

ORDINANCE NO. 5993

AN UNCODIFIED EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA EXTENDING AND AMENDING ORDINANCE NO. 5944 AND ORDINANCE NO. 5963, AUTHORIZING THE CITY ADMINISTRATOR TO MAKE RECOVERY-RELATED AMENDMENTS TO LEASES FOR CITY PROPERTY, AND PROVIDING ADDITIONAL RELIEF PERTAINING TO COVID-19 ECONOMIC RECOVERY AND RELIEF

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

SECTION 1. Findings and Determinations.

A. The findings and determinations contained in Section 1 of Ordinance No. 5944 and Section 1 of Ordinance No. 5963 are incorporated by this reference.

B. The statewide emergency resulting from COVID-19 continues and the timing of the end of the emergency is uncertain.

C. Ordinance No. 5944 and Ordinance No. 5963 expire on March 8, 2021 unless extended by City Council action. The City Council finds and determines that extension of Ordinance No. 5944 and Ordinance No. 5963 is necessary to further the public health, safety, and welfare of the City and its residents and visitors.

D. The City of Santa Barbara is the lessor to dozens of commercial tenants that have been affected by the COVID-19 emergency. The City Council deems it necessary and appropriate to delegate specified authority to the City Administrator to undertake lease amendments related to economic recovery from the emergency for the City and its tenants.

SECTION 2. Extension.

Notwithstanding anything in Ordinance No. 5944 or Ordinance No. 5963 to the contrary, both Ordinances will remain in full force and effect until March 8, 2022. Nothing in this Ordinance creates a vested right to continue any activity or use authorized under Ordinance No. 5944 or Ordinance No. 5963, or under any administrative policy, rule or regulation promulgated pursuant to either Ordinance, beyond the term of this Ordinance. Sections E. 8. of the Supplemental Order referred to in Section 2 of Ordinance No. 5944, prohibiting live music and amplified sound within outdoor dining areas is repealed. Live music and performances within an outdoor dining area must comply with the operational requirements and restrictions established by the County public health officer. Section H. of the Supplemental Order referred to in Section 2 of Ordinance No. 5944 is amended by deletion of the second sentence as follows:

~~Live music and amplified sound are prohibited.~~

SECTION 3. Leases of City Property.

In addition to the authority delegated under Ordinance No. 5944 or 5963, the City Administrator is authorized to negotiate, make, and execute recovery-related amendments to leases of City property for lessees who have suffered economic hardship due to the impacts of the COVID-19 pandemic. The amendments may include, without limitation: deferral or rescheduling of payments for rent, utilities, or other expenses; extension of lease term; incentives for early repayment of deferred or rescheduled rent; and other amendments determined by the City Administrator to be necessary or convenient to economic recovery of the City and its tenants. A lease may not be extended under this Section if the extension requires approval of an ordinance under Charter Section 521, however, the City Administrator is authorized to accept rent by a hold-over tenant at the expiration of a lease term and authorize the continuation of a tenancy on a month-to-month basis as necessary or convenient to implement a repayment of deferred rent. Continuation of a lease on a month-to-month, holdover basis under this Ordinance shall not be considered an extension subject to Charter Section 521. The City Administrator may delegate authority under this Section.

SECTION 4. Waiver of Penalties for Delinquent Business Tax Payments.

Notwithstanding anything to the contrary in Santa Barbara Municipal Code § 5.04.370, the Finance Director is authorized to reduce or waive any penalty imposed under that Section upon written application by a taxpayer demonstrating good cause for failure to make timely tax payments by reason of economic impacts arising from the COVID-19 emergency.

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 Ordinance.

ORDINANCE NO. 5993

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 February 23, 2021, by the following roll call vote:

AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon; Mayor Cathy Murillo

NOES: None

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on February 24, 2021.



A handwritten signature in blue ink, appearing to read "Sarah P. Gorman".

Sarah P. Gorman, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on February 24, 2021.

A handwritten signature in blue ink, appearing to read "Cathy Murillo".

Cathy Murillo
Mayor