25% and 10% respectively, though these restrictions are subject to change.

Therefore, I am taking action to continue to allow for the issuance of permits in the City of San Diego's outdoor parks to faith-based organizations for religious worship services and to gyms, fitness facilities, and personal trainer businesses for physical fitness activities. I also find there is good cause to extend the time for payment of any and all associated permit fees until January 31, 2021, or until the City Council acts on an emergency ordinance to waive the above mentioned fees, which shall be presented for the City Council's consideration at the earliest practicable time, whichever comes first. I further find it is in the City's best interest not to require a revenue sharing agreement for any permitted commercial business activities affected by the July 13, 2020 Order that operates in City parks pursuant to this Executive Order.

By virtue of authority vested in me as Mayor of the City of San Diego pursuant to the provisions of the City Charter, San Diego Municipal Code section 51.0105, and California Government Code section 8634 to promulgate, issue, and enforce rules, regulations, and orders, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order, effective immediately until further notice that:

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1. All of the requirements contained in Executive Order No. 2020-1, dated March 16, 2020, except those superseded here or by order of the Governor or Public Health Official remain in effect.

2. All of the requirements contained in Executive Order No. 2020-2, dated March 30, 2020, except those superseded here or by order of the Governor or Public Health Official remain in effect.

3. All of the requirements contained in Executive Order No. 2020-3, dated April 30, 2020, except those superseded here or by order of the Governor or Public Health Official remain in effect.

4. All of the requirements contained in Executive Order No. 2020-4, dated May 21, 2020, except those superseded here or by order of the Governor or Public Health Official remain in effect.

5. All of the requirements contained in Executive Order No. 2020-5, dated May 29, 2020, except those superseded here or by order of the Governor or Public Health Official remain in effect.

6. All of the requirements contained in Executive Order No. 2020-6, dated June 5, 2020, except those superseded here or by order of the Governor or the Public Health Official, remain in effect.

7. All of the requirements contained in Executive Order No. 2020-7, dated June 30, 2020, except those superseded here or by order of the Governor or the Public Health Official, remain in effect.

8. All of the requirements contained in Executive Order No. 2020-8, dated July 7, 2020, except those superseded here or by order of the Governor or the Public Health Official, remain in effect.

9. All of the requirements contained in Executive Order No. 2020-9, dated July 20, 2020, except those superseded here or by order of the Governor or the Public Health Official, remain in effect.

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10. All of the added provisions contained in Executive Order No. 2020-10, dated August 18, 2020, except those superseded here or by order of the Governor or the Public Health Official, remain in effect, and the provisions extending the time for payment of park permit fees are extended through January 31, 2021, or until the City Council acts upon an emergency ordinance to waive the referenced fees, which shall be presented for the City Council's consideration at the earliest practicable time.

11. Any violation of the above prohibitions may be referred for prosecution to the fullest extent of the law. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

Dated: October 22, 2020

Mayor Kevin L. Faulconer