

CITY OF SANTA BARBARA
DIRECTOR OF EMERGENCY SERVICES

SUPPLEMENTAL PROCLAMATION AND LOCAL
EMERGENCY ORDER ESTABLISHING A TEMPORARY
PEDESTRIAN PROMENADE ON PORTIONS OF STATE
STREET FOR THE PURPOSE OF ECONOMIC
RECOVERY PURSUANT TO SBMC CHAPTER 9.116 AND
COUNCIL RESOLUTION NO. 20-021

May 22, 2020

WHEREAS, due to the COVID-19 pandemic, on March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, the County of Santa Barbara issued Orders from its Health Officer on April 5th, April 24th, and May 8th 2020, requiring the closure of a wide range of businesses including restaurants and retail stores; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 20-021 to ratify and proclaim the existence of a local emergency as a result of conditions of extreme peril to the safety or persons and property within the City caused by COVID-19; and

WHEREAS, Section 7 of Resolution No. 20-021 authorized the Director of Emergency Services/City Administrator to adopt supplemental proclamations and orders which are necessary to respond to the local emergency, provided that actions which would otherwise require Council approval shall be reported to the Council at the next regularly scheduled City Council meeting; and

WHEREAS, the economic impacts of the COVID-19 closure have been devastating to the local Santa Barbara economy; and

WHEREAS, the commercial district of Downtown State Street is a vital economic artery of the City; and

WHEREAS, it is clear that the longer the emergency order is in place, the more difficult it will be for retail and restaurant operators on State Street to return and reopen their businesses; and

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WHEREAS, during this State of Emergency, the City of Santa Barbara must consider the welfare of its businesses while protecting the health and welfare of its citizens; and

WHEREAS, cities across the State and County are either considering or already have temporarily closed their downtown streets to traffic to give restaurants more outdoor space to safely serve customers when they are allowed to reopen; and

WHEREAS, on May 21, 2020, Santa Barbara County issued Order No. 2020-8.2, that allows for reopening of dine-in restaurants so long as the establishment completes a self-certification described in Section 6 of the Health Order; and

WHEREAS, Chapter 9.95 of the Santa Barbara Municipal Code was established to increase business and pedestrian traffic by providing safe and visually appealing opportunities for outdoor dining, which is critically essential during this difficult economic circumstance; and

WHEREAS, the temporary closure of City streets to create an economic recovery zone is a permissible purpose within the scope of California Vehicle Code Section 21101(e); and

WHEREAS, the Director of Emergency Services/City Administrator has determined that supplemental orders are needed for temporarily closing off portions of State Street to vehicular traffic in order to allow use of the public street for adjacent food service establishments in order to provide emergency economic relief now that Santa Barbara County has been approved for a late Stage 2 resiliency roadmap reopening; and

WHEREAS, in light of the foregoing, the Director of Emergency Services/City Administrator deems it proper and necessary to temporarily suspend certain provisions of the Santa Barbara Municipal Code relating to outdoor dining and parking in City streets for the purposes of allowing businesses to reopen or continue operating without undue hardship while also maximizing physical distancing.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED AS FOLLOWS:

I HEREBY ORDER THE CLOSURE OF DESIGNATED BLOCKS OF STATE STREET TO VEHICULAR TRAFFIC IN ORDER TO OPEN THE STREETS FOR A PEDESTRIAN PROMENADE AND LIMITED COMMERCE

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This Order shall be implemented as follows:

A. Beginning on May 21, 2020 and continuing through June 2, 2020, the City's Public Works Director in consultation with the City Engineer or Traffic Engineer may close State Street to vehicular traffic from the beginning of the 400 block at Gutierrez Street to the 1300 block ending at Sola Street in order to protect the health and safety of pedestrians, employees and patrons of local businesses, and other members of the public by promoting effective physical distancing.

B. Pursuant to Vehicle Code Section 21103 and 22651(n), the Public Works Director is directed to cause signs placed at all entrances to the designated streets and provide notice that violators may be cited for a violation of the temporary street closure. Lettering on the signs shall be at least one to two inches in height.

C. All persons in the closure area are strongly encouraged to wear face masks (except while eating).

D. Requirements for obtaining the issuance of an Outdoor Dining License under Sections 9.95.030 and 9.95.080 of the Santa Barbara Municipal Code are temporarily suspended for food service establishments operating outdoor dining in accordance with this Order.

E. Temporary outdoor dining areas must comply with each of the following requirements:

1. Food service establishments with frontage on City streets closed pursuant to this Order may add or expand their premises with outdoor dining onto the adjacent sidewalks or public rights-of-way as provided for under Section 9.95.040 of the Santa Barbara Municipal Code. The expansion shall be limited to the width of the frontage of the participating food service establishment. Food service establishments may operate between the hours of 7:00 a.m. and 10:00 p.m. daily.

2. Santa Barbara Municipal Code Section 9.95.060 pertaining to alcoholic beverage service does not contemplate outdoor dining during a post-pandemic relief period. Businesses that wish to provide alcoholic beverage service in the closure area must meet all requirements of Section 9.95.060, other than the requirement that the dining area abut the indoor restaurant. The City Administrator's Office will provide technical assistance on alcoholic beverage regulation issues, including LPDs, completion of ABC forms, and related matters.

3. Access required under the Americans with Disabilities Act shall be maintained at all times.

4. Fire hydrants must remain unobstructed.

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5. Businesses must comply with all City noise regulations. (SBMC Chapter 9.16.)

6. Food service establishments must provide conveniently located outdoor waste and recycling receptacles for customers, and the receptacles must be emptied, serviced and maintained at least daily.

7. Smoking is prohibited in the expanded outdoor dining areas and closure areas.

8. Live music and amplified sound are prohibited.

9. All food service establishments must follow the requirements under Santa Barbara County Health Order No. 2020-8.2, including completion of self-certifications.

10. No more than 9 people may use a single table at the same time.

F. An area extending 7 feet in both directions from the centerline of the closed street is restricted for the use of pedestrians only. Sidewalk vendors as defined under Government Code Section 51036 shall not be permitted on any City street closed to through traffic pursuant to this Order in order to maximize appropriate physical distancing in compliance with guidance from the Center for Disease Control to protect public health and safety.

G. No person(s) may operate, stand or park a vehicle on any designated street within the hours of temporary closure. In addition to any criminal civil or administrative penalties, vehicles stopped, parked or left standing on a designated street within the temporary closure are subject to tow pursuant to Vehicle Code Section 22651(n). This shall not apply to vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle.

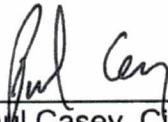
H. Persons engaged in activities protected by the First Amendment shall remain at least 6 feet from any other person. Live music and amplified sound are prohibited.

I. The Public Works Director, in consultation with the City Traffic Engineer, may close parking spaces in Central Business District areas affected by the State Street closure in order to facilitate temporary dining areas for the use of by abutting restaurants.

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J. The Chief of Police is authorized and directed to take any necessary actions to assist in the enforcement of this Order.


City of Santa Barbara



Paul Casey, City Administrator and
Director of Emergency Services

May 22, 2020 9:10 A.M.
Date and Time

Approved as to Form



Ariel Pierre Calonne
City Attorney