

ORDINANCE NO. 5944

**AN UNCODIFIED EMERGENCY ORDINANCE OF THE
COUNCIL OF THE CITY OF SANTA BARBARA PERTAINING
TO COVID-19 ECONOMIC RECOVERY**

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Findings and Determinations.

A. This ordinance is an exercise of the City's police power to enact emergency regulations necessary to facilitate a safe and speedy local economic recovery from the impacts of the COVID-19 pandemic.

B. The COVID-19 pandemic, and resulting emergency orders from the Governor and the local health officials, have resulted in massive unemployment, business closures and severe limitations on the capacity of certain businesses to interact with customers.

C. On May 22, 2020, the City Administrator acting as the Director of Emergency Services issued an emergency order titled, 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. The order will expire by its terms on June 2, 2020. The City Council desires to continue the effect of the order as provided in this ordinance. The City Council wishes to mitigate the effects of economic disruption caused by the COVID – 19 pandemic and facilitate a safe and speedy local economic recovery citywide by authorizing the temporary suspension of certain local regulations and authorizing the temporary use of public and private property.

D. In addition to extending the duration of the economic recover promenade on State Street as provided in the City Administrator's May 22, 2020 supplemental order, this ordinance will authorize the City Administrator to establish a Citywide temporary economic emergency relief and recovery program that allows temporary expansion of existing permitted commercial uses of property into to specific areas of adjacent public streets, sidewalks, parking spaces, and lots, as well as into required off-street parking and set-back areas.

E. This ordinance is necessary as an emergency measure to be effective immediately for the preservation of the public peace, health and safety for the facts and reasons set forth in City Council Resolution No. 20-021, ratifying and proclaiming the existence of a local emergency, which facts and reasons are incorporated by this reference.

SECTION 2. Temporary Street, Sidewalk, and Parking Closures on State Street.

The Supplemental Order referred to in Section 1, Paragraph C of this Ordinance, a copy of which is attached, is incorporated by this reference.

SECTION 3. Expansion of Street Closures.

A. Notwithstanding anything in the Santa Barbara Municipal Code to the contrary, the City Administrator is authorized, to allow temporary expansion of existing permitted commercial uses of property into to specific areas of adjacent public streets, sidewalks, parking spaces, and lots, as well as into required off-street parking and setback areas of the commercial premises.

B. All the structures, facilities, equipment and activity to accommodate the uses must be of a temporary nature capable of being promptly removed upon expiration of this ordinance or any extensions of this ordinance approved by the City Council.

C. All street closures and encroachments into the public right of way must be approved by the Public Works Director and Traffic Engineer. The Public Works Director and Traffic Engineer are authorized to implement traffic control measures to include enforcement of advisory speeds, and road closures to ensure public safety.

D. Nothing in this ordinance waives any provisions in Santa Barbara Municipal Code Title 8, Fire Protection, or any codes adopted by reference contained in that Title nor does this Ordinance waive any provisions of Chapter 22.04 or any codes adopted by reference contained in that Chapter.

E. All of the restrictions of the order adopted by Section 2, with the exception of those specific to State Street, will apply to all street closures.

F. All businesses are required to follow any Order issued by the Santa Barbara County Health Officer.

G. The City Administrator is authorized to adopt supplemental regulations as necessary to accomplish the purposes of this ordinance.

H. A violation of this Emergency Ordinance is enforceable as provided in Santa Barbara Municipal Code Chapters 1.25 and 1.28 as well as any other applicable provision of the Code.

SECTION 4. Term. This Emergency Ordinance remains in full force and effect until September 8, 2020 unless extended or repealed by Council action. Nothing contained in this Ordinance creates a vested right to continue any authorized activity or use beyond the term of this Ordinance.

SECTION 5. CEQA. In accordance with the California Environmental Quality Act (CEQA), this project is categorically exempt per Section 15304(e) of the CEQA guidelines regarding minor temporary uses of land.

SECTION 6. Declaration of Urgency. This urgency ordinance must be adopted and must become effective immediately in order to protect City businesses from imminent economic harm due to the COVID-19 health pandemic.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance.


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STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted by the Council of the City of Santa Barbara at a meeting held on May 27, 2020, by the following roll call vote:

- AYES: Councilmembers Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon; Mayor Cathy Murillo
- NOES: None
- ABSENT: Councilmember Eric Friedman
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on May 28, 2020.



Sarah P. Gorman, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on May 28, 2020.



Cathy Murillo
Mayor