

ORDINANCE NO. 6055

AN UNCODIFIED ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA PROVIDING AN ECONOMIC RECOVERY EXTENSION AND TRANSITION PERIOD BY AMENDING, RESTATING, AND EXTENDING PROVISIONS PREVIOUSLY INCLUDED IN THE EMERGENCY ECONOMIC RECOVERY ORDINANCES

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

SECTION 1. Findings and Determinations.

A. On May 27, 2020, the City Council adopted Ordinance No. 5944, an uncodified emergency ordinance of the Council of the City of Santa Barbara pertaining to Covid-19 economic recovery.

B. On August, 11, 2020, the City Council adopted Ordinance No. 5963, an uncodified emergency ordinance of the Council of the City of Santa Barbara extending and amending Ordinance No. 5944 pertaining to Covid-19 economic recovery.

C. On February 23, 2021, the City Council adopted 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. Among other things, Ordinance No. 5993 extended the operation of Ordinances No. 5944 and 5963 until March 8, 2022. Those ordinances ratified and authorized the City to close State Street to motor vehicle traffic in the downtown area, create the State Street Promenade, and to allow the temporary expansion of commercial uses into streets, sidewalks, parking spaces, and other areas citywide.

D. On March 9, 2021, the City Council took action to:

1. Adopt vision principles to guide the master planning process for the downtown State Street area;
2. Direct staff to initiate amendments to the Circulation Element of the General Plan and other actions necessary to transition from temporary to permanent closure of certain blocks of State Street to motor vehicles and other circulation improvements for the downtown State Street area;

3. Direct staff to initiate planning and other processes necessary for preparation of a master plan; and
4. Establish an advisory committee for the State Street master plan process.

E. On July 20, 2021, the City Council appointed the State Street Advisory Committee as a limited duration advisory committee. The State Street Advisory Committee held its first meeting on August 11, 2021.

F. The City Council desires to assist further the economic recovery begun under Ordinances Nos. 5944, 5963, and 5993 and to continue the operation of the State Street Promenade and other outdoor business activities in other parts of the city as a pilot program pending completion of work of the State Street Advisory Committee and further action by City Council, subject to the limitation that nothing in this Ordinance or Ordinance Nos. 5944, 5963, or 5993 or any administrative policy, rule or regulation promulgated under any of them created or creates a vested right to continue any activity or use authorized thereunder.

G. The City Council desires to protect the public health, safety, and welfare and provide a clear access route for fire apparatus, emergency medical vehicles, and other police, public safety, and emergency service vehicles and equipment along the State Street Promenade. The current configuration and location of many of the temporary outdoor business facilities installed along the State Street Promenade under emergency Ordinances Nos. 5944, 5963, and 5993 result in an access route that is less than recommended by the Fire Marshal, Fire Chief, and Police Chief. It is also less than the minimum width established by Santa Barbara Municipal Code § 503.2.1, which provides that fire apparatus access roads must have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Therefore, this Ordinance requires that all temporary outdoor business facilities installed within the State Street Promenade shall promptly be brought into compliance with the access road standards.

H. This action is taken as a municipal affair for the benefit, health, safety, and welfare of the people of Santa Barbara pursuant to the City's power under Vehicle Code Section 21101 and City Charter Sections 400, 401, and 505.

SECTION 2. Downtown State Street / State Street Promenade.

A. State Street between Victoria Street and Haley Street (hereinafter, "Promenade") will remain closed to motor vehicles as provided in this Ordinance. The City Administrator, with the consent of the City Traffic Engineer and in consultation with the State Street Advisory Committee, from time-to-time, may authorize motor vehicle use of the portions of the Promenade or extend the Promenade area by closing additional blocks to evaluate traffic patterns and closure impacts as part of the pilot program pending completion of the work of the State Street Advisory Committee and further City Council

action. The Public Works Director is authorized to install and maintain traffic control signs, devices, fixtures, and structures as approved by the City Engineer and Traffic Engineer necessary or convenient to implement this Subsection. The City Administrator is authorized to establish regulations for use of the roadway by pedestrians, bicycles, and other forms of wheeled transportation. The City Administrator is authorized to establish regulations for limited use of the Promenade by motor vehicles for deliveries, maintenance, solid waste collection service, farmers' markets, construction activities, and special events.

B. Outdoor business facilities may be located in the roadway portion of the Promenade adjacent to a business premises as provided in Subsections B, C, D, E, and F of this Section. The sidewalks are reserved for pedestrian travel only, unless the facility is operated pursuant to an Outdoor Dining License Agreement issued under Chapter 9.95 of the Santa Barbara Municipal Code. An unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained for fire and emergency vehicle access along a path approximately in the middle of the Promenade roadway as determined by the Fire Marshal and Traffic Engineer. A graphic depiction of the fire and emergency vehicle access area for a typical block is shown on Exhibit A. In addition, an unobstructed area between the curb and middle of the roadway shall be maintained in the areas in front of the buildings at 735, 820, and 1214 State Street as determined by the Fire Marshal. The Traffic Engineer shall maintain a map or diagram of the unobstructed areas required by this Section. This Subsection shall be implemented immediately upon the effective date of this Ordinance.

C. Outdoor business facilities existing on January 25, 2022 shall be modified as necessary to comply with the fire and emergency vehicle access requirement of Subsection B of this Section no later than March 8, 2022. The facilities, as modified to comply with the fire and emergency vehicle access requirement, may continue so long as the facility otherwise remains in compliance with applicable provisions of the City of Santa Barbara's *Guide to Operating a Business on the Temporary State Street Promenade*, updated July 9, 2021. The City Administrator may issue amendments to guidelines relating to existing facilities under this Subsection C.

D. New outdoor business facilities placed after January 25, 2022 must comply with Subsection B and applicable provisions of the City of Santa Barbara's *Guide to Operating a Business on the Temporary State Street Promenade*, updated July 9, 2021, except that all aesthetic design provisions of the guidelines are to be considered recommendations and not mandatory provisions. The City Administrator may issue guidelines relating to the placement of new facilities under this Subsection D.

E. Outdoor business facilities, equipment, and furnishings located within the roadway in compliance with this Section are exempt from the requirements of Santa Barbara Municipal Code Chapter 9.95. Notwithstanding Section 9.95.060, an outdoor dining area may be licensed and permitted under Chapter 9.95 within the sidewalk frontage of a business provided that the sidewalk remains accessible to persons with

disabilities as required by state and federal law and the area meets the other requirements of Chapter 9.95. Service of alcoholic beverages within outdoor business areas maintained in compliance with this Section is permitted as authorized by and subject to the requirements of the license issued for the business by the state Department of Alcoholic Beverage Control. Outdoor cooking is prohibited.

F. The accessibility provisions of the City of Santa Barbara *Guide to Operating a Business on the Temporary State Street Promenade*, updated July 9, 2021, shall continue to apply unless superseded by regulations issued by the City Administrator under Subsection D of this Section.

G. Outdoor business facilities existing on January 25, 2022 on West Victoria Street between State Street and Chapala Street and on State Street between Victoria Street and Sola Street may continue to operate as provided in this Section.

SECTION 3. Parklets and Off-street Parking Areas Outside the Promenade.

A. The City of Santa Barbara *Parklet Guidelines*, updated September 1, 2021 and *Guide to Temporary Outdoor Dining on Private Property*, copies of which are on file with the City Clerk, issued under Ordinance Nos. 5944, 5963, and 5993, shall continue to apply for the duration of this Ordinance. The “Interim Period” as used in the Guidelines is amended to include the duration of this Ordinance.

B. Parklets installed and maintained in compliance with this Section are exempt from the requirements of Santa Barbara Municipal Code Chapter 9.95. Service of alcoholic beverages within parklets installed and maintained in compliance with the Guidelines is permitted and authorized by and subject to the requirements of the license issued for the business by the state Department of Alcoholic Beverage Control. Outdoor cooking is prohibited within parklets.

C. Notwithstanding anything in the Santa Barbara Municipal Code to the contrary, for the duration of this Ordinance, the City Administrator may allow businesses that expanded existing permitted commercial uses of property under Ordinances Nos. 5944, 5963, and 5993 to continue to operate in specific areas of on-street parking spaces, and required off-street parking and setback areas of the commercial premises as provided in *The Guide to Temporary Outdoor Dining on Private Property*.

SECTION 4. Hours of Operation for Outdoor Dining.

A. In the Central Business District, Funk Zone, and on Coast Village Road, as shown on a map maintained by the City Administrator, businesses may operate in facilities established under Section 2 or 3 between the hours of 7:00 a.m. to 12:30 a.m., unless an earlier closing time is required as a condition of the Alcoholic Beverage Control liquor license or City land use permit for the establishment.

B. In all other areas of the City, businesses may operate in facilities established under Section 3 between the hours of 7:00 a.m. and 10:00 p.m. daily, unless an earlier closing time is required as a condition of the Alcohol and Beverage Control liquor license or City land use permit for the establishment.

SECTION 5. Expiration. No Vesting of Rights.

The Ordinance expires on December 31, 2023. Nothing in this Ordinance or Ordinance Nos. 5944, 5963, or 5993 or any administrative policy, rule or regulation promulgated under any of them creates, vests, or confers any right to continue any activity or use authorized thereunder beyond the term of this Ordinance. All facilities within the right of way are subject to removal upon demand of the City. This Ordinance does not authorize any permanent change in the size or configuration of an Alcohol and Beverage Control-licensed premises.

SECTION 6. Supplemental Regulations.

The City Administrator is authorized to promulgate and enforce regulations supplemental to the provisions of this Ordinance, including making amendments to the *Guide to Operating a Business on the Temporary State Street Promenade*, the *Guide to Temporary Outdoor Dining on Private Property*, and the *Parklet Guidelines* consistent with this Ordinance.

SECTION 7. Enforcement.

A. This Ordinance may be enforced as provided in Santa Barbara Municipal Code Chapters 1.25 and 1.28. The City Attorney is authorized to take any additional administrative, civil or criminal enforcement action that may be necessary to assure implementation of this Ordinance.

B. In addition to any enforcement remedy under Subsection A of this Section, any facility, equipment, or furnishing existing in the Promenade or in any other street or public right-of-way in violation of this Ordinance may be removed by City employees or contractors under the direction of the Public Works Director. The owner of the business responsible for the existence of the facility, equipment, or furnishing shall be liable to the City for all costs of removal, impoundment, storage, and disposal. Before removal, the Public Works Director shall cause not less than 24 hours' written notice to be posted on the business premises and delivered to the owner or a manager of the business. Santa Barbara Municipal Code Sections 10.56.020, 10.56.030, and 10.56.040 apply to items removed pursuant to this Subsection.

C. The authorization under Section 2 or 3 of this Ordinance shall be suspended for any business that is subject to more than two enforcement actions under either Subsection A or Subsection B of this Section upon written notice by the City Administrator

or a city employee designated by the City Administrator. A business owner may appeal a suspension to the City Council.

SECTION 8. Suspension of Design Review.

To further the purposes of this Ordinance as a temporary measure and pilot program, design review under Titles 22, 28, and 30 of the Santa Barbara Municipal Code is suspended for the temporary facilities and uses installed and maintained as authorized by this Ordinance.

SECTION 9. Indemnity and Insurance.

By placing facilities, equipment, or furnishings under this Ordinance, the owner agrees to defend and indemnify the City and its officers, employees, and agents from and against any liability arising from the existence, use, or condition of the facilities, equipment, or furnishings. All persons and businesses that establish temporary operations in the public right-of-way must provide a certificate of insurance from their business insurance carrier naming the City and its officers, employees, and agents as additionally insureds.

SECTION 10. CEQA.

This Ordinance is categorically exempt per CEQA Guidelines Sections 15301 (existing facilities), 15303 (construction of small structures), and 15304(e) (minor, temporary uses of land).

STATE ST PROMENADE - TYPICAL FIRE LANE



CITY OF SANTA BARBARA TRAFFIC ENGINEERING	
STATE ST PROMENADE - TYPICAL FIRE LANE	
SERVICE REQUEST: N/A	WORK ORDER: N/A
SHEET: 1 OF 1	DATE: 11-22-2021
SCALE: 1"=30'	DRAWN BY: DVB

ORDINANCE NO. 6055

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

I HEREBY CERTIFY that the foregoing urgency ordinance was introduced on January 25, 2022 and adopted by the Council of the City of Santa Barbara at a meeting held on February 1, 2022, by the following roll call vote:

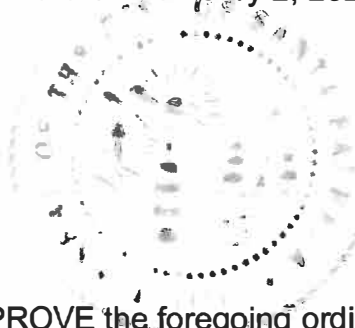
- AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Randy Rowse

- NOES: None

- ABSENT: None

- ABSTENTIONS: None

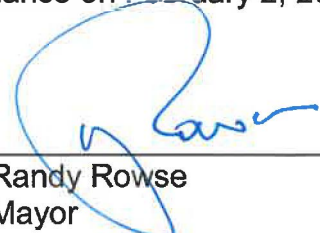
IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on February 2, 2022.





Sarah P. Gorman, MMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on February 2, 2021.



Randy Rowse
Mayor