

ORDINANCE NO. 2020-018

**AN EMERGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA,
TEMPORARILY SUPERSEDING PORTIONS
OF THE SAN BUENAVENTURA MUNICIPAL
CODE AND APPROVED SPECIFIC PLANS
TO CREATE EFFICIENCIES IN
DEVELOPMENT APPROVALS AND
DECLARING THE URGENCY THEREOF**

WHEREAS, Section 706(c) of the Charter of the City of San Buenaventura (“City”) authorizes the City Council to adopt emergency ordinances which become effective immediately upon adoption when the City Council determines the same is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency; and,

WHEREAS, International, national, state, and local health and governmental authorities are responding to an outbreak of COVID-19; and,

WHEREAS, On March 4, 2020, the Governor of the State of California declared a state of emergency in response to the spread of COVID-19; and,

WHEREAS, On March 12, 2020, the Public Health Director of the County of Ventura (“County Public Health Officer”) declared a local health emergency and further declared that there is an imminent and proximate threat of COVID-19 spreading in the County of Ventura and a threat to the public health of County residents; and,

WHEREAS, On March 15, 2020, the Director of Disaster Services/City Manager for the City proclaimed the existence of a local emergency; and,

WHEREAS, On March 17, 2020, the City Council adopted Resolution No. 2020-009 Proclaiming the Existence of a Local

Emergency and Ratifying the Director of Disaster Services/City Manager's Declaration of Local Emergency; and,

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of sixteen critical infrastructure sectors; and,

WHEREAS, On March 20, 2020, the County Public Health Officer issued a "Stay Well at Home" order further refining and defining terms of his previous public health order and specifically defining essential businesses; and,

WHEREAS, On April 9, 2020, the County Public Health Officer issued an additional Order restricting gatherings of two or more individuals and imposed additional requirements for essential businesses to ensure social distancing is being implemented; and,

WHEREAS, On April 18, 2020, the County Public Health Officer amended his "Stay Well at Home" order to include as "Essential Activities" certain outdoor activities, such as golfing, tennis, pickleball, walking, hiking, running, bicycling, pleasure driving, and gardening, as long as social distancing requirements are met and the "Stay Well at Home" directives are followed; and,

WHEREAS, On April 20, 2020, the City Council amended its prior closure of City parks and beaches to conditionally allow walking, hiking, jogging, running, or biking on sidewalks, walking paths, trails, tracks, the Promenade, the Pier, and the beach as long as those engaging in those activities do not linger in any location and social distancing is maintained; and,

WHEREAS, On April 20, 2020, the County Public Health Officer restated his April 18, 2020 "Stay Well at Home" order to clarify limitations on public and private gatherings; and,

WHEREAS, On May 7, 2020, the County Public Health Officer issued a new "Stay Well VC Safely Reopening Ventura County" order

deferring, in large part, additional health regulations to the state's "Stay at Home" order; and,

WHEREAS, As of the day of this emergency ordinance, the County of Ventura, including the City, are subject to the state's and County Public Health Officer's orders, which generally require all City residents to stay at home unless otherwise permitted; and,

WHEREAS, These orders have devastated the local economy, and the extent of that economic devastation is unclear; and,

WHEREAS, The City Council is considering means of encouraging economic growth in the City to boost the local economy and mitigate the impact of the state's and county's response to the COVID-19 pandemic; and,

WHEREAS, Allowing those interested in developing their property to more quickly implement their projects, creates jobs, and additional investments in our local economy and assists in its recovery.

The City Council of the City of San Buenaventura does ordain as follows:

Section 1. Definitions. For purposes of this Ordinance:

a. 'Code' means the San Buenaventura Municipal Code or any specific plan adopted by the City Council.

b. 'Department' means the Community Development Department.

c. 'Director' means the Director or designee of the Community Development Department.

d. 'Discretionary Permit' means any discretionary permit or action required by the Code or by any Specific Plan. 'Discretionary Permit' does not include any discretionary action related to subdivision maps; legislative proposals including, but not limited to,

amendments to the Code, the General Plan, specific plans; rezonings; or approval of new specific plans.

e. 'Final Action Authority' means the Planning Authority that issues a final decision on a Discretionary Permit as otherwise required by the Code before any appeal of the decision.

f. 'Planning Authority' means the Design Review Committee, Historic Preservation Committee, Director, Planning Commission, or City Council.

g. 'Project' means the land use change that is reflected in one or more applications for a Discretionary Permit.

Section 2. Discretion to Select Final Action Authority; Fees

a. Notwithstanding anything to the contrary in the Code, the Director may select which Final Action Authority will review and act on any Discretionary Permit; provided, however, that (1) all other processing requirements in the Code are maintained, including but not limited to, public noticing and hearings, environmental review, and appeal rights; and (2) the Director considers, in making the selection, the complexity of the Project, the public's interest in the Project, the likelihood that the decision on the Discretionary Permit will be appealed, the technical features of the Project that may require specialized analysis, whether the review of the Discretionary Permit is the final action necessary to allow the applicant to move forward with the Project, and whether the selection of a Final Action Authority other than the Final Action Authority required by the Code assists the applicant in completing the Project more quickly than would otherwise occur.

b. The Director may partially refund processing fees, as appropriate, to reflect the fees associated with the selected Final Action Authority.

c. If the Code requires that a Project be reviewed by and acted on by more than one Final Action Authority, the Director must select only one Final Action Authority that will act on all aspects of the

Project. The Director may send the Project to any other Planning Authority for its recommendation to the Final Action Authority selected by the Director.

Section 3. Appeals. Notwithstanding anything to the contrary in the Code, all appeals of actions on Discretionary Permits by a Final Action Authority will be heard only by the City Council.

Section 4. Courtesy Notice. In addition to any other notice required by the Code, the Department must provide a courtesy notice to all property owners within at least 300 feet of the Project site, City Councilmembers, and the public, in writing, that a new application for a Discretionary Permit has been submitted, no later than the date the application for the Discretionary Permit is deemed complete. The applicant must pay for this notice.

Section 5. Term of this Ordinance. This Ordinance will take effect immediately upon adoption and will remain in effect for one year after its passage unless sooner terminated by action of the City Council. City Council to receive a quarterly report on the success of this program, while effective.

Section 6. CEQA Compliance. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 21080(b)(4) and CEQA Guidelines section 15269(c) regarding actions to mitigate or prevent an emergency.

Section 7. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 8. Publication. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official newspaper at least once within fifteen days after its adoption showing the vote thereon.

PASSED and ADOPTED this 18th day of May, 2020.



MATT LAVERE, Mayor

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: 

ANDREW HEGLUND
Senior Assistant City Attorney

5/18/2020
Date

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2020-018 that was introduced and adopted by said City Council at a regular meeting held May 18, 2020, by the following vote:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere

NOES: None

ABSENT: None

I further certify that said Ordinance No. 2020-018 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette M. Mann

Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California

May 20, 2020

Date Attested

