



Lane Dilg
Interim City Manager

Office of the City Manager
1685 Main Street
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Santa Monica, CA 90407-2200

SIXTH SUPPLEMENT TO THE EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, on May 30, 2020, the City Manager, in her role as the Director of Emergency Services, (“Director of Emergency Services”) proclaimed the existence of a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability of mutual aid and an effective response to the violence surrounding the protests concerning the tragic death in Minnesota of George Floyd, as demonstrated by the violence that has occurred in connection with protests in the neighboring City of Los Angeles; and

WHEREAS, a peaceful protest was conducted in Santa Monica on the afternoon of May 31, but while the peaceful protest was ongoing there occurred extensive looting in stores located in Santa Monica, with windows and doors broken in large numbers of stores in the downtown business district, nine fires set in buildings and vehicles in and around the downtown business district, as well as damage to businesses outside of the downtown business district; and

WHEREAS, businesses seeking to repair the damages caused by the civil unrest may, depending upon the nature of the repair and the building impacted, need to apply for building permits, pay the associated permit fees, and obtain approval from either the Architectural Review Board or the Landmarks Commission; and

WHEREAS, it is in the public interest for any repairs to buildings that were damaged as a result of the civil unrest be made expeditiously and to minimize the costs and burdens on businesses, many of which have suffered economically as a result of the COVID-19 pandemic, in applying for and obtaining a building permit to repair such damages; and

WHEREAS, California Government Code 8634 empowers the City to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency; and

WHEREAS, in the interest of public order and safety, as affected by the emergency caused by the violence surrounding the protests concerning the tragic death in Minnesota of George Floyd, it is necessary to exercise my authority pursuant to Section 2.16.060 of the Santa Monica Municipal Code to issue this order.

NOW, THEREFORE, I, Lane Dilg, the Director of Emergency Services for the City of Santa Monica, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

1. The definitions in Santa Monica Municipal Code Section 9.52.020 apply to the words and phrases used in this Order. In addition, “Civil Unrest Repair Permit” means a permit relating to the repair of damages caused to buildings resulting from civil unrest following the May 30, 2020 declaration of local emergency. For the sake of clarity, a Civil Unrest Repair Permit is required only to the extent the underlying repairs would otherwise require a permit under the Santa Monica Municipal Code.

2. Notwithstanding anything to the contrary in Article VIII or Article IX of the Santa Monica Municipal Code and any fee schedule resolutions promulgated pursuant to those Articles or the authority set forth in Santa Monica Municipal Code Section 2.27.010, the permit and plan review fees for the submission of an application for a Civil Unrest Repair Permit are hereby waived. The City, however, reserves the right to charge fees associated with any extension or renewal of a Civil Unrest Repair Permit.

3. To be eligible for the fee waiver set forth in Section 2 of this Order, a complete application for a Civil Unrest Repair Permit must be submitted to the City no later than 60 days after the effective date of this Order.

4. Notwithstanding anything to the contrary in Santa Monica Municipal Code Chapters 9.55 or 9.56, approval of an application for a Civil Unrest Repair Permit by the Architectural Review Board or the Landmarks Commission is not required, provided the repair work as described in the application for a Civil Unrest Repair Permit involves one or more of the following:

- a. Replacement of existing materials with like materials, provided that (i) the new materials are of a comparable quality, texture, and craftsmanship and (ii) the building is not a City-Designated Historic Resource;
- b. Alterations to the design or materials of a façade of an existing building, provided that the building (i) is not located in the Main Street Neighborhood Commercial District or the BC (Promenade) District with frontage along the Third Street Promenade and (ii) is not a City-Designated Historic Resource;
- c. Alterations to the materials of a façade of an existing building that is located in the Main Street Neighborhood Commercial District or the BC (Promenade) District with frontage along the Third Street Promenade, provided that (i) the alterations are consistent with the building’s existing design and (ii) the building is not a City-Designated Historic Resource; or
- d. For a City-Designated Historic Resource, replacement of awnings, windows, doors, roofing materials and details that do not change the design, including the pitch, shape, or roof style, and exterior materials, provided that such replacement does not detrimentally affect any character-defining feature of the City-Designated Historic Resource.

5. Any application for a Civil Unrest Repair Permit shall include a declaration submitted under the penalty of perjury certifying that (a) the repair work that is the subject of the application for a Civil Unrest Repair Permit is required as a result of the civil unrest following the May 30, 2020 declaration of local emergency; (b) if applicable, the repair work qualifies for an exception from Architectural Review Board or the Landmarks Commission approval, as set forth in Section 4 of this Order; and (c) the information in the application, including any associated project plans, is true and correct.

6. The Planning Director or designee shall prescribe the form of the application for a Civil Unrest Repair Permit. The Planning Director or designee may require an applicant for a Civil Unrest Repair Permit to submit such information and supporting data, including additional certifications, as the Planning Director or designee considers necessary to process the application.

7. For an application for a Civil Unrest Repair Permit regarding repair work (i) for which the Santa Monica Municipal Code does not require approval of the Architectural Review Board or the Landmarks Commission or (ii) that qualifies under Section 4(a) of this Order, the Planning Director or Designee shall issue a Civil Unrest Repair Permit in response to an application for a Civil Unrest Repair Permit if the Planning Director or Designee finds that the work described in the application conforms to the requirements of this Order, including any regulations promulgated pursuant to Section 10 of this Order, the California Building Standards Code, and other applicable laws and ordinances.

8. For an application for a Civil Unrest Repair Permit regarding repair work that qualifies under Section 4(b), 4(c) or 4(d) of this Order, the Planning Director or Designee may approve, approve with conditions, or disapprove an application after consideration of whether the project complies with the requirements of Santa Monica Municipal Code Chapter 9.55 or 9.56, as applicable, the requirements of this Order, including any regulations promulgated pursuant to Section 10 of this Order, the California Building Standards Code, and other applicable laws and ordinances. Any action taken by the Planning Director or Designee to approve with conditions or to deny a proposed project shall include findings and conditions, if applicable, be in writing, and be given to the applicant.

9. Notwithstanding Sections 7 and 8 of this Order, for any development that requires a coastal development permit under the California Coastal Act of 1976, Public Resources Code Section 30000 et seq, a Civil Unrest Repair Permit may not be issued until such time as a coastal development permit has been issued for such development.

10. The Planning Director or designee may promulgate regulations to implement Sections 1 through 9 of this Order. Failure by an applicant for a Civil Unrest Repair Permit to comply with any such regulations may constitute grounds for potential suspension or revocation of the Civil Unrest Repair Permit.

11. This Order shall take effect immediately and shall remain in effect until August 3, 2020, unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services.

12. If any section, subsection, sentence, clause, or phrase of this Order 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 Order. The Interim City Manager hereby declares that she would have issued this Executive Order, and any Supplement or Revised Supplement to this Executive Order, 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.

ADOPTED this 4th day of June 2020.

By: 
LANE DILG
Interim City Manager
Director of Emergency Services

ATTEST:

APPROVED AS TO FORM:


DENISE ANDERSON-WARREN
City Clerk


GEORGE S. CARDONA
Interim City Attorney