



City of Santa Barbara
Public Works Department

PERMIT APPLICATION FOR NEWS RACKS IN THE PUBLIC RIGHT-OF WAY

The City of Santa Barbara regulates the location and condition of news racks in the public right-of-way ("PROW") as codified in [Municipal Code Section 5.66](#). The purpose is to promote the health, safety, and welfare for residents and visitors by providing objective standards for locating news racks including appearance, size, and maintenance of news racks. A permit is required for the following activities:

- 1) Proposed new installations or relocations
- 2) Annual permit for existing news racks
- 3) Annual permit or request to fill space in news racks in City Modular Cabinets in Downtown Plaza on State Street – *on first come first served basis*.

News rack vendors ("applicant") may apply to install and maintain news racks in the PROW by completing the following permit application and approval process. Included in this document is the City's design requirements that apply to vendor owned news racks.

The City's review is necessary to: review the proposed location in the PROW including any access or safety issues, identify or require aesthetic requirements be met including general maintenance condition, receive certain legally required items such as a certificate of insurance, and inspect the work to ensure the PROW is adequately restored upon removal of any news racks.

The application may be submitted at:

City of Santa Barbara – Public Works Department
Public Works Permit Counter
630 Garden Street Santa Barbara, CA 93101
pwcounter@santabarbaraca.gov

Minimum submittal requirements for proposed work includes the following:

CONTACT INFORMATION

Applicant Name: _____

Address: _____

E-mail Address: _____

Phone Number: _____

News Paper/Rack Owner Name: _____

Address: _____

E-mail Address: _____

Phone Number: _____

LOCATION INFORMATION

Adjacent Address or Block Number	Vendor or City Rack?	Existing or Relocated or New?	Additional Location Information	Rack Type or Make/Model *	Maintenance Needs/Proposed

* City Standard is “K-Jack” model KJ-50E, KJ-100, KJ-125T, or equivalent

This page intentionally blank. Use additional Location Information tables as needed.

DESIGN/AESTHETIC INFORMATION

News racks shall be painted "Frazee Malaga Green" or powder coated matching Classic RAL System, RAL 6012 "black green". Submit color samples as needed with new application or prior to ordering. The intent is that all news racks at a given location generally match each other in regards to color. See attached section of Municipal Code for additional standards.

Proposed Color of Cabinets: _____

Statement or schedule describing the proposed maintenance plan to keep the condition of compliant news racks up to standard or to bring non-compliant racks up to a state of good repair:

SUBMITTAL REQUIREMENTS

The following documents must be submitted with this application:

- For relocated or new news racks, a Site Plan that meets the following requirements:
 - Shall be clearly and legibly drawn on 8 ½ x 11 inch paper but can be handwritten.
 - North arrow or other directional information.
 - Name of preparer of site plan. Date plan prepared/revised.
 - Dimensions of sidewalk and parkway landscape areas including relation to the proposed site installation.
 - Any required vegetation clearing to install news rack.
- Certificate of Insurance meeting following requirements – *may be deferred until time of permit issuance.*
 - Name the City as an additional insured on same terms and conditions as primary insured.
 - General liability in a minimum amount of one million dollars per occurrence and in the general aggregate.
 - Provision that the policy cannot be cancelled except upon 10 days' advance written notice to the City – *if such insurance is cancelled it shall be grounds for revocation of permit.*

FEES

Application fees due at time of initial submittal:

\$265* application fee for a new news rack location

Separate fees to be assessed later:

\$14.40* annual fee for news racks (not in City owned cabinets)

\$19.94* annual fee for news racks (in City owned cabinets)

* Note that the 8% Technology Fee that is assessed against most Public Works cases as a “surcharge” is not applicable to this permit type.

Please send “annual” checks, all other checks must be with submittal, to:

City of Santa Barbara – Public Works Department
Public Works Permit Counter
PO Box 1990 Santa Barbara, CA 93102

I, the undersigned, understand issuance of this permit does not waive any requirements, laws, or ordinances of the City of Santa Barbara. All statements contained herein, including all documents and plans submitted in connection with this application, are true, accurate, and complete to the best of my knowledge.

I certify, that I have read the permit conditions below including Santa Barbara Municipal Code Section 5.66 and agree to comply. I am the owner of the news racks for this permit. I agree, upon removal of a news rack, to repair at applicant’s cost, any damage to the public property caused by the news rack or its removal.

I agree to indemnify, defend and hold harmless the City and its representatives from all claims, demands, loss, fines or liability to the extent arising out of or in connection with the installation, location, use or maintenance of any news rack on public property by or on behalf of any such person, except such injury or harm as may be caused solely and exclusively by the negligence of the City or its authorized representatives.

Applicant/Owner Signature: _____

Applicant/Owner Name: _____

Date: _____

For City staff use only

City staff review comments or permit conditions:

Issued by: _____

Date: _____

Permit #: _____

Date Range (annual permit): _____

Registration sticker: _____

The above addresses Public Works Department concerns and requirements.

For information call (805) 564-5388 or E-mail Mike Cloonan, Project Engineer at mcloonan@santabarbaraca.gov or for questions regarding City Modular Cabinets please contact Jesus Banuelos, Project Engineer at jbanuelos@santabarbaraca.gov. You may also contact Adam Hendel, Principal Engineer at (805) 897-1921

City of Santa Barbara Public Works Department

630 Garden Street, Santa Barbara, CA 93101

5.66.070 General Standards.

A. Each new, replaced, or relocated news rack shall conform to the following general standards. No news rack permit application for a new, replaced, or relocated news rack shall be approved unless it is demonstrated that the proposed news rack or news racks will conform to each of the following general standards. It is unlawful for any person to install, place, or maintain a news rack in violation of any of the provisions of this section.

1. No news rack shall project onto, or rest upon, along or over, any part of the roadway of any public street.
2. No news rack shall, in whole or in part, rest upon, in or over any sidewalk or parkway when such site or location is used for public utility purposes, public transportation purposes, or other government use, or the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location, or when such news rack interferes with the cleaning of any sidewalk or street by the use of mechanical sidewalk cleaning machinery.
3. Any news rack which in whole or in part rests upon, in or over any sidewalk or parkway shall comply with the following conditions:
 - a. No news rack shall exceed 51 inches in height, 30 inches in width, or two feet in depth, except that news racks located in the Beachfront Area shall not exceed 48 inches in height measured from the sidewalk to the top of the news rack, unless approved and permitted by the Public Works Director.
 - b. Name, address and telephone number, and email address of the owner of the news rack shall be displayed on the front of the news rack in such a manner as to be readily visible to and readable by a prospective customer. A sticker shall be affixed to each news rack stating, "For graffiti and maintenance reporting, please email or call the Owner at (insert email address) or (insert phone number) with registration number." The owner shall keep this contact information up to date and shall maintain a written record of reporting for a period of one year, to be provided to the City upon request.
 - c. News racks located in the Landmarks District will not have an adverse impact on access to, or views of, designated landmarks, structures of merit, or structures of interest. News racks in the Landmarks District shall carry no advertising except the name of the newspaper or periodical being dispensed on the bottom one-third of the plastic hood or, if there is no plastic hood on the news rack, the name shown at not more than two locations on the news rack.
 - d. News racks shall be painted Malaga Green (also identified as RAL 6005). Any shared pedestals supporting news racks shall be painted black, except that in the Landmarks District, the pedestals shall be painted Malaga Green.
 - e. News racks shall only be placed near a curb or adjacent to the wall of a building. The City shall determine the final locations. News racks placed near the curb shall be placed such that the back of the news rack shall be no fewer than 18 inches nor greater than 24 inches from the face of the curb. News racks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six inches from the wall. No news rack shall be placed or maintained on a sidewalk or parkway opposite a news stand or another news rack.
 - f. If eight or more news racks are placed at a single location, whether placed on a single pedestal or shared pedestal mounts, they shall be placed next to each other and a space of no

fewer than three feet shall separate each such group, except as permitted at the direction of the Public Works Director.

g. News racks shall not be affixed or bolted to a sidewalk improved with decorative tile or other distinctive surface, except as permitted at the direction of the Public Works Director.

h. Each news rack installed on the public sidewalk shall be bolted to the City sidewalk in accordance with City standards and specifications.

a. News racks may not be chained or otherwise attached to one another; nor to any street sign, streetlight pole, traffic signal equipment, power pole, bike rack, public bench, bus shelter, or other public street furniture.

j. No news rack shall weigh in excess of 250 pounds when empty.

k. New news racks shall be “K-Jack” model KJ-50E, KJ-100, or KJ-125T, or equivalent, unless otherwise approved by the Public Works Director.

l. No news rack shall be placed, installed, used or maintained:

i. Within 10 feet of any marked or unmarked crosswalk;

ii. Within five feet of any fire hydrant, fire call box, police call box, traffic signal controller, or traffic signal;

iii. Within three feet of any utility meter, manhole, service box, parking meter, streetlight pole, or other public works facility;

iv. Within 10 feet of any driveway or alley approach;

v. Within five feet of a bike rack;

vi. Within four feet of any bus boarding and a lighting area consisting of the bench and/or shelter, sign and clear zones for boarding and alighting of busses as required by the Americans with Disabilities Act;

vii. Within three feet of any bus bench or public bench;

viii. At any location whereby the clear space for the passage of pedestrians is reduced to less than four feet;

ix. Within four feet of any permitted sidewalk dining area;

x. Within the boundary of a marked valet parking area or loading zone, or as otherwise restricted by the Americans with Disabilities Act.

B. Condition and Maintenance of News Racks. Each news rack shall be maintained in a clean and neat condition and in good repair at all times. Without limiting this general obligation, the following maintenance criteria shall apply to all new and existing news racks:

1. Each news rack shall be routinely maintained and serviced so that it is reasonably free of:

a. Dirt and grease;

b. Chipped, faded, peeling, and cracked paint, or graffiti on any visible painted areas;

c. Rust and corrosion on any visible unpainted metal areas;

d. Cracks, dents, blemishes, and discoloration in the clear plastic and glass parts, if any, through which publications are viewed;

e. Tears, peeling, or fading in the paper or cardboard parts and inserts;

f. Broken and misshapen structural parts; and

g. Unauthorized stickers on any surface of the rack.

2. Each news rack, including any coin-return mechanism, shall be mechanically operable at all times.
3. News racks shall contain current editions of the publication for which the permit was issued and new editions placed in the news rack at no less than the frequency for which any priority was given for a permit in that location. The owner shall inform the Public Works Director of all changes to frequency of publication within five business working days of said changes.
4. No news rack or news rack card shall be used for off-premises advertising signs other than that directly related to the display, sale, or purchase of the publication sold therein.
5. No news rack shall remain empty for a period of 14 consecutive days or longer.
6. No news rack may contain a publication other than the ones for which the permit was issued.
7. Each news rack shall have the name, address, and telephone number of the owner, as described in paragraph A.3.b above, as well as the City registration number, affixed to the front of the news rack in a place where it may be easily seen by anyone viewing the news rack.
8. Shared pedestals shall be registered to a single owner of a permitted news rack which is affixed to the shared pedestal. Any shared pedestal that has not been permitted to a single news rack owner within 120 days of the effective date of this chapter will be deemed abandoned and will result in the City posting and removing the shared pedestal and news racks in accordance with Section [5.66.100](#).
9. Shared pedestals shall be fully occupied by the maximum number of news racks designed to be affixed to the shared pedestal. The owner shall notify the City in writing prior to removing units from a shared pedestal. Failure to maintain the shared pedestal with the maximum number of new racks for 14 consecutive days will result in its removal pursuant to Section [5.66.100](#). Shared pedestals may be modified to fit remaining news racks with City approval and revisions to the annual permit. Where a shared pedestal is not maintained in a fully occupied condition, it shall be removed and the location restored to its previous condition by the owner of the shared pedestal, including, but not limited to, repair of any portion of the sidewalk or parkway damaged by the pedestal or its removal, and according to specifications provided by the Public Works Director. An acceptable repair is typically filling in the holes required for securing the news rack to the concrete. Failure to remove the shared pedestal will result in the City posting and removing the shared pedestal and affixed news racks in accordance with Section [5.66.100](#).
10. When use of a news rack is discontinued for a period of 14 consecutive days or longer, it shall be removed, along with its shared pedestal if applicable, and the location restored to its previous condition by the news rack Owner, including, but not limited to, repair of any portion of the sidewalk or parkway damaged by the news rack or its removal, and according to specifications provided by the Director. Failure to remove the news rack will result in the City posting and removing the news rack in accordance with Section [5.66.100](#).
11. Existing news racks that require painting shall be painted Malaga Green unless otherwise approved by the Public Works Director. When painting is required, the pedestal and base shall be painted black, except that pedestals and bases in the Landmarks District shall be painted Malaga Green.
12. News racks with a current annual permit that are removed for maintenance and substituted in kind, and in compliance with this section, will not be required to obtain a new permit due to the substitution. The owner shall notify City Public Works of the in-kind substitution in writing prior to the substitution.

C. Costs. The costs of installation, maintenance, replacement, removal and relocation of news racks or shared pedestals shall be at the sole expense of the news rack owner. Upon removal of a news rack, the owner shall, at his or her sole expense, cause the public right-of-way and any improvements thereon to be

promptly restored to the satisfaction of the Public Works Director in a condition which would have existed had the news rack not been placed at that location. If those repairs are not made within seven days of removal of the news rack, the City may undertake that repair work and collect from the Owner the costs thereof, including reasonable attorneys' fees and related costs of collection. (Ord. 5718, 2015; Ord. 4662, 1990; Ord. 4536, 1988; Ord. 4513, 1988; Ord. 3381 § 1, 1969)