



## General Public Comment Received

<b>Name of Sender</b>	<b>Distributed prior to hearing</b>	<b>Distributed after the hearing</b>
Lynn Barnett Seigerman	X	
Art Budwig	X	
Dawn Mitcham	X	
Annelise Blair	X	
Vanessa Rencher	X	
Catherine Brozowski	X	
Valerie Taylor	X	
Sarah Rebstock	X	
Jason File	X	
Matthew Rector	X	
Ken Yamamoto	X	
Ken Yamamoto	X	
Lana Howard	X	
Mark Whitehurst	X	
Pamela Boehr	X	
Anna Marie Gott	X	

State Street Advisory Committee Meeting of: August 15, 2022

Anna Marie Gott	X	
Derek Hanley	X	
Chris Barros	X	
Bonnie Donovan	X	
Brad Emerson	X	

**From:** [Lynn](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Bikes belong on State Street!  
**Date:** Monday, May 2, 2022 11:00:38 AM

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[You don't often get email from midlifecyclist67@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

EXTERNAL

Hello,

I am a 54 year old Santa Barbara resident and I regularly ride my bike all around town for recreation.

Please keep State Street open to bicycles in whatever plan is finalized for what is now the promenade.

Additionally, I encourage Santa Barbara to allow cyclists to RIDE on the block where we are currently instructed to dismount and walk our bikes (the 500 block?). I don't understand why some of the restaurants on this block were allowed more leeway to expand into the street.

While I have your attention (I hope), I'd like to request that the Class II bike lane on State Street continue its entire length. There is currently a gap on upper State Street, from Constance west to Calle Palo Colorado. This section of State Street is integral to cycling commuters.

Thank you for your consideration,

Lynn Barnett Seigerman

**From:** [Art Ludwig-Oasis Design](#)  
**To:** [SSAC Secretary](#)  
**Cc:** [heather@sbbike.org](mailto:heather@sbbike.org)  
**Subject:** Bikes belong on state street  
**Date:** Monday, May 2, 2022 6:05:44 PM  
**Attachments:** [Frame-02-05-2022-17-19-41.jpeg](#)  
[IMG\\_7019.jpeg](#)  
[IMG\\_7604.jpeg](#)

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**EXTERNAL**

Thanks for your work on long term solutions that provide for healthy active transportation on State Street.

Without cars on state, air quality is better, the risk of getting hit by a car obviously lower, and the social space is delightful.

It is so much more pleasant on State now I just moved to be closer to the car-free part of State Street.

That the state street Bicycle rental system is the most-used in the country also speaks to the success of a car-free, bike-accessible state street.

Bikes belong on state street, as well as pedestrians, scooters, wheelchairs...the whole mix is required for continued, wonderful vitality of this corridor.

(Though enforcing a 15 mph speed limit wouldn't be a bad thing.)

State housing policy requires more and more density. If it is unsafe and unappealing to live without a car, Santa Barbara will be choked inexorably by worse and worse traffic parking issues, and declining air quality, if car ownership per capita and miles driven per capita continue to rise, along with population.

On the other hand, if local government can make it safe and appealing for a growing fraction of the populace to drive fewer miles per person, and/or live car-free, Santa Barbara could be simultaneously more dense, healthier, and more pleasant..and even more affordable (as not owning a car saves several thousand dollars a year).

Each Santa Barbaran that elects to live car-free benefits all Santa Barbarans, by freeing up parking, lane space, and improving air quality.

SB will never be quite dense or large enough to have as convenient public transport as say, Tokyo or Copenhagen. Bicycles offer the best, most viable scenario for the largest percentage of Santa Barbarans to reduce miles driven or choose to live car-free,

Yours,

Art Ludwig

*State street provides a convivial commons for residents and visitors of all ages, economic status and abilities to mingle.*



*Seeing teens sitting or laying down at their ease in the middle of State is a stark reminder of what's been lost by the takeover of speedy, heavy vehicles in our commons, and what can be gained by reclaiming these commons for humans and light, slow means of transport.*



**From:** [Dawn Mitcham](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Keep Bikes on State Street  
**Date:** Tuesday, May 3, 2022 4:29:17 PM

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**EXTERNAL**

Dear Committee Members,

As you continue on your process to determine the future of State Street, I urge you to consider how to keep bikes a part of the ecosystem. State Street is a main corridor for bike transit. Additionally, bike consumers are an integral part of the consumer economy, especially in a town with our weather. As parking becomes harder to accommodate outdoor areas for businesses, more people are riding their bikes and feel safe on State Street away from the vehicles.

There are many many many more reasons to consider keeping bikes on State street. There are many statistics & studies I have read over the years available on the role of bikers on consumer spending, climate change and community equity that will be considered when making these important future decisions.

Thank you for your work!

--

Dawn Mitcham, CPA  
Pacific Capital Resources  
1321 State Street, 2nd floor  
Santa Barbara, CA 93101  
Work: 805-965-4346  
Fax: 805-965-4356  
Cell: 805-452-1267

**From:** [Annelise Blair](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Bikes on State Street  
**Date:** Thursday, June 2, 2022 1:25:32 PM

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**EXTERNAL**

I am one of many cyclists that has found State Street shops more desirable since the street was closed to car traffic. Being able to hop on my bike and head over to State for a pleasant ride to lunch, dinner, the movies, or to search for cards or clothes, among other things, has made a huge difference in how often I do just that. It is actually quicker for me to go by bike, considering I don't have to deal with parking. I think it is evident that there are more people on State, since Covid restrictions have been relaxed, many of them on bikes. Bikes also allow tourists to expand their shopping area, coming farther up State (not that I am a big fan of tourists, but they are a reality and worth mentioning). Please support keeping State Street open to pedestrians and bikes for the future.

If we are so lucky to see State Street remain open for healthy travel, it is clear more structure is needed to direct the flow of people and bikes. Ebikes and Escooters, Eskateboards, etc., are also a concern, given how fast they go and how unrestricted they are. I would guess many ideas are being submitted for how to keep the travel structured and safe and I support whichever idea best maintains *safe flow* of pedestrian and bike traffic. One other note is that there are not enough quality bike parking fixtures. This is an opportunity to add to the charm of State Street, with attractive and secure bike locking posts.

Thank you for your support of a vibrant, beautiful, and environmentally sustainable Santa Barbara for generations to come.

Sincerely,

Annelise Blair

**From:** [Vanessa R](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Supporting Bikes on State  
**Date:** Thursday, June 2, 2022 1:12:55 PM

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EXTERNAL

Hello State Street Advisory Committee,

I just wanted to share that I am a downtown homeowner and really appreciate biking & walking as often as possible downtown. Having State Street so open has really made a difference in increasing how often I visit downtown and it is easier for me to support local restaurants, coffee shops and stores. I now bike to work, movies, stores, farmers markets, beaches, restaurants, friends homes and walking my dog using State Street on a daily basis. Please add more permanent bike parking on State Street.

Thank you for supporting biking on State Street and beyond!

Sincerely,  
Vanessa Rencher  
720 Castillo Street, SB 93101



From: [Catherine Brazowski](#)  
To: [SBC Security](#)  
Subject: [Walk on State Street](#)  
Date: Thursday, June 2, 2022 10:25:14 AM

You don't often get email from [catherine@audaciousfoundation.org](mailto:catherine@audaciousfoundation.org). [Learn why this is important](#)

EXTERNAL

Please continue to allow biking and all wheels as an option on State Street. The opening of the street has been transformative and is having such an excellent positive benefit on our city and residents. This community is a ridiculously expensive place to live, and the city needs to have attractions and features that benefit SB families and make the choice to live here appealing.

State Street is an exceptional thoroughfare and safe riding is possible. Attached you can find a photo of a school bike field trip which the Audacious Foundation funded in partnership with Wilderness Youth Project that relies on safe riding down State Street. The memories implanted from that trip are sweet, and let students know they can safely ride through our community in a low-cost, energy efficient manner. This program relies on bikes as a way for students to access nature, and State Street is a safe, fun, desirable route.

On a personal note, my family has had many weekends on wheels riding up and down State Street. We ride bikes, scooters, skateboards, and take in the essence of what Santa Barbara is. My two-year old has learned how to scooter on State Street because it's the perfect downhill grade. Some additional photos are attached.

Please continue to build upon what has been started. It really is a great re-design of our community's central hub.

Thanks,  
Catherine

Catherine Brazowski  
Executive Director



805.564.2186  
[catherine@audaciousfoundation.org](mailto:catherine@audaciousfoundation.org)  
[www.AudaciousFoundation.org](http://www.AudaciousFoundation.org)





**From:** [Valerie Tyler](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Bike Use on State Street  
**Date:** Thursday, June 2, 2022 8:27:10 AM

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**EXTERNAL**

I have been enjoying the changes on State Street with the closure to motorized vehicles. I often ride my bike to State Street and up/down to explore and access many of the local businesses. If it is too crowded with pedestrians, I simply get off and walk my bike. I sincerely hope you continue to keep bike accessibility on State Street.

Valerie Tyler

--

Valerie Tyler

**From:** [Sarah Rebstock](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Bikes belong on State Street!  
**Date:** Friday, June 3, 2022 10:18:12 AM

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[You don't often get email from sarahrebstock@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

EXTERNAL

Please make sure to incorporate bikeways on the long term vision for the pedestrian promenade on State!

Thank you!

-local Biker, voter and downtown business owner

-Sarah Rebstock

Sent from my iPhone

**From:** [Jason File](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Thoughts on bike lanes on State Street  
**Date:** Friday, June 3, 2022 9:15:24 AM

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You don't often get email from mrjasonfile@gmail.com. [Learn why this is important](#)

**EXTERNAL**

Hello -

My name is Jason. I live, work, and bike in Santa Barbara. I wanted to write to your committee with a few thoughts about the current design of State Street and its possible future(s) in relation to bikes. To begin, I don't think the current configuration of State Street is ideal. Having businesses with tables, chairs, and other furniture on the street makes for a confusing and sometimes narrow passage for the mix of cyclists, pedestrians, skateboarders, etc. that move up or down State Street. This is further complicated by the proliferation of electric assisted machines that move quite fast; not just e-bikes, but e-skateboards and other contraptions. If maintaining bike lanes on State Street, I would advocate to remove all the furniture and infrastructure of businesses from the street, or drastically minimize their incursion into the road, in order to provide more space for the diverse mix of people and machinery.

However, if I correctly understand the type of pedestrian promenade the city government is trying to design on State Street (And to be honest, I'm not sure I do. The current look and design is pretty schizophrenic), I would remove the bike lanes from State Street entirely. In my years of experience riding on State Street and around downtown in general, it seems that the most safe and practical change would be to make a dedicated bike lane on Anacapa and Chapala streets. These streets are wide enough to incorporate a bike lane and would allow cyclists to move quickly up and down the downtown corridor without worrying about pedestrians or people sipping cocktails, coffee, etc. Once cyclists reached State Street, they could be encouraged to dismount and lock or walk with their bikes. If there were dedicated bike lanes on Anacapa and Chapala, you could then consider keeping the presence of business infrastructure on State Street, since you would have slower traffic (less cyclists and electric vehicles) on your pedestrian promenade.

I hope you'll consider these ideas as you deliberate and make decisions about State Street's future. While I am very happy that a portion of the street is now closed to cars, I think the overall design of the street can still be improved.

Thanks and take care,

Jason File

**From:** [matthew.rector](#)  
**To:** [SSAC Secretary](#)  
**Subject:** State Street Promenade  
**Date:** Friday, June 3, 2022 9:14:01 AM

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**EXTERNAL**

I'm told it's important for you to hear from constituents about the importance of cycling options on the current and future State Street Promenade. Please be attentive to the essential nature of cycling within alternative transportation models, including streetscape alterations and circulation plans. As a father of two young children, the riskiest activities we experience are always in relation to automobiles, and we desperately need more public spaces without them and that include safe cycling options for commuting, recreating, and transit.

I can't stress enough how important it is to my family that the City of Santa Barbara -- everywhere and on the State Street Promenade in particular -- expand and improve safe cycling options. For quality of life, environmental sustainability, economic growth, public health, and the improved futures of our youth, please establish and maintain cycling options as a high priority when planning and effecting positive change. My community and I will appreciate it.

Best,  
Matthew Rector  
412 Calle Alamo, 93105  
Cel (txt ok) - 415-812-8103

-

**From:** [Terease Chin](#)  
**To:** [SSAC Secretary](#)  
**Subject:** speeding bicycles on state st  
**Date:** Sunday, June 5, 2022 4:35:55 PM

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**EXTERNAL**

as i ride my bicycle on state st., i am very concerned about the excess speed of many bicycles, which can create a safety problem for pedestrians.

unsafe speeding bicycles also creates a bad public image of bicycles.

Please -- post alot of signs on state st, such as: SLOW BICYCLES; SLOW BICYCLE AREA; SLOW BIKE ZONE; SLOW BIKING SAFETY ZONE; STATE ST -- SLOW BICYCLES OR BAN BICYCLES? .....

also, the green bicycle guides at each street crossing are an ineffective joke.

--ken yamamoto  
[yamchin@cox.net](mailto:yamchin@cox.net)  
805-682-3456

**From:** [Terease Chin](#)  
**To:** [SSAC Secretary](#)  
**Subject:** State Street  
**Date:** Tuesday, June 7, 2022 8:07:30 AM

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**EXTERNAL**

please keep bicycle transit available on state st.  
bicycling safety is very important to maintain, keeping pedestrians separated from bicycle lanes.  
slowing bicycle speeds is also necessary, to maintain a sense of civility and safety.

--ken yamamoto  
[yamchin@cox.net](mailto:yamchin@cox.net); 805-682-3456



**From:** [Lana Howard](#)  
**To:** [SSAC Secretary](#)  
**Subject:** State Street Promenade - idea from an 8 yo  
**Date:** Thursday, June 9, 2022 7:47:20 PM

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**EXTERNAL**

**Dear the city,**

**I have an idea for the state street promenade and the emergency vehicle access.**

**My idea is that we remove the poles and planter boxes. Though they are pretty they are not useful and instead put an automatic gate that is activated by the sound of sirens from the three types of emergency vehicles that we have in Santa Barbara. I think this would be a good idea because right now the emergency vehicles that we have in Santa Barbara cannot access State Street. What if there's a fire, what if somebody tries to kidnap somebody or they kill somebody, what if you need an ambulance, police, or a firetruck. I think you should deeply consider everybody's ideas that come to you because sometimes things can go wrong if you don't have the right systems set up. I think that you guys do a good job but you need to let other people help you sometimes in some situations.**

**I hope you like my idea and consider it because even though I am a child eight years old I think that kids can make a difference.**

**Lana Howard  
Hollister Elementary School**

**From:** [Mark M Whitehurst](#)  
**To:** [Tess Harris](#)  
**Cc:** [Jason Harris](#); [Elias Isaacson](#)  
**Subject:** Editorial about State Street in Voice Magazine...  
**Date:** Friday, June 24, 2022 3:49:53 PM  
**Attachments:** [Dirty Street Editorial.pdf](#)  
[ATT00001.htm](#)  
[ATT00002.htm](#)

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**EXTERNAL**

**VOICE Editorial**

# Dirty Streets, Ugly Planters – Two Years On!

**S**ANTA BARBARA IS AN ARCHITECTURAL GEM for locals and visitors alike. But for the past several years, the community has been appalled at downtown Santa Barbara's gummy, grimy streets, smell of urine, and the cheap, careless look of our sensational downtown. The City's response has been piecemeal together, disorganized, and unsuccessful.

Decades of planning were thrown out the window when the city's transportation department put together some oversized planters, plastic bollards, and painted a double wide freeway for bikes in the middle of State Street without conferring with the Historic Landmarks Committee, Architectural Board of Review, the Planning Commission, Arts Advisory Committee (all made up of citizen representatives), or even the landscape architect that designed the Downtown State Street Plaza. Some of the necessary modifications for the Promenade work, but, for more than two years nothing has changed about the city's haphazard "implementation design." With the city's budget passed, the time is now to make your opinions known to the Ad Hoc State Street Committee.

The key corners that connect the State Street Promenade and the side streets need to be beautiful and welcoming. There have been some recent steps to address



Many private business have provided landscaping and perked up tree wells.

a significant build-up of grime, but organization and results are lacking. The city has purchased Zamboni-type street cleaners and has been saying for months that they will pick up the pace of cleaning, including side streets and sidewalks, which have not been cleaned in years. The sidewalks smell of urine and are sticky. The police department is working with a social worker, and they have purchased more bikes and added more street patrols - which have helped significantly with serving people experiencing homelessness. But for clean up, even volunteers such as The Downtown Organization and the South Coast Chamber have hosted just three clean up days in two years, and these citizen-powered volunteer days do little more than pick up trash. Deep dive cleaning, complete with the required water reclamation, needs to be done by the city - and it isn't being done in any adequate way. Attention also must be paid to the nearly 1,000 empty tree wells in the downtown area.

There is much that should be done regarding transportation and parking issues in the area. There is currently a confusion of approaches, none helpful. Public access to and from the beach by way of a shuttle has ceased. It was the victim of a budget cut of \$1.3 million over two years ago. Alternative routes, like alternative parade routes that the city required of other organizations, have not been implemented and the cost to businesses and tax payers alike is significant. Traffic circulation has been reviewed, but the 400 and 1300 blocks of State Street have cars and traffic patterns that are unsettled, and parking and curb paint have not been adjusted even-handedly or to satisfaction yet. The Community Development Department, with dozens of planners, hopefully could improve traffic circulation and parking, as well as change the curb colors and lengths to fit the new corners. Implementation of calming devices to slow bicycles' downhill racing speeds, would also be helpful.

Looking forward, it's important to note that every block of State Street is its own neighborhood and has a distinct vibe. They need to be viewed as the unique entities they are. Any planned activations and safety issues need to be addressed block by block, with unique answers that match and support the individual needs and energies of that block. There is a good deal of promise for the new Promenade with plenty of examples of individual owners, like La Arcada, which have added beautiful landscaping to our cityscape. More can be done by private owners and



Dirty streets, double-wide bike lanes, and weak container plantings contribute to a sense of disrepair.

non-profits like Santa Barbara Beautiful, which grants money for tree replacements for the city.

The broader business community has sent emails and spoken out about this at both Downtown Organization meetings and Chamber meetings to no avail, so far.

Currently, the State Street Ad Hoc committee, composed of council members Mike Jordan, Oscar Gutierrez, and Kristen Sneddon, instead of the State Street Master Plan Committee, has been designated caretakers of the interim needs of State Street. They have been faithfully walking the streets and talking compliance and soliciting ideas. However, they have also considered putting cars on more blocks, despite the outcry of the business community to keep streets closed. Also, opening State Street to cars at this point would lead to dangers caused by unpredictability.

The Ad Hoc State Street Committee will be offering their ideas (and hopefully reflecting the community's sense and feelings about the interim process and progress) to the City Council on June 28th.

Now is your opportunity to contact them with your thoughts and ideas. Email them today!

Email Council Member **Mike Jordan** at: [Mjordan@SantaBarbaraCA.gov](mailto:Mjordan@SantaBarbaraCA.gov)

Email Council Member **Kristen Sneddon** at: [ksneddon@santabarbaraca.gov](mailto:ksneddon@santabarbaraca.gov)

Email Council Member **Oscar Gutierrez** at: [Ogutierrez@SantaBarbaraCA.gov](mailto:Ogutierrez@SantaBarbaraCA.gov)



**Editorial**  
  
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**Ranchera**  
  
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**Art**  
  
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**Solstice**  
  
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**From:** [antiquepam@aol.com](mailto:antiquepam@aol.com)  
**To:** [SSAC Secretary](#)  
**Subject:** Re: No Electric Bikes on State Street  
**Date:** Sunday, August 14, 2022 8:34:52 PM

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You don't often get email from antiquepam@aol.com. [Learn why this is important](#)

EXTERNAL

Dear Advisory Committee Members:

My maternal ancestors settled in Santa Barbara County in 1895. My sons are third-generation native born family members.

I am beyond horrified to see our beloved State Street in such a disastrous mess. It is shameful.

To add electric bikes is beyond shocking. We who are informed know what the next step to that would be and we protest such a move.

Restore State Street and consult with those of us who care about Santa Barbara. We won't even charge for our consultations and we will work hard to make sure State Street 'works' for every one.

Sincerely,

PAMELA BOEHR  
*The Gates Building*  
A Structure of Merit in El Pueblo Viejo  
707 Anacapa Street  
Santa Barbara, CA 93101

**From:** [Anna Marie Gott](#)  
**To:** [SSAC Secretary](#)  
**Subject:** RE: 3 A - State Street Master Plan  
**Date:** Monday, August 15, 2022 12:51:22 AM  
**Attachments:** [REDACTED]

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EXTERNAL

Board Members,

I do not support bicycles of any type on the "promenade" and most outdoor dining especially as it is set up now and I want this communicated to the consultant who is tasked with managing the process for the State Street Master Plan.

Since State Street was closed in 2020 there have been complaints about the speed of bicyclists, especially ebikes, and other conflicts with pedestrians. There have been numerous close calls between pedestrians and bicyclists in the street (aka "promenade") and there are substantial Americans with Disabilities Act (ADA) access issues along the sidewalk because the City has continued to turn a blind eye to the activities of business owners.

Continuing to allow both pedestrians and bicyclists in the same area is simply a recipe for disaster especially when you consider the speeds some bicyclists ride at on the "promenade". There will be a severe accident at some point and the City will be liable for this as it has been well aware of the complaints of residents. It is just a matter of time. So, I urge you to prohibit **all types** of bike and similar mobility units on the "promenade".

Turning a blind eye to the repeated issues we have of businesses placing objects in the sidewalk and not providing adequate pedestrian access on the sidewalk for all pedestrians is simply shameful and illegal under both City Ordinances and Federal Law. Our sidewalks should be free from clutter and every pedestrian should be able to traverse our sidewalks without fear of falling or injuring themselves and with total access to enter each business easily from the sidewalk and the "promenade".

The City has the nasty habit of literally giving the use of the public right of way to **private businesses for their profit** and I want this to stop. Since well before the pandemic the Council chose to eliminate the fees it had collected through the outdoor dining program in 2019. **Fees, which were substantially below market rate, were entirely eliminated.** Additionally, the fees were not collected from some businesses and often did not represent what was on site. Why? The fees were collected based on a drawing of the number of tables and chairs on site rather than square foot used by a business. Beyond this the current sprawling outdoor dining areas and parklets are too large and detract from the beautiful buildings we have spent close to a century developing. Further, they inhibit access to retail shops making this area cater more to tourists than residents who need every day items and who now avoid the area which is littered with too many restaurants, bars and wine bars and not enough shops that cater to residents and their needs.

If the City is going to allow outdoor dining it must collect market rate rents as **we should not be subsidizing private businesses with outdoor dining facilities.** Additionally any outdoor dining facilities must be in designated and fenced in area area, limited in size and be low

profile in nature. Only in this way can we ensure that the spaces are not expanded and that they do not detract from the surrounding architecture.

Years ago the Council received a report (see attached 2005 Outdoor Dining Rent Discussion) which stated that outdoor dining should be charged at market rate of 50% the cost of indoor square footage. Further, to make this fair for small and large spaces square footage charge rather than per table and seat was equitable. Moving forward this should be what the City charges businesses for the use of the public right of way and should be incorporated into the State Street Master Plan to make sure all business are on a level playing field.

Finally, the City has received report after report regarding the economic vitality of State Street. In each report the City has been given the same information: **State Street is simply too long to be economically viable.** Yet the Council has ignored this while it has permitted more businesses to be permitted in the Central Business District, but not on State Street that do not meet all code requirements and has reduced key requirements like parking to the detriment of neighborhoods but the benefit of private commercial property owners. This further ensures that the businesses on State Street are not always viable and increases vacancies. We need to finally get real with the length of State Street, what should be permitted long term along State Street and the "promenade" and make crucial decisions which include housing, which we need, but are not likely to see on State Street due to the costs and current mentality in the Planning Department.

Finally, I would like to bring noise issues to the attention of the Board and the consultant. State Street, especially the 500 Block, is quite noisy after 10:00 p.m. and smoking. So, how we can consider housing along noisy corridors that operate until 2:00 a.m. is a mystery to me. Simply reach out to the Hotel Santa Barbara and you will find that they routinely have to provide refunds because guests cannot sleep (as well as move guests if rooms are available). We need to determine if housing and outdoor nighttime bars and restaurants with substantial noise and smoking issues will be allowed or restricted in some or all blocks with housing if we are serious about housing and the quality of life of our residents.

Thank you,

A



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 20, 2005  
**TO:** Mayor and Councilmembers  
**FROM:** Engineering Division, Public Works Department  
**SUBJECT:** Outdoor Dining Rent Discussion

### RECOMMENDATION:

That Council review a status report of the Outdoor Dining Program and if changes to the Program are desired by Council, direct staff to work with the Finance Committee to make Council directed recommendations.

### DISCUSSION:

At the May 20, 2005 budget Council meeting, staff was requested to return to Council to discuss the appropriate rent to charge for outdoor dining use on public sidewalks. This report presents associated outdoor dining rent related issues.

Outdoor dining is considered by many to be very successful. In good weather, outdoor dining seats fill up before indoor seats. The outdoor dining has evolved into an established, popular part of Santa Barbara's streetscape. A list of outdoor dining participants and their site information is attached.

### Rent Alternative Consideration

Since 1995, the outdoor dining rent was established generally based on cost recovery. Currently there are 41 licensed outdoor dining establishments. The average rent generated per site is approximately \$1,650 per year. Prompted by the May 20 Council discussions, staff evaluated alternatives including a market valuation method for consideration. A market valuation method could use local appraiser's roughly estimated indoor square footage valuations for City blocks, or areas, to establish appropriate outdoor square footage rental rates.

REVIEWED BY:

Finance

Attorney

Agenda Item No. 13

530.04 Sidewalk  
Dining  
SEP 27 2005 # 18 Regulations



**Potential Market Valuation Methodology Issues**

- Local appraisers informed staff that private outdoor dining spaces generally lease for approximately 50% of the value of adjacent indoor space. Utilizing the market valuation method, there is potential to increase outdoor dining revenues from current annual revenue of \$68,000 to approximately \$100,000.
- Currently smaller operators pay more per square-foot than the larger operators. It is inherent that there are inefficiencies in utilizing smaller spaces and maintaining minimum clearances required between tables and chairs, as well as for safety clearances.
- Incorporating the market valuation method at approximately 50% of indoor valuation would likely result in the largest size operators having significant rent increases, possibly to the magnitude of doubling or more of their current rent. Rent increases of this magnitude may result in a reduction in the size of some large outdoor dining sites, possibly resulting in fewer outdoor dining seats available to the public. For small scale operators, most rents would go down or remain comparable using the market valuation method.

**CONCLUSION:**

Staff requests that Council provide comments and direction on whether to leave the outdoor dining rent status quo, or consider a change to either reflect market valuation, or any other rent collection method. If a change to the current rent collection method is desired, staff recommends Council direct staff to work with the Finance Committee to produce a report of recommendations and alternatives for Council to consider. Staff recommends the report be completed in advance of the next budget cycle so that Council may choose to implement changes to outdoor dining rent revisions, as deemed appropriate.

A copy of the Outdoor Dining Memorandum of June 10, 2005, and background information on the Outdoor Dining Program to the City Council is available in the Mayor and Council Reading File and the City Clerk's Office.

**ATTACHMENT:** Santa Barbara Outdoor Dining Participant List

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/apm

**SUBMITTED BY:** Anthony J. Nisich, Public Works Director

**APPROVED BY:** City Administrator's Office

**STATUS OF '05-'06 OUTDOOR DINING FOR THE CITY OF SANTA BARBARA - PUBLIC WORKS**

A	B	C	F	G	H	I	J	K	L	M	N
	Address	Business Name	Site Plan Current	Umbrella	Heater	Barrier	Agt No	Tables	Chairs	Annual Rent Due	Square feet
1	436 State Street	Bucatini	Y			Y	19,063	1	2	\$304	20
2	508 State Street	Natural Café	Y			Y	18,246	14	28	\$4,256	423
3	512 State Street	Holdren's	Y			Y	21,052	5	9	\$1,368	250
4	514 State Street	Sandbar	Y	Y		Y	21,081	8	22	\$3,344	225
5	516 State Street	Pierre La Fond	Y	Y		Y	17,184	8	24	\$3,648	500
6	525 State Street	Madison's	Y			Y	20,097	3	6	\$912	30
7	532 State Street	Zia Café	Y	Y		Y	17,183	6	12	\$1,824	180
8	714 State Street	Piranha Restaurant	Y			Y	19,541	2	8	\$1,216	70
9	723 State Street	Chipotle Mexican Rest.	Y			Y	20,721	2	4	\$608	69
10	729 State Street	Pascucci	Y			Y	19,650	4	8	\$1,216	54
11	734 State Street	Ruby's State Café	Y	Y		Y	21,052	6	14	\$2,128	234
12	742 State Street	Jamba Juice	Y				19,386	1	2	\$304	18
13	801 State Street	Rocks	Y			Y	18,707	5	15	\$2,280	168
14	De La Guerra Street	Rocks	Y	4	4		18,707	9	36	\$6,080	649
15	11 W. De La Guerra St.	Pierre La Fond	Y	3	2		pending	10	22	\$3,648	434
16	803 State Street	Left at Albuquerque	Y			Y	18,412	7	20	\$3,040	230
17	811 State Street	Coffee Bean & Tea Leaf	Y				17,358	4	8	\$1,216	54
18	918 State Street	Northstar Coffee Co	Y			Y	21,249	4	16	\$2,432	236
19	1012 State Street	Chase Restaurant	Y			Y	19,942	4	8	\$1,216	97
20	1026 State Street	Palazzo	Y		1	Y	19,202	3	6	\$1,064	64
21	1031 State Street	Aldo's Ristorante	Y			Y	17,294	6	13	\$1,976	308
22	1106 State St	Andersens Bakery	Y	3		Y	20,907	7	9	\$1,368	65
23	1208 State St.	Maeda Sushi	Y				21,599	4	8	\$1,216	64
24	1218 State St	Tupelo Junction Café	Y			Y	pending	2	4	\$608	59
25	1225 State St.	Arigato Sushi	Y				21,598	4	8	\$1,216	189
26	1325 State Street	Opal (was Brigitte's)	Y				17,468	2	4	\$608	32
27	216 West Cabrillo	Sambo's	Y	Y		Y	19,353	7	16	\$2,432	252
28	324 West Cabrillo	Emilio's Trattoria	Y		2		17,475		8	\$1,520	86
29	25 West Gutierrez	D'Angelo Bread	Y				20,896	5	10	\$1,520	128
30	831 Santa Barbara	Our Daily Bread	Y				17,401	5	8	\$1,216	72
31	134 East Canon Perdido	Sojourner	Y				17,399	4	8	\$1,216	150
32	138 E Canon Perdido St	dish	Y			Y	21,199	3	6	\$912	63
33	5 West Canon Perdido	Bitterman's	Y				19,233	2	4	\$608	24
34	10 E. Carrillo	Tuttini	Y				pending	3	9	\$1,368	72
35	135 E. Carrillo	4 Seasons Market & Deli	Y				pending	7	14	\$2,128	243
36	12 W.Figueroa	Gino's Sicilian Express	Y				19,780	1	2	\$304	14
37	1201 Anacapa Street	Coffee Cat	Y				19,242	3	6	\$912	72
38	37 E. Victoria St.	Ca Dario	Y				20,109	3	6	\$912	62
39	230 E. Victoria Street	Spiritland Café	Y				pending	2	4	\$608	36
40	712 N Milpas St	Cesars Place	Y				20,923	1	2	\$304	15
41	1253 Coast Village Rd.	Jeannine's Baking Co.	Y				21,684	4	8	\$1,216	108
										\$67,792	

Attachment



**City of Santa Barbara**  
**Public Works Department**  
**Interoffice Memorandum**

**DATE:** June 10, 2005  
**TO:** Mayor and Council Members  
**VIA:** James L. Armstrong, City Administrator  
**FROM:** Anthony J. Nisich, Public Works Director  
**SUBJECT:** OUTDOOR DINING RENT DISCUSSION

This memorandum is intended to provide a status update related to the topic of Outdoor Dining Rent that arose during the May 20, 2005, Public Works Department budget presentation to Council. The general issue is how much should the City charge restaurants for private commercial use of public sidewalks, and how those fees were established. The Public Works Department Engineering staff is working to bring back a full discussion within 60 days.

As brief historical background, the Outdoor Dining Program (ODP) was established in 1993 by Council on a trial basis during an economic recession, viewed as a way to enhance the City's pedestrian-friendly ambiance, and stimulate the local economy. At first, no rents were charged and there were few design criteria or rules related to operation, in order to determine the level of possible interest and participation by restaurant merchants. Currently, there are 45 active Outdoor Dining License Agreements that collected approximately \$54,400 in rent this Fiscal Year.

As the ODP became popular and evolved, City review boards and Council approved criteria related to eligibility, pedestrian clearances, design standards, and standards of operation. Due to the need for Outdoor Dining licensees to comply with these additional criteria, it was necessary to establish a rental rate to allow the City to recover its costs to monitor and enforce compliance with the program. As the number of guidelines grew, the rental rate was increased to fully recover all staff costs related to the ODP. More background information about the ODP and rental rates can be found in the attached Council Agenda Report (Attachment 1), and in the Summary Rental Table. As shown on the Summary Rental Table (Attachment 2), increases in Outdoor Dining rents were usually due to annual cost-of-living increases. In 2004 the rent per chair was increased 15%. This year no fee increases are proposed.

Please note that these documents do not directly address the question regarding the commercial value of the Outdoor Dining spaces from the May 20, 2005 Council meeting.

PK/pb

Attachments: 1. Council Agenda Report (March 24, 2000)  
2. Summary Rent Table (June 9, 2004)

cc: (w/o attachments)  
Robert Peirson, Finance Director

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT



Bl

REPORT DATE: March 24, 2000

TO: Mayor and Councilmembers' ly

FROM: Finance Committee

SUBJECT: OUTDOOR DINING PROGRAM - HEATERS AND FEES

RECOMMENDATION: That Council:

- A. Consider a recommendation from the Finance Committee to charge a one-time fee for heaters in Outdoor Dining cafés in light of Council's possible allowance of requests for outdoor heaters;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving Standard Street Right of Way and Sidewalk Outdoor Dining Regulations Pursuant to Chapter 9.95 of the Santa Barbara Municipal Code, and Rescinding Resolution No. 99-116; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Fee for those Outdoor Cafés that Have Approved Outdoor Heating Devices.

DISCUSSION: See Attached Page

- ATTACHMENTS:
1. Description of Outdoor Patio Heater
  2. Historic Landmarks Commission Minutes
  3. 1999-2000 Outdoor Dining as of February 1, 2000

PREPARED BY: Dave Evans, Real Property Agent/DE/mh DE mh

APPROVED BY: David H. Johnson, Public Works Director DHJ

REVIEWED BY:      Finance      Attorney

STAFF USE ONLY

TO: Dave Johnson, Public Works Director/cc: Finance

FROM: City Administrator

ACTION TAKEN:

\*\*Concurred with recommendations with the modification to charge \$103 per heater per year; Resolution Nos. 00-017 and 00-018\*\*

DIRECTIONS:

00-017 Guidelines  
00-018 Fee Res

Meeting Date March 28, 2000

Agenda Item No. 21



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

REPORT DATE: March 24, 2000
TO: Mayor and Councilmembers
FROM: Sandra E. Tripp-Jones, City Administrator
SUBJECT: OUTDOOR DINING PROGRAM - HEATERS AND FEES
RECOMMENDATION: That Council:

- A. Consider a recommendation from the Finance Committee to charge a one-time fee for heaters in Outdoor Dining cafes in light of Council's possible allowance of requests for outdoor heaters;
B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving Standard Street Right of Way and Sidewalk Outdoor Dining Regulations Pursuant to Chapter 9.95 of the Santa Barbara Municipal Code, and Rescinding Resolution No. 99-116; and
C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing a Fee for those Outdoor Cafes that Have Approved Outdoor Heating Devices.

DISCUSSION: See Attached Page

- ATTACHMENTS: 1. Description of Outdoor Patio Heater
2. Historic Landmarks Commission Minutes
3. 1999-2000 Outdoor Dining as of February 1, 2000

PREPARED BY: Dave Evans, Real Property Agent/DE/mh
APPROVED BY: David H. Johnson, Public Works Director

REVIEWED BY: Finance Attorney

STAFF USE ONLY

TO:
FROM: City Administrator
ACTION TAKEN:

DIRECTIONS:

Meeting Date March 28, 2000
Agenda Item No.

**DISCUSSION:**

**Proposed Heaters in Outdoor Dining Areas**

The current guidelines (Resolution No. 99-116) for the Outdoor Dining Program do not allow heaters in outdoor dining areas.

On September 21, 1999, Council considered a request from Mr. Ken Boxer, owner of the Palazzio Restaurant, to allow applications for outdoor heaters in outdoor dining cafés. Council's direction was that Mr. Boxer may apply to the Historic Landmarks Commission (HLC) to obtain design review for any proposed heater, to the City Risk Manager to consider the issue of heaters on public sidewalks, and to the Finance Committee to make recommendations regarding rent.

On November 10, 1999, the HLC considered Mr. Boxer's application for a portable propane gas heater (Model #PTH-101AVG) for use in outdoor dining areas (Attachment 1). The conditions under which HLC could find this type of heater acceptable are listed in the attached HLC minutes (Attachment 2). The HLC's comments included, among others, that heaters be approved on a case-by-case basis, and that the number of heaters on public sidewalks be limited to two per outdoor dining site.

The City's Risk Manager considered the additional risk related to heaters on public sidewalks and determined that existing insurance requirements for outdoor dining licensees are sufficient. The insured, however, would need to notify their insurance company that heaters were being installed and included in their policy.

On December 21, 1999, the Finance Committee considered Mr. Boxer's request. Mr. Boxer added a suggestion for a one-year trial period to allow heaters without an increase in rent because the addition of an outdoor heater may require removal of a chair to accommodate the space for the heater. Notwithstanding the issue of allowing heaters, the Finance Committee acknowledged that the existing outdoor dining rent is "a bargain" for participants in the program. There was a discussion of possible "across the board" rent increases because the City should obtain fair market value for private commercial use of City sidewalks.

**Council Action**

Council, at its meeting of January 11, 2000, referred the matter back to the Finance Committee to explore more options regarding heater charges or rent adjustments for outdoor dining cafés with heaters.

Discussion centered around alternative methods to assess rent for heaters and whether the spacing or number of heaters should be limited. It is being assumed that Council would approve some

modification to the Outdoor Dining regulations to allow the installation of heaters.

This report will first discuss options for the appropriate spacing of heaters, then the background and options for outdoor dining rent with heaters.

#### Options for Heater Spacing

The majority of the HLC thought that outdoor heaters would be acceptable with the conditions that:

- The heaters be taken in each day;
- There be a limitation of two heaters per café site;
- The heaters be approved on a case-by-case basis;
- Only radiant heaters be used; and
- Use be limited to existing hours (until 11:30 p.m.).

The specifications for the subject propane heater (Attachment 1) indicate that it heats a 20-foot diameter. Since no outdoor dining café exceeds 10 feet in width (depth), it seems apparent that only one heater is needed for every 20 linear feet of café. Using HLC's limitation of two heaters per site, only 5 out of 38 approved outdoor cafés exceed 40 feet in length (Attachment 3).

Some options for heater spacing are:

- A limit of two heaters per site, no matter what the overall length of the café site measures, as recommended by HLC;
- One heater per every 20 feet of café site, with a maximum of two heaters per site;
- One heater per every 20 feet of café site, allowing a limit of three heaters for sites longer than 40 feet; and
- No limit as to the number of heaters per café site. There is some concern here for unchecked proliferation of heaters.

It does not appear that HLC differentiated between the primarily barricaded cafés along State Street and the unbarricaded sites off State Street; for example, the sites near the corner of Santa Barbara and Canon Perdido Streets. If heaters are allowed at the non-barricaded sites, it is expected there will be added inspection needs at those locations to ensure pedestrian clearances are not encroached upon. It is recommended that heaters be limited to barricaded sites.

Staff's preferred option is to follow the recommendation of HLC of limiting the number of heaters to a maximum of two. At the 20-foot manufacturer's spacing recommendation, only a few sites longer than 40 feet will be affected. To avoid allowing a small café space, e.g., Palazzio Restaurant, at 16 feet in length, to have the same number of heaters as a very long café space, e.g., the Natural Café, at 33 feet in length, and create a perception of imbalance and possibly unfairness, it is also recommended that

heaters be limited to a spacing of 20 feet. Because each café site is essentially filled already, it is not recommended to allow a heater without deleting a chair in order to maintain reasonable space for movement.

#### **Background of Outdoor Dining Rent**

The Outdoor Dining Program began in 1993 as an experimental program. For at least a year, there was no rent charged to "test the waters" for interest in the program. In May 1995, Council adopted a resolution to charge rent for the first time at a rate of \$50/chair/year in order to cover staff time spent on enforcement of the program. A flat-fee annual per-chair charge was recommended by staff to minimize program monitoring for rent collection, and to make enforcement easy, by simply counting chairs, staff can determine compliance with the café's approved site plan and rental payment.

By June 1997, with full implementation of the design standards, more rigorous enforcement was necessary to maintain control of the Outdoor Dining Program. To pay for necessary additional staff time, rents were doubled to \$100/chair/year. Even with this increase, rent was acknowledged to be discounted from "fair market rent" because public sidewalk space did not appear comparable to indoor space due to vagaries of weather, non-exclusive use, interruption by utilities, and the need to close down for parades. At this higher rental rate, the program runs on a break-even basis due to additional staff time needed for enforcement. Currently the rent is \$103/chair/year. (A \$3.00 increase occurred in 1998 as part of the City's Fee Resolution cost-of-living increase.) Total rent received for this year was \$35,672.

The Outdoor Dining Program has been very successful. In good weather, outdoor café seats fill up before indoor seats. The Outdoor Dining Program has evolved into an established and popular part of Santa Barbara's streetscape.

#### **Options Related to Rent**

There are several options for charging rent for outdoor dining:

1. Charge per heater: Cafés with heaters will benefit from longer operating hours versus those without heaters because of the enhanced comfort of patrons during colder outdoor periods. From a rental perspective, there is an increase in value related to an increase in utility.

##### **Option A:**

If one assumes the market value of café seating with heating is \$360 per chair per year, as at Paseo Nuevo, then the increase in value of the seating due to heating is ( $\$360 - \$103 =$ ) \$257 per chair per year. Using Mr. Boxer's Palazzo Restaurant with



six chairs and one proposed heater as an example, the total value of heating is ( $\$257 \times 6 =$ )  $\$1,542/\text{year}$ , approximately  $\$1,500$  annually. Using the above example, the City could charge more rent on a per-chair basis for those cafés with heating, or simply charge a flat fee for each heater.

This method requires assuming the "market value" for a roughly equivalent outdoor dining space on private property at Paseo Nuevo. Arguments have been made that because property rents are not uniform throughout the City, this method would become controversial, and, therefore, is not recommended.

#### Option B

If the City charged the same flat fee for a heater as for the chair it would replace ( $\$103/\text{chair}/\text{year}$ ), it would be a business decision to buy a heater and remove a chair. This is the simplest solution from an enforcement perspective, and would be practically revenue neutral to the City. This is the recommended method.

2. Heater prohibition with across-the-board rent increase: It may be timely for the City to consider options for charging fair market rent for private commercial use of public sidewalks, and leave the issue of whether or not to have heaters as a business decision, especially considering the cost of heaters, and the possible loss of seating for placement of the heater(s).

Rent for outdoor café chairs on private property at Paseo Nuevo is  $\$3.00$  per sq. ft. per month ( $\$36$  per sq. ft. per year). (Paseo Nuevo also provides outdoor heaters to tenants.) The equivalent per-chair rental rate is about  $\$30.00$  per month, assuming approximately 10 square feet per chair, or  $\$360$  per chair per year. This is about three times the existing City rent of  $\$103/\text{chair}/\text{year}$  for non-heated seating in outdoor cafés on public sidewalks. The City annually collects  $\$35,672$  in rent from approximately 4,682 square feet of café space, or  $\$0.63/\text{sq. ft.}/\text{month}$ .

A change to reflect "market value" is difficult to compare clearly and may create controversy, especially when applying a rate uniformly when rental rates are not uniform throughout the City. For this reason, this approach is not recommended.

3. Case-by-case rent structure: On a square footage basis the options include:
  1. Charging the same flat rate for all outdoor dining participants;
  2. Charging different flat rates for those cafés with heaters versus cafés without heaters;
  3. Charging two tiers of flat rent for those cafés on State Street versus those who are off State Street; or

4. Charging "across the fence" market rent; i.e., the same rent that the restaurateur pays for indoor space, as occurs at Paseo Nuevo.

If rents are based on square footage, a large block of staff time will be necessary to inform participants, determine square footages, and possibly review lease agreements for every existing café operation. Plus, it is anticipated that staff time spent in enforcement will be increased since inspectors will need to measure for any movement of barricades and for the maintenance of pedestrian clear-ways. This option is not recommended because it is too staff intensive to manage.

#### **Summary**

Any additional staff time needed to enforce the Outdoor Dining Program takes staff time away from the "Excellence in Customer Service Program" in the Engineering Land Development Section. Staff recommends that any revision to the Outdoor Dining Regulations not require any added demand for enforcement.

At its meeting of March 21, 2000, the Finance Committee voted to recommend to Council that heaters be allowed as part of the Outdoor Dining Regulations. The Finance Committee recommended that use of heaters be subject to the following conditions:

1. Limited to barricaded sites;
2. Reviewed on a case-by-case basis by HLC;
3. Limited to a maximum of two per site per HLC's recommendation, with a minimum spacing of 20 feet apart;
4. When a heater is installed, an approved café chair must be removed, with no change to Outdoor Dining rent; and
5. A \$100 one-time application fee.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING STANDARD STREET RIGHT OF WAY AND SIDEWALK OUTDOOR DINING REGULATIONS PURSUANT TO CHAPTER 9.95 OF THE SANTA BARBARA MUNICIPAL CODE, AND RESCINDING RESOLUTION NO. 99-116

WHEREAS, Chapter 9.95 of Title 9 of the Santa Barbara Municipal Code (the "Outdoor Dining Permit Ordinance") authorizes the City Engineer to issue outdoor dining permits pursuant to a license agreement between the City and the operator of a food service establishment; and

WHEREAS, Section 9.95.080 of the Outdoor Dining Permit Ordinance provides for the adoption of administrative regulations by the Public Works Director governing the location and operation of permitted outdoor dining locations which regulations are to be approved by a resolution of the City Council;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

The administrative regulations (Exhibit 1) entitled "Standard Street Right of Way and Sidewalk Outdoor Dining Regulations" dated \_\_\_\_\_, 2000 are hereby approved.

Resolution No. 99-116 is hereby rescinded.

Adopted \_\_\_\_\_, 2000

STANDARD STREET RIGHT OF WAY AND  
SIDEWALK OUTDOOR DINING REGULATIONS

I. PURPOSE

The purpose of these operating standards and administrative guidelines is to establish standards for outdoor dining within areas owned by the City of Santa Barbara and operated pursuant to Santa Barbara Municipal Code Chapter 9.95, an executed revocable license agreement with the City of Santa Barbara, and any other applicable codes. These operating and administrative guidelines are to ensure that the space used for outdoor dining will, at all times, serve a public purpose and allow for adequate pedestrian circulation.

All of the design elements shall be consistent with the design Guidelines of El Pueblo Viejo District, except as noted, or, if outside of this district, they shall be consistent with the Guidelines of the Architectural Board of Review.

All use, operation and improvements related to outdoor dining shall be maintained in conformity with these guidelines and other applicable laws, rules, regulations, and requirements without limitation.

II. OUTDOOR DINING LICENSE AGREEMENT

All operators of outdoor dining areas must obtain, possess, and maintain an outdoor dining license. At a minimum, the following are required:

A. The approval and execution of a standard license agreement in a form acceptable to the City Attorney;

B. Proof of liability insurance acceptable to the City Administrator, naming the City as an additional insured;

C. Compliance with special site conditions as required by the City Engineer;

D. Compliance of all seating and signage with minimum standards of established administrative regulations;

E. Compliance with such other conditions as are necessary for public safety or to protect public improvements, such as the posting of appropriate security to guarantee the restoration of the right-of-way upon termination of the license;

F. Compliance with conditions necessary to restore the appearance of the sidewalk or right-of-way on termination of use; and

**EXHIBIT A**

G. Compliance with the applicable City building, zoning parking, and design review requirements.

### III. FEES

Application and rental fees for use of the City sidewalk will be paid by the Licensee. Fees shall be as adopted from time to time by resolution of the City Council.

### IV. ELIGIBLE USES

A. Establishments which provide take-out food service, specialty food service, and full menu food service are eligible for an Outdoor Dining Permit. Outdoor dining areas are for sit-down food and beverage service only; no stand-up service is permitted.

B. All Establishments that serve alcohol must obtain any additional permits that may be required from the Alcohol Beverage Control Board of the State of California.

C. Temporary, mobile, free-standing food service, or non-food serving establishments are not eligible to obtain an Outdoor Dining Permit.

### V. ELIGIBLE SITES

A. Outdoor dining permits shall be allowed only in areas of the City zoned for commercial uses.

B. Outdoor Dining Permits do not convey any long term or permanent interest in public property.

C. Outdoor Dining Operations shall be maintained within the following restrictions:

1. All outdoor dining areas must maintain, at all times, the clearances and requirements established by City ordinance. At present such ordinance standards require that Outdoor Dining areas along State Street between Cabrillo Blvd. and Victoria Street must maintain, at all times, a minimum of an eight foot (8') unobstructed pedestrian travelway, which is clear and unimpeded, between the outside of the café area and any obstructions or the curb line. At all other locations within the City, Outdoor Dining areas shall maintain, at all times, a minimum of a six foot (6') unobstructed pedestrian travelway, which is clear and unimpeded, between the outside of the café area and any obstructions or the curb line.
2. All outdoor dining areas must comply with Federal Americans with Disabilities Act standards.

3. Outdoor dining areas are not permitted within 15 feet of the curb lines of intersecting streets, at the ends of each block.
4. The elevation of the outdoor dining area shall be the same elevation as the sidewalk.
5. In addition to the restrictions identified above, the City Engineer shall maintain standards for normal uses that include:
  - a. maintenance of ten (10) feet of pedestrian clearway for use by pedestrians walking by or adjacent to the Outdoor Dining operation, for all sidewalks where such clearway is reasonably feasible; and,
  - b. limitation of outdoor dining operations to a maximum width of seven (7) feet of public right of way use for outdoor dining purposes, excluding obstructions created by approved planters, landscaping, street furniture, and similar obstructions, where reasonably feasible; and
  - c. maintenance of uniform alignment of outdoor dining areas and adjacent café barriers to avoid irregularities in adjacent barriers or other improvements, where reasonably feasible.
  - d. Depending upon the setting and location, Outdoor Dining Operations may be allowed to use up to a maximum of 10.0 feet of the sidewalk but in no case shall the café use more than fifty per cent (50%) of the available (non-landscaped) sidewalk.
6. Adjustment shall be made to existing uses to incorporate all such standards on the occasion of significant public improvement activity to a block face, such as the removal, restoration, or renovation of sidewalks; an adjustment of the street width; or material change in or addition to the street furniture, landscaping, or lighting in the area. The City Engineer is expected to provide more tolerance for minor deviations from the standards in this resolution for those limited areas where existing uses are maintained in a street or sidewalk that is not impacted by pedestrian or vehicle traffic nor affected by significant public improvement as provided herein.
7. Notwithstanding any provision in these regulations regarding existing uses, each outdoor dining operation shall be subject to the application of the discretion of the City Engineer to adjust uses and apply standards in the best interests of the City. No provision, exemption, limitation or standard identified in these regulations is intended to protect any existing or

future interest in any outdoor dining license from any direction, modification, interpretation or application made by the City Engineer. The determinations made by the City Engineer in connection with the application of these regulations shall be final.

D. Outdoor dining areas shall be required to maintain all standards for building egress for adjacent premises, as defined by the Uniform Building and Fire Codes.

E. Vehicular parking shall be provided by the establishment in accordance with the requirements of the City Municipal Code for the occupancy of the patrons anticipated for the outdoor dining area.

F. Outdoor dining areas shall be cleared and barriers removed along State Street during the Summer Solstice parade and the Fiesta parade times except by application to and approval by the City Engineer. Outdoor dining areas shall be cleared and barriers, Tables and chairs are to remain down between 8:00 a.m. Friday and 6:00 a.m. Sunday of the annual Fiesta celebration.

## VI. DESIGN STANDARDS

### A. BARRIERS

1. A barrier surrounding the dining area is not required if the food provider limits outdoor tables and chairs to one row abutting the wall of the establishment and no alcohol is served outdoors. Where alcohol is served outdoors and there is only one row of tables, a barrier is not required if waived by the Alcohol Beverage Control Board.
2. Notwithstanding the above, all food service establishments along State Street between Cabrillo Boulevard and Sola Street must have a barrier if alcohol is served.
3. Outdoor dining areas with a row of tables in addition to those along the storefront shall have barriers. Additionally, barriers may be required at the discretion of the City Engineer.
  - a. Barriers must be secured to the sidewalk, and be able to be removed during non-operating times (such as parades), or upon the request of the City Engineer.
  - b. The barriers will be attached to the sidewalk by bolts through a plate, which is set flush to the sidewalk at the base of a post. Insert plugs shall be placed in the sidewalk upon the removal of the

bolts and barriers. The plugs will be flush with the sidewalk, and shall not cause a trip hazard. Barriers shall be attached to the sidewalk in a manner approved by the City Engineer.

- c. All barriers and/or posts must be able to withstand one hundred (100) pounds of horizontal force at the top of the barricade when in their fixed positions, and be of durable, weather resistant materials.
- d. The height of any barrier shall not exceed three feet (3'); except finials and/or continuous landscaping shall not exceed three feet six inches (3'6"). Barriers shall have no sharp or protruding elements that could injure pedestrians. Solid barriers are not permitted.
- e. The barriers perpendicular to the storefront must be rigid, by means of railings; barriers running parallel to the storefront may be swag chains or of similar conformation.
- f. For locations where no barriers are installed, either potted plants (four to five feet high) situated at each far corner of the outdoor dining area, or a tactile barrier inset in the sidewalk along the border of the dining area is required in order to delineate the area and aid the sight impaired.
- g. A barrier plan shall be submitted to the City Engineer and approved prior to operating an outdoor dining area or constructing the required barrier.

#### B. UMBRELLAS

The use of removable umbrellas is allowed provided that they maintain at least six-foot eight-inches (6'8") of clearance above the sidewalk level and do not exceed ten feet (10') in height. Umbrella canopies shall be of uncoated canvas, having solid, plain colors as approved for outdoor dining areas by the Historic Landmarks Commission within El Pueblo Viejo Landmark District, or by the Architectural Board of Review outside of El Pueblo Viejo Landmark District. Umbrellas may display no advertising or logo, and must be entirely within the dining area boundaries.

#### C. SIGNS

Commercial signs, displays and product logos are not permitted within any outdoor dining areas, except as may be specifically approved by the Sign Committee.



#### D. LIGHTING

An electric permit must be obtained from the Building and Safety Division to install outdoor lighting. All proposed lighting must be approved by the Historic Landmarks Commission within El Pueblo Viejo Landmark District, or by the Architectural Board of Review outside of El Pueblo Viejo Landmark District.

#### E. MATERIALS AND COLORS

Materials, colors and stylistic treatment of all elements of the design of outdoor dining facilities shall be as approved for outdoor dining areas by the Historic Landmarks Commission within El Pueblo Viejo Landmark District, or by the Architectural Board of Review outside of El Pueblo Viejo Landmark District. Exception for the use of alternate materials, colors, and styles are subject to review and approval by the Historic Landmarks Commission within El Pueblo Viejo Landmark District, or by the Architectural Board of Review outside of El Pueblo Viejo Landmark District. Provisions to implement the administrative review and approval of outdoor dining proposals in conformity to these regulations by City Staff may be established by the City Council, the Architectural Board of Review, and the Historic Landmark Commission.

The placement, color, style and types of outdoor dining furniture and barriers shall be consistent with and shall complement the design and appearance of the building, consistent with the applicable review guidelines. Use of traditional materials for furniture is preferred within the El Pueblo Viejo Landmarks District. The use of white plastic furniture, redwood tables or benches and/or furniture inappropriate to the vicinity of the outdoor dining area are prohibited. Table size is limited to 36" in diameter or to 36" on each square side. The outdoor dining furniture (its design, materials, colors, etc.) must be specified on the application.

Furniture, designs and colors incorporated in any outdoor dining proposal approved before July 1, 1997, but which do not match standards referred to in these regulations, shall be made to conform to the standards referred to herein on or before July 1, 1998. It is the responsibility of the applicant to put such furniture and improvements into conformity with these standards. Upon any new construction, improvement or replacement of structures or furniture the additions, improvements and replacements shall be in conformity with the standards referred to herein.

#### F. EXCEPTIONS TO DESIGN STANDARDS

Requests for deviations from these guidelines as to materials, colors, or styles used must be approved by the Historic Landmarks Commission within El Pueblo Viejo Landmark District, or by the Architectural Board of Review outside of El Pueblo Viejo Landmark District.

## VII. STANDARDS OF OPERATION

A. Restaurant management shall be responsible to maintain and operate the outdoor dining area, and to remove barriers as required above. The operator of the food-serving establishment shall be responsible to supervise and control behavior of patrons within the outdoor dining area. Operators who allow behavior that disturbs the general public or passersby on the sidewalk will be subject to suspension or revocation of their outdoor dining license.

B. All outdoor dining furniture, umbrellas, menu signs, and trash receptacles must remain within the outdoor dining area, as defined by a secure, but removable barrier, at all times. No other items are allowed in the outdoor dining area. Outdoor heaters may be approved, subject to the following conditions:

1. use of outdoor heaters is limited to barricaded cafes;
2. reviewed on case-by-case basis by HLC;
3. the number of heaters is limited to two per cafe site, with a minimum spacing of 20 feet apart;
4. when a heater is installed, an existing approved café chair is removed, without any change in rent; and
5. a one-time application fee per Public Works Fee Resolution.

C. All items used inside the outdoor dining areas, including tables, chairs, umbrellas and trash cans, must be removed each night and when not in use. Storage of outdoor dining appurtenances on the sidewalk is not allowed.

D. The sidewalk inside the outdoor dining area, and all appurtenances placed thereto, shall be maintained in a clean (sweep and mop) and attractive manner.

E. The latest hour for serving food or beverages in the outdoor dining area is 11:30 p.m. Neither food nor beverages shall be served in the outdoor dining areas between the hours of 11:30 p.m. and 6:00 a.m.

F. A copy of the Outdoor Dining Permit shall be kept on the premises at all times. Any modifications must be approved by the City Engineer.

## VIII. ENFORCEMENT

*Some  
grants*

A. In addition to means of enforcement otherwise available, in the discretion of the City Engineer, property which is not in conformance with these regulations shall be removed pursuant to Santa Barbara Municipal Code Chapter 10.56.

B. In addition to means of enforcement otherwise available, in the discretion of the City Engineer, the owner of premises and the

operator of an outdoor dining operation which is not in compliance with the Ordinance Code and these regulations, shall be subject to citation under the provisions of Santa Barbara Municipal Code Chapter 1.25.

IX. TERMINATION

The City retains the right to revoke the Outdoor Dining License Agreement upon 24 hours written notice to Licensee, regardless of conformance with these provisions. Within 48 hours of the termination of the Outdoor Dining License Agreement, the sidewalk will be returned to the condition existing prior to the placement of the outdoor dining facilities or other condition acceptable to the City Engineer.

X. APPLICATION

Applications for an Outdoor Dining License Agreement shall be per attached Exhibit A. The Public Works Department will forward a copy of the application package to the Fire Department and Community Development Department - Land Use Controls Division for their review and approval.

XI. POSSESSORY INTEREST

The interest agreed to under outdoor dining license agreements is an interest that may incur a possessory interest tax. Permittee must provide for any possessory interest tax.

RESOLUTION NO. 2000-\_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING A FEE FOR THOSE OUTDOOR CAFÉS THAT HAVE APPROVED OUTDOOR HEATING DEVICES

WHEREAS, the City Council has previously adopted fees for various Public Works Department services and for use of City facilities; and

WHEREAS, the Public Works Department is responsible for providing the services listed herein; and

WHEREAS, the City Council desires to provide fees that meet the expenses of the services provided by the Public Works Department;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION I

CEQA FINDINGS

The Council hereby determines and finds that:

A. Funds are needed to defray the cost of furnishing the services that are incurred by the Public Works Department.

B. The funds needed to defray the cost of furnishing such services can and should be obtained by setting fees and charges, all as set forth more particularly in this Resolution.

C. Under Section 21080(b)(1) & (2) of the California Public Resources Code, and Title 14, Section 15273(a)(1) & (2) of the California Administrative Code, Division B of the California Public Resources Code is not applicable to this Resolution.

SECTION II

The fee for approved heating devices for licensed Outdoor Dining cafes on public sidewalks is established at \$103.00 per heater.

# The Blazer

Outdoor Patio Heater

Introducing 1985

Stainless Steel or Cast Aluminum

Enjoy your evenings in comfort  
and round with *The Blazer*  
Outdoor Patio Heater.

• Propane Gas

• 40,000 BTU's

• 18" High Backrest

• Push-button Starter

• 18" x 18" x 18" dimensions

• Commercial and Residential

• 18" x 18" x 18"

• 18" x 18" x 18" dimensions

• 18" x 18" x 18" dimensions

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2. Commissioner Cella reported a possible violation at 26 Chapala Street, where it appears that work is being done without a permit.

ISCELLANEOUS ACTION ITEM:

:55)

A discussion of design alternatives to outdoor space heaters to be used for heating outdoor dining area located in the public right-of-way. Currently heaters are prohibited under City ordinance; however, City Council has directed staff to allow the Commission to discuss designs which may be allowed if the ordinance is altered. (Ken Boxer)

Ken Boxer, owner of Palazzio Restaurant, present.

Motion: Indefinite continuance with the comment to the City Council that the proposed outdoor space heater, Model No. PTH101ABG, would be acceptable with the following conditions: a) The units should be temporary and be able to be take in each day. b) There number of units per business shall be limited to two. c) All units should be reviewed by the Historic Landmarks Commission on a case by case basis. d) Radiant heating is the preferred solution for providing heating for outdoor diners. This type of heating reduces visual and environmental impacts. e) The hours of operation of the outdoor space heater shall be limited to specific hours of operation.

Action: Lenny/LaVoie, 5/2/1. Cella,Boucher opposed. Don Sharpe abstained.

2:00)

A review of the plaque design for the Historic Structure Plaque program. (Henry Lenny)

Motion: Three weeks continuance with the comment to provide additional estimate details and insert design.

Action: Cella/Ehlen, 9/0/0.

HISTORIC STRUCTURES REPORT

1. LOWER MISSION CREEK

P-R Zone

Assessor's Parcel Number: 033-120-015  
 Application Number: MST92-00465  
 Agent: Pat Kelly  
 Applicant: City of Santa Barbara

(Construction of flood control channel for 1.2 mile stretch of Mission Creek. The flood control project involves realignment of portions of the creek channel, widening to 60 feet, and construction of an overflow box culvert under US 101. This is Final Review of the Phase I and II Historic Structures report prepared for the project by Post/Hazeltine Associates.)

(2:11)

Jan Hubbell, Project Planner, Diane Gabriel, Principal Civil Engineer, Pam Post, agent, and Tim Hazeltine, agent, present.

Motion: Acceptance of the Phase I and II Historic Structures report with the condition that the historic records shall be added to end of the document and typographic edits shall be made at Staff's discretion.

Action: Cella/Spann, 8/0/0. Adams stepped down.

1999-2000 OUTDOOR DINING AS OF 2/1/00

	A	B	J	K	L	M	P	Q
1	Address	Business Name	License Agreement	Tables	Chairs	Annual rent due	Approximate dimensions	Square footage
2	1201 Anacapa Street	Coffee Cat	19,242	3	6	\$618	4 x 18	72
3	324 West Cabrillo	Emilio's Trattoria	17,475	4	8	\$824	(4 x 18)+(4 x 14)	86
4	336 West Cabrillo	Andria's Harborside	17,347	4	6	\$618	4 x 22	88
5	216 West Cabrillo	Sambo's	19,353	8	16	\$1,648	8 x 25	200
6	134 East Canon Perdido	Sojourner	17,399	4	8	\$824	3 x 50	150
7	138 East Canon Perdido	Main Squeeze	17,400	5	10	\$1,030	(4 x 20) + (4 x 10)	120
8	5 West Canon Perdido	Bitterman's	19,233	2	4	\$412	3 x 8	24
9	10 East Carrillo	Afficionado Bakery	18,523	3	6	\$618	4 x 12	48
10	135 East Carrillo	Mac's Metro Market	17,382	7	14	\$1,442	(5 x 45) + (3 x 6)	243
11	12 W. Figueroa	Ping-Pong Pizzeria	19,780	1	2	\$137.33	3 x 6	18
12	18 W. Figueroa St.	Los Arroyos	19,760	2	4	\$309	2(3 x 5)	30
13	25 West Gutierrez	Bread D'Angelo	19,062	5	10	1,030	4 x 32	128
14	318 North Milpas	Jack's Bagels	18,928	2	4	\$412	2 (2 x 6)	24
15	831 Santa Barbara	Our Daily Bread	17,401	3	8	\$824	(4 x 10) + (4 x 8)	72
16	1 State Street	Eladio's	suspended	5	10	n/a	(3 x 6)+(4 x 5)	n/a
17	436 State Street	Bucatini	19,063	1	2	\$206	4 x 5	20
18	504 State Street	Juice-a-Peel	19,611	2	4	\$412	7 x 13	91
19	508 State Street	Natural Café	18,246	10	24	\$2,472	8 x 33	264
20	512 State Street	E.J.'s Café	18,750	8	16	\$1,648	10 x 25	250
21	514 State Street	Calypso Bar & Grill	17,182	8	27	\$2,781	9 x 25	225
22	516 State Street	Pierre La Fond	17,184	8	16	\$1,648	10 x 50	500
23	532 State Street	Zia Café	17,183	5	14	\$1,442	6 x 20	120
24	714 State Street	Piranha Restaurant	19,541	2	8	\$824	2(5 x 7)	70
25	729 State Street	Pascucci	19,650	2	4	\$412	2(3 x 9)	54
26	728 State Street	Espresso Roma	17,584	2	5	\$515	10 x 10	100
27	734 State Street	Ruby's State Café	17,371	3	12	\$1,236	9 x 26	234
28	742 State Street	Jamba Juice	19,386	1	2	\$206	3 x 6	18
29	800 State Street	Starbuck's Coffee Co.	17,402	4	7	\$721	3 x 24	72
30	801 State Street	Rock's	18,707	5	12	\$1,236	(10 x 20)-(4 x 8)	168
31	803 State Street	Left at Albuquerque	18,412	7	20	\$2,060	10 x 23	230
32	808 State Street	Napoleon's Bakery	18,577	12	25	\$2,575	(3 x 12)+(9 x 42)	414
33	811 State Street	Coffee Bean and Tea Leaf	17,358	6	12	\$1,442	2 (3 x 9)	54
34	1012 State Street	Chase Restaurant	suspended	4	8	n/a		n/a
35	1026 State Street	Palazzo	19,202	3	6	\$618	4 x 16	64
36	1031 State Street	Aldo's Ristorante	17,294	6	13	\$1,339	7 x 42	308
37	1213 State Street	McDonald's	19,037	2	4	\$412	5 x 11	55
38	1227 State Street	Wine Time	Pending	2	4	n/a		n/a
39	1325 State Street	Brigitte's	17,468	2	4	\$412	2 (4 x 4)	32
40	1327 State Street	Arlington Café	19,779	3	4	\$309	3 x 12	36
41								
42				166	369	\$ 35,672		4682
43								
44								

\* = site exceeds 40' in length

Attachment 3



## CITY OF SANTA BARBARA

## Public Works Department

*Interoffice Memorandum*

**DATE:** June 9, 2004  
**TO:** James L. Armstrong, City Administrator  
**FROM:** Pat Kelly, Assistant Public Works Director/City Engineer  
**SUBJECT:** OUTDOOR DINING RENTS

As requested, here is a table showing the various increases in Outdoor Dining rents.

Year	Fee Resolution No.	Amount	Comment
1993	93-079	None set	
1994	94-	None set	
1995	95-065	\$50/chair	
1996	96-080	\$100/chair	
1997	97-057	\$100/chair	
1998	98-068	\$103/chair	plus 3%
1999	99-058	\$103/chair	
2000	00-018	\$103/chair	
2001	01-073	\$107/chair	plus 3%
2002	02-080	\$110/chair	plus 3%
2003	03-058	\$132/chair	plus 20% per Comm. Dev. recommd.*
2004	04-048	\$152/chair	plus 15% " " " "

\* All Land Development fees raised 20%, per cost-recovery consultant.

Should you have any questions, please call Dave Evans, Real Property Agent, at ext. 5449.

Cc: Tony Nisich, Public Works Director  
 Bill McTomney, Administrative Officer  
 John Ewasiuk, Principal Civil Engineer  
 Loree Cole, Supervising Civil Engineer



## **Outdoor Dining Fee Related Background**

The Outdoor Dining Program (Program) was established in 1993 by Council on a trial basis during an economic recession. It was viewed as a way to enhance the City's pedestrian friendly ambiance and to stimulate the downtown economy. Initially no rents were charged and there were few regulations in order to determine the level of interest by potential Program participants. The Program became popular and as it evolved City review boards and Council approved criteria related to Program eligibility, design and operating standards, enforcement and pedestrian clearances.

In May 1995 Council adopted a resolution to charge rent in the amount of \$50/chair/year in order to cover staff time spent on administrating and enforcing the Program. A flat-fee annual per chair charge was recommended by staff to minimize Program monitoring for rent collection, and to make enforcement easy, by simply counting chairs, staff could determine compliance with the operator's approved site plan and rental payment.

By June 1997, with full Program implementation, more rigorous enforcement was necessary to maintain control over the Program. In order to pay for the additional required staff time the rents were doubled to \$100/chair/year. Even with this increase, rent was then acknowledged to be "discounted" from indoor fair market rent because public sidewalk space did not appear comparable to indoor space due to vagaries of weather, non-exclusive use, potential interruption by utilities and the requirement to close down for parades. The Program has historically run on cost recovery basis.

On March 24, 2000 staff presented a Council Agenda Report (CAR) to Council entitled Outdoor Dining Program – Heaters and Fees. While the majority of the CAR pertained to information related to heaters, a portion of the report also presented outdoor dining program rent options for Council to consider including "fair market rent". At that time staff reported that "A change to reflect "market value" is difficult to compare clearly and may create controversy, especially when applying a rate uniformly when rental rates are not uniform throughout the City". Subsequently staff recommended against the "fair market rent" approach and Council then agreed. The rent per square footage approach was then viewed as being "too staff intensive to manage".

# Outdoor Dining Rent Discussion



## Today's Requested Action by Council

- Council may choose to leave the rent methodology as is
- If changes are desired, Council direct staff to work with Finance Committee to formulate recommendations for inclusion in the next budget cycle

## Outdoor Dining Rent

- Rent Discussions evolved from May 20, 2005 Budget Council Meeting
- Consideration of rent methodology alternatives

## Two Primary Methodology Alternatives

- “Cost Recovery” alternative
- “Market Value” alternative

# Outdoor Dining Background

- The Outdoor Dining Program was initially established in 1993









## Outdoor Dining Background

- No rent was charged in 1993 & 1994
- In 1995 rent established on “Cost Recovery” methodology basis
- Alternative methodologies then considered
  - Same rent as indoor rent
  - One rent for State Street, another for the rest
  - “Fair Market” Valuation

## Background (continued)

- From 1995 to 2004 rent increased from \$50 to \$152 per chair per year
- No rent increases in FY 05 & 06 budgets
- Program popularity and Program efficiencies resulted in increased revenues

## Background (continued)

- 2004 revenue was \$48,546
- 2005 revenue was \$54,407
- Anticipated 2006 revenue is approximately \$68,000

## Current “Cost Recovery” Methodology

- Current rent is \$152/chair/year
- When equated to a sq. ft. rate the Program average is approximately \$1.20/sq.ft.
- Currently larger operators generally pay less per sq. ft. than smaller operators

## “Fair Market” Valuation Methodology

- Detailed analysis and labor intensive
- Significant staff resources required to administrate
- Not recommended

## Market Valuation Method

- Local appraiser's estimated indoor square footage for City blocks, or areas, would establish outdoor rental rates.
- Outdoor dining spaces generally lease for approx. 50% of adjacent indoor spaces
- "Level playing field"

## Key Methodology Issues

- Market valuation set at 50% of indoor valuation could result in significant rent increases for large operators
- Market Valuation could possibly increase revenues from \$68,000 to approx. \$100,000
- Appropriate staff time necessary to administrate and enforce the Program

## Conclusion

### Requested Action by Council

- Council may choose to leave the rent methodology as is
- If changes are desired, Council direct staff to work with Finance Committee to formulate recommendations for inclusion in the next budget cycle



# Questions?



**From:** [Anna Marie Gott](#)  
**To:** [SSAC Secretary](#)  
**Subject:** RE: 3 A - State Street Master Plan (Benches)  
**Date:** Monday, August 15, 2022 2:38:03 AM  
**Attachments:** [REDACTED]

You don't often get email from [anna.marie.gott@gmail.com](mailto:anna.marie.gott@gmail.com). [Learn why this is important](#)

EXTERNAL

Dear Board Members,

I would like to bring to attention the **removal of almost all of the benches (since March of 2019) which were sited on State Street for the "State Street Sidewalk Improvement Project"** and note that almost all resting areas (benches) have been removed and replaced either with empty places where benches use to be or with paid seating which is only available to restaurant patrons on State Street. - The practice of removing free seating in the public right of way accelerated during the pandemic.

For instance, in 2015 Marck Aguilar gave a presentation to the Historic Landmarks Commission (HLC) on the status of the State Street Bench because the HLC was concerned about the removal of some of the benches. At that time he noted that 129 approved bench locations remained and that only 4 benches locations had been removed by the HLC. However, at the time he could only locate **105 benches in April of 2015**. - This means that City Staff or the property owners had removed 19 benches.

In 2017 Bob Cunningham wrote the attached letter about his concerns related to the removal of the State Street Benches. At the time he stated that **137 benches were originally approved for the "State Street Sidewalk Improvement Project"** and not the 129 Mark noted. - Bob should know since he helped design the project. - This meant that 44 had been removed.

Using Google Street View to identify benches that still remained **as of March of 2019** and using Marck's spreadsheet, I noted that of the original 129 locations that Marck noted, less the 4 bench locations removed by the HLC, that there were only **39 benches in March of 2019** on State Street. - This is a full year before the pandemic and the likely removal of most if not all benches.

Using Bob's contention that 137 original bench locations were approved it would mean that **98 benches were removed by March of 2019. - This was entirely unpermitted.**

So, what does this mean? That City Staff or property owners removed a huge number of the State Street Benches which left pedestrians with no spaces to rest in a corridor that was designed to have resting locations due to its length.

In my opinion, **State Street is in dire need of free seating** and these locations, which were specifically designed during the "State Street Sidewalk Improvement Project" by the HLC, need to return. **I hope that the lack of public seating is considered in the State Street Master Plan and this issue is not forgotten in the discussion.**

Thank you,

A



Historic Landmarks Commission  
City of Santa Barbara

May 16, 2017

Members of the Historic Landmarks Commission:

I have recently conducted an on-site count of benches on the 400-1200 blocks of State Street in order to bring to your attention the removal of public seating on our main commercial corridor. With few exceptions, the approval of your Commission was not obtained before the removals occurred.

Following is an inventory of benches originally installed versus the existing inventory:

Block	Originally Installed	Remaining
1200 block	16	9
1100 block	7	5
1000 block	19	14
900 block	23	18
800 block	17	12
700 block	26	15
600 block	17	13
500 block	6	2
400 block	6	5

Altogether, 44 benches have been removed from an original total of 137 for a net reduction of 44, or 33%.

As I assisted the Downtown Organization with an application to remove three benches at 825 State Street, as well as the effort to relocate the "Crescent Crossing" bench at the

mid-block of the 600 block, I am aware that four of the total number were removed with official permission. To the best of my knowledge, the remaining missing benches were removed without authorization of the HLC. If correct, this means 40 benches have been removed without permission.

The State Street Sidewalk Improvement Project, completed over four phases, was reviewed and approved by the HLC, and no changes to the design should have occurred without the concurrence of the HLC.

The reasoning behind inclusion of public seating in the project was a focus on the comfort and convenience of the users. The users included, essentially, everyone who uses the sidewalks.

This meant downtown shoppers, which is a very large group that can be broken into categories:

- Companions of shoppers preferring to wait outside stores
- Elderly people, families, disabled people needing a rest
- People who bought ice cream, yogurt, smoothies, or any other snacks, in need of a place to sit and enjoy
- People awaiting the shuttle
- People awaiting a ride from a friend or cab
- People waiting for tables in busy restaurants
- People waiting to meet friends
- People who just want to sit down

The State Street projects were designed for the comfort and enjoyment of the users. The seating was designed in conjunction with the layout of the pedestrian path and the landscaping. Benches were placed in locations where they would not impede the flow of pedestrian traffic. Whatever the reasons for their removals, their absence from the sidewalk space results in lack of an integral amenity that complements the other amenities. Their absence also signals to users - residents and visitors alike - that their comfort and enjoyment are not important.

I urge you to do everything in your power to cause the restoration of public seating, as a significant integral feature of the design of the State Street Plaza.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Cunningham". The signature is stylized and cursive, with a long horizontal stroke at the end.

Bob Cunningham, ASLA

Addr #	Fronting Business Name	Benches # on plans	# Missing 4/6/15	Benches # on 4/6/15	# Missing on 3/2019	Benches # on 3/2019	Notes
1230	<b>Brasil Arts Café</b>	2	-1	1	-2	0	Vandalized beyond repair. Risk Mgmt working to recover (per P&R staff).
1227		1	0	1	0	1	
1226		2	0	2	0	2	
1221		0	1	1	1	1	Added bench (does not appear on construction plans)
1213	McDonalds	1	-1	0	-1	0	Removed 2012: City Administrator direction, PBW2012-00779, HLC Admin
1210	<b>Granada Theater</b>	3	-3	0	-3	0	Missing 3 benches
1208	<b>The Good Lion</b>	3	-1	2	-3	0	Missing bench
1207		2	0	2	0	2	
1201	<b>(formerly State &amp; A)</b>	1	-1	0	-1	0	Missing bench /Likely removed per City Administrator c.2009 (?)
1137	<b>Old Navy</b>	1	1	2	-1	0	Added bench, relocated from kiosk at 1129
1129		1	-1	0	-1	0	Bench moved to 1137 to accommodate kiosk
1125		1	-1	0	-1	0	Appears to not have been installed due to utility meters.
1117	<b>(Impact Hub)</b>	1	0	1	-1	0	(BAR PATIO PERMITTED OUTDOOR DINING)
1105	Tienda Ho	2	0	2	0	2	
1030		2	0	2	0	2	
1029		5	0	5	-5	0	
1028		1	0	1	0	1	
1026		1	0	1	0	1	
1023	<b>K. Frank</b>	3	-1	2	-2	1	(Absent since 2009)
1017	<b>Lilac Patisserie</b>	2	-2	0	-1	1	Formerly "Beads of the Earth" (Absent since 2009)
1014		1	0	1	0	1	
1013		1	0	1	0	1	Saks circular fountain (dry) serves as bench at bus stop.
1012		2	0	2	-2	0	
1001	<b>Amazon</b>	1	0	1	0	1	Sandstone bench
931	<b>L F Store</b>	2	0	2	-2	0	
930	<b>Prop Deco</b>	1	0	1	-1	0	
928	<b>Apple Store</b>	1	0	1	-1	0	
927		1	0	1	0	1	
923		1	0	1	0	1	
922	<b>Namaste</b>	1	0	1	-1	0	
916	Metro Theater	6	0	6	-6	0	
903		3	-1	2	-3	0	Appears to not have been installed due to utility meters.
900	<b>Marshals</b>	4	0	4	-4	0	
834		2	0	2	0	2	
827	<b>H&amp;M</b>	4	0	4	-4	0	
825	Rite Aid	3	-3	0	-3	0	HLC approved removal, Jan 28, 2015
821	Sur la Table	1	-1	0	-1	0	HLC approved removal, Jan 28, 2015
812		2	0	2	-2	0	
811		1	0	1	0	1	
800		2	0	2	-2	0	
740	Salt, LuluLemon	2	0	2	0	2	
737		1	0	1	0	1	
736	<b>738 State St, Kia Sushi</b>	1	0	1	0	1	Found at 738 State St, Kia Sushi

735		2	0	2	0	2	
Addr #	Fronting Business Name	Benches # on plans	# Missing 4/6/15	Benches # on 4/6/15	# Missing on 3/2019	Benches # on 3/2019	Notes
732		1	0	1	-1	0	
728	McConnel's (formerly Java	1	-1	0	-1	0	Removed at City Administrator direction, c. 2009-10
727	Pascucci	5	-2	3	-4	1	Removed at City Administrator direction, c. 2009-10
726	Supercuts	1	-1	0	-1	0	Removed at City Administrator direction, c. 2009-10
721		1	0	1	-1		
720	Blenders	1	-1	0	-1	0	Removed at City Administrator direction, c. 2009-10
718	(vacant)	1	-1	0	-1	0	Removed at City Administrator direction, c. 2010 (adjacent to Blenders).PBW 2009-0111, relocate to 710 State St.
717	<b>717 &amp; 719</b>	3	0	3	0	3	
716	MAC	1	0	1	-1	0	
714	Lolè (formerly Piranha)	1	-1	0	-1	0	Removed at City Administrator direction, c. 2009-10 (near to Blenders)
706	708 State ST	1	0	1	0	1	
701	706 Antique Alley	1	0	1	0	1	
700	7-Eleven	1	0	1	0	1	
634		1	0	1	-1	0	Refurbished
628		2	0	2	-2	0	Crescent Crossing , brick bench(es)
625		2	0	2	-2	0	
623		2	0	2	-2	0	
620		1	0	1	-1	0	
616		4	0	4	-2	2	Note: Dry fountain also utilized as bench.
610	World Market	2	0	2	0	2	
607	Night Lizzard	1	0	1	-1	0	
601	Formaly Arron Brothers	2	0	2	-2	0	
530		2	0	2	-2	0	
529		1	0	1	-1	0	
509		1	-1	0	-1	0	Does not appear to have been installed, conflict with pull box.
505		1	0	1	-1	0	
504	<b>Coldstone Creamery</b>	1	-1	0	-1	0	Missing
431		1	0	1	-1	0	
430		1	0	1	-1	0	
424		1	0	1	-1	0	
413		1	0	1	-1	0	
411		1	0	1	-1	0	
410	Staples	1	0	1	-1	0	
<b>Total</b>		<b>129</b>	<b>-24</b>	<b>105</b>	<b>-90</b>	<b>39</b>	

	Total Approved	Missing by 2015	Remaining by 2015	Missing by 2019	Remaining by 2019	
<b>Grand Total</b>	<b>129</b>	<b>-24</b>	<b>105</b>	<b>-90</b>	<b>39</b>	9 benches removed at direction of City Administrator, 1 destroyed by vandals (1230) & to be replaced, 4 removed on 800 blk (Rite Aid) approved by HLC, 3 not installed due to conflicts with utilities.

Bench Inventory 4/6/2015 by M. Aguilar.

Bench Inventory 10/18/2020 by Anna Marie Gott using Google Street View.



**From:** [Derek & Barbara Hanley](#)  
**To:** [SSAC Secretary](#)  
**Subject:** Fwd: Advisory Committee Agenda August 15, 2022.  
**Date:** Monday, August 15, 2022 8:52:48 AM

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You don't often get email from derekbarb55@gmail.com. [Learn why this is important](#)

**EXTERNAL**

----- Forwarded message -----

**From:** **Derek & Barbara Hanley** <[derekbarb55@gmail.com](mailto:derekbarb55@gmail.com)>  
**Date:** Mon, Aug 15, 2022, 8:27 AM  
**Subject:** Advisory Committee Agenda August 15, 2022.

Forwarded because of error in email address.

Please consider my request to deny the use of electric motorized vehicles, such as Electric Bicycles, Electric Scooters and Electric Pedicabs within the pedestrian walking precinct under discussion. An exception would be made only for Electric wheelchairs for disabled people.

In order to support my request, please consider the facts that most Electric Bicycles and scooters have a speed capability of 20mph and some EV bikes can go up to 30mph.

If you then calculate both the momentum and the Kinetic energy impact of one of these vehicles weighing 45lbs with a rider weighing 135lbs striking a pedestrian at 15 miles per hour the dangers will become obvious.

A Kinetic Energy impact of between 18 Joules and 100 Joules can cause a skull fracture depending on the angle and place of impact. A Kinetic Energy impact of 400 Joules can break a leg.

In the example above, the bike striking a pedestrian at 15mph would deliver a Kinetic Energy impact of about 850 Joules.

As we have known for years pedestrians and propelled wheel vehicles are a dangerous mix. Which is why most wheeled vehicles are not normally permitted on sidewalks.

Thank you,

Derek Hanley  
805-845-9334  
340 Old Mill Road, 213  
Santa Barbara CA 93110

**From:** [BONNIE DONOVAN](#)  
**To:** [SSAC Secretary](#)  
**Subject:** RE: Advisory Committee Agenda August 15, 2022.  
**Date:** Monday, August 15, 2022 9:32:25 AM

---

EXTERNAL

She forwarded this to me, when it came back not a good address she sent to council

## E Bikes on State Street

[Christel Barros](mailto:christelbarros@gmail.com)<[christelbarros@gmail.com](mailto:christelbarros@gmail.com)>

8:44 AM

To [Holly Perea City SB Sarah Gorman Executive Assistant To Mayor& City Council](#) Copy [Bonnie Donovan](#)

- [Quick reply](#)
- [Reply all](#)
- [Forward](#)
- [Delete](#)
- [Actions](#)

Dear Mayor and City Council,

It seems we should ban E Bikes on State Street as they pose a real safety hazard.

That's my opinion, for what it's worth.

Chris Barros

895-722-2957

Sent from my iPhone

On August 15, 2022 at 9:24 AM SSAC Secretary  
<[ssacsecretary@SantaBarbaraCA.gov](mailto:ssacsecretary@SantaBarbaraCA.gov)> wrote:

I have not received anything from Chris Barros. Thank you!



**Greta Walters**

*Administrative Assistant*

CITY OF SANTA BARBARA, Community Development

(805) 564-5502 | [gwalters@SantaBarbaraCA.gov](mailto:gwalters@SantaBarbaraCA.gov)

[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)

**From:** [BONNIE DONOVAN](#)  
**To:** [SSAC Secretary](#)  
**Subject:** State Street  
**Date:** Monday, August 15, 2022 8:09:03 AM

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EXTERNAL

To the Board and new consultant:

Please be aware of the new State Law, that if you allow Electric Bicycles you must allow Electric Pedicabs.

Electric bicycles can travel at speeds up to 30 MPH, is that a good combo with pedestrians?

Multiple people have contacted us regarding near misses, especially elderly people. You must protect all of us. Who is responsible when a pedestrian is injured?

Even though you have closed State Street the intersections have traffic/pedestrian laws, (you must stop for red lights). The bicyclist especially thinks they don't have to stop and continue through the red light.

The City has taken away lanes of vehicle traffic on Bath, Castillo, and now De La Vina for bicyclists so there is no excuse that they need a north-south route to the downtown.

Thank You

Bonnie Donovan

**From:** [Info](#)  
**To:** [Greta Walters](#); [Krystal Vaughn](#); [SSAC Secretary](#)  
**Subject:** FW: General Info & Assistance - New Submission  
**Date:** Monday, August 8, 2022 10:01:39 AM

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**From:** SeamlessDocs <noreply@seamlessdocs.com>  
**Sent:** Sunday, August 7, 2022 9:36 AM  
**To:** Info <Info@SantaBarbaraCA.gov>  
**Subject:** General Info & Assistance - New Submission

EXTERNAL



## New Submission

A new submission was received for the form below. Log into your Submission Manager to review and process it.

---

<b>Form name</b>	General Information and Assistance Form
------------------	---

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### Submission Details:

**Full Name**

**First Name**

Brad

**Last Name**

Emerson

**Full Address**

**Street Address**

106 Cedar Lane

**City**

Santa Barbara

**State**

CA

**Zip**

93108

**Phone Number**

805.217.7223

**Email**

[brademerson@vanguardcredit.com](mailto:brademerson@vanguardcredit.com)

**Comments and Questions**

I am not sure who to direct my comment to, so I apologize for that. I just want to express that I think the parklets around our city are terrible, unsafe eyesores. My opinion is that they should be removed as soon as possible.