



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 28, 2022

TO: Mayor and Councilmembers

FROM: Public Works Downtown Team Division, Public Works Department

SUBJECT: Downtown State Street Interim Operations Update

RECOMMENDATION: That Council:

- A. Receive an update report on State Street Interim Operations since the Economic Recovery Extension and Transition Ordinance was adopted in February 2022;
- B. Direct Staff regarding resumption of parades;
- C. Direct Staff regarding if and when State Street Promenade Businesses with in-street outdoor facilities, including the businesses located on the 400 and 1300 blocks of State Street shall be in portable configurations; and
- D. Direct staff to return with recommendations for revisions to the guidelines for outdoor business facilities on the State Street Promenade and the 400 and 1300 blocks of State Street including charging a usage fee ("rent") for the privilege of placing outdoor business facilities, design standards, and frontage limitations.

EXECUTIVE SUMMARY:

The City responded quickly to the pandemic and public health orders restricting business operations by allowing businesses to expand their operations outdoors and closing portions of City streets. These actions saved many businesses and hundreds of jobs. The closure of downtown State Street and creation of parklets have been embraced by the community and added new vibrancy to the downtown.

The Public Works Department is responsible for managing the ongoing operations of the State Street Promenade (Promenade), with the advisement of the State Street Interim Operations Ad Hoc Committee (Committee). Since receiving Council direction in January 2022, staff has redirected resources to implement and enforce the Economic Recovery Extension and Transition Ordinance (ERETO), working with stakeholders, and addressing community needs and interests. This report covers: 1) ERETO implementation status; 2) State Street Interim Operations (SSIO) recommendations and possible future action items; 3) Upcoming issues from the ongoing policy process, 4)

American Rescue Plan Act (ARPA)-funded decorative lighting along the Promenade and on-street deep cleaning, and 5) overview of staffing constraints.

The Committee foresees that the Promenade on-street business facilities remain until permanent changes are made from the State Street Master Plan effort.

The Committee also provided initial feedback on installation of decorative lighting enhancements for the promenade and advised against a one-way traffic pilot on the 700-900 blocks of State Street.

The Committee is currently reviewing aesthetic requirements for on-street business facilities, fees for use of the City of Santa Barbara's (City's) public right-of-way, and size limitations of in-street business operations (business frontage and/or beyond) and staff requests direction on when to return to full Council with recommendations for these topics.

DISCUSSION:

Santa Barbara was one of many cities to close streets and allow businesses to operate outdoors in response to the pandemic and public health orders restricting indoor business activities. Santa Barbara was an early adopter of this policy and did not require any application or permit process for businesses to follow to establish their outdoor business facilities or parklets. Both residents and visitors have been enthusiastic about the creation of the interim State Street Promenade, and the outdoor business facilities have added a new vibrancy to downtown and other commercial areas.

ERETO Implementation

Background

On January 25, 2022, City Council adopted ERETO, which authorized the continued closure of State Street between Haley and Victoria Streets to motor vehicles, allowed businesses to expand outdoors on public streets, on-street parking spaces, and private property until December 31, 2023. The ERETO also established a 20-foot wide fire and emergency vehicle access lane within the closed portion of State Street. The 22-month extension and transition period allows businesses to continue to operate expanded outdoor business facilities and parklets Citywide, while permanent regulatory changes and the State Street Master Plan are in development.

Compliance with the 20-foot Fire and Emergency Vehicle Access Lane

In February and March 2022, staff worked closely with the Promenade businesses with outdoor facilities in the street to achieve compliance with the 20-foot fire lane requirement by the March 8, 2022 deadline. Staff conducted final inspections on March 9, 2022, and confirmed nearly one hundred percent compliance with the 20-foot fire lane requirement. The City Attorney's Office notified a few non-compliant businesses of the needed corrections. All but one of the non-compliant businesses corrected their violations. One

business refused to comply and enforcement action commenced. That business remains out of compliance.

Compliance with the Americans with Disabilities Act (ADA)

All outdoor business facilities on the Promenade are required to comply with the ADA, as outlined in the City's *Guide to Operating a Business on the Temporary State Street Promenade*. During February and March 2022, staff provided businesses with information and held in-person meetings, during which staff reviewed the ADA requirements with the businesses and provided ADA compliance checklists. During field reviews, staff confirmed the majority of the businesses were not ADA compliant with respect to dining tables, ramps, and/or height of vertical obstructions. Violations ranged from minor measurement infractions to the absence of any accommodations for disabled customers. Two Certified Access Specialist consultants assisted staff with formal ADA inspections in March, April, and May of 2022. If a business was not compliant, the business received a Notice of Violation and with a date to comply. Businesses failing to comply were given a Notice of Administrative Citation with an updated compliance date. Failure to comply with a second Notice of Administrative Citation will result in suspension of permission to use the public right-of-way and removal of the outdoor business facility.

As of June 6, 2022, 24 businesses operating on the Promenade are in compliance with ADA and 19 business are not in compliance. ADA compliance will continue to be a major staff workload focus through the summer months. Achieving and maintaining ADA compliance has placed a strain on staff resources. The City's Access Advisory Committee (AAC), which advocates for our disability community, has understandably kept the issue of less than full compliance as a point of focus. Representatives of the AAC have spoken at Council meetings, requested more staff resources be applied to ADA compliance and passed a resolution on this issue at their May 20, 2022 meeting. Given the City's budget constraints and staff hiring restrictions, City Staff are investigating continued on-call consultant services for ADA and right-of-way code enforcement.

SSIO Recommendations and Future Action Items

From February through May of 2022, the Committee members and staff attended meetings with members of the Downtown Organization (DO), DO Food and Beverage Committee, the DO property owners group, Chamber of Commerce, and representatives of businesses adjacent to the Promenade, including the 1300 block of State Street and the 00 block of West Victoria Street. Besides fire lane and ADA compliance, meeting attendees asked questions and provided feedback on parades, on-street business portability, Promenade maintenance and cleanliness, on-street dining and retail rents, capital infrastructure projects currently under construction, the Downtown Parking Budget, and the process of the State Street master planning effort.

Based on these discussions, several topics that require additional discussion and action emerged. On May 31, 2022, the Committee met to discuss these topics:

- Parades on State Street;

- Portability;
- Dining Areas that extend beyond storefronts;
- Rent within public right-of-way;
- Lighting enhancement; and
- Promenade - one-way traffic pilot.

Parades on State Street

Council direction is required for, if or when parades should return to State Street. Parade organizers require a long lead-time to plan and prepare for parades, and businesses have requested at least six months of notice to alter their facilities in advance of any required changes.

Public safety officials are not supportive of having outdoor business facilities on State Street while parades are in process. Outdoor dining in the right of way has added an important element of activity and vibrancy to downtown. However, parades on downtown State Street are also an important part of the community. Downtown's public parking supply and wide sidewalks can easily accommodate the large number of attendees. The City is seeking to retain both activities while addressing the public safety issues.

The Committee recommends that parades on State Street return in June 2023, so long as there are no animals or motor driven vehicles included in the parades. City Staff continue to have concerns with outdoor business facilities still in place during any parade or large gathering from an emergency access standpoint and look to Council for final direction.

Portability

The Committee discussed whether to require on-street business facilities be made portable. "Portability" for on-street business facilities and furnishings is defined as: 1) capable of being removed with 24 hours notice; 2) can be removed without mechanized equipment; and 3) can be temporarily anchored for safety and security.

A portability requirement was considered to facilitate the return of parades to State Street, allow for periodic deep cleaning to address concerns with vermin and general health and safety, and to accommodate storm water flows and prevent flooding during large rain events.

Currently, about 17 of the 44 businesses are portable. Many businesses have raised concerns about where they will store their outdoor facilities when removed from the right of way, as most of the businesses cannot accommodate onsite storage. Businesses have also stated concerns about incurring additional costs for the removal or modification of existing outdoor dining platforms, purchase of new improvements to comply with portability standards, and the costs of storage and removal.

The Committee does not recommend requiring existing facilities to be made portable and seeks further direction from full Council.

Expansion of Dining Areas Beyond Storefronts

There are concerns regarding the equity of allowing businesses to expand outdoors and in some instances well beyond the width of their storefront. The businesses that are located on closed streets such as the Promenade have had greater opportunity to expand outdoors, in some cases expanding their business facilities wider than their business storefront. Businesses on the 500 block of State Street are immediately adjacent to other restaurants and bars; therefore, most of these facilities are limited to their storefront width only, whereas businesses on other blocks of the Promenade are not immediately adjacent to other restaurants and bars and have the ability, with the adjacent business' permission, to go beyond their storefront. If a business is located off the Promenade, the business is subject to the City's Temporary Parklet Guidelines that limits businesses to their storefront and limits parklet depth to six feet, which is much smaller than the majority of the Promenade businesses with outdoor facilities.

Due to these inconsistencies in how businesses have expanded into the right of way, the Committee is evaluating whether to limit the width of outdoor business facilities to the width of their business storefront. The Committee is also evaluating whether to allow businesses to expand up to double the width of their storefront if the City charges premium rents for the areas that extend beyond the business store frontage.

Rent Within the Public Right-of-Way (On-Street Area Only)

The Committee and staff have heard from businesses and the community that the City should charged usage fees ("rent") for the privilege of using City right-of-way for outdoor business facilities. The Committee is evaluating how fees should be structured and the amount. Rent could be charged on a square foot basis, with the potential of charging a higher rent amount for the area that is wider then their business storefront. At a minimum, staff recommends that rent be sufficient to cover in-street cleaning costs and staff time for program administration. The Committee is still weighing in on different options before a final recommendation is made.

State Street Promenade - One-Way Traffic Pilot

Staff evaluated introducing one-way vehicular traffic back to the 700-900 Blocks of State Street (Ortega to Carrillo Streets) for the purpose of activating the street, as these blocks are more dominated by retail and have little activity, especially in the evening hours; and to allow through traffic to and from De La Guerra Street. Attached is the draft layout of the one-way vehicular pilot. The draft concept included: a northbound vehicular lane; a parking lane; two-way bicycle lanes with a physical separation from the vehicular lane with flex post delineators (similar to Cota Street); and k-rail end treatments similar to Haley/State Street Intersection at the Ortega/State and Carrillo/State Street Intersections. The pilot concept would cost an estimated \$130,000 to implement. The Police and Fire

Departments evaluated the pilot concept. Both departments had concerns regarding safety.

Upon review of the one-way vehicle pilot concept, the Committee recommended against moving forward with the pilot. The Committee does support other ways to activate the Promenade. The Executive Director of the DO inquired with staff about activating the Promenade and De La Guerra Plaza. While a formal event application has not been submitted, staff anticipates the DO or other community organizations will propose small pop up events in the right-of-way. There is a City process for temporary events in the right-of-way and applicable staff from multiple departments would review for compliance with City regulations.

Future Action Items

As discussed above, the Committee will provide recommendations on the size of dining areas (expansion beyond the storefronts) and rent within City right-of-way. The Committee will also consider whether to develop aesthetic requirements for outdoor business facilities, including type of platform, enclosure materials, furniture, decorative lighting, overhead elements, signage, use of televisions, screens, and projectors, and amplified sound.

ARPA Funding Implementation Status for Decorative Lighting and Cleaning

On March 8, 2022, City Council allocated \$350,000 in ARPA funds to Downtown Parking to pay for deep cleaning of the Promenade and enhanced decorative lighting.

Decorative Lighting

Council directed \$50,000 in ARPA funds go to additional decorative lighting along the Promenade. Currently there is decorative lighting horizontally across the Promenade intersections and mid-blocks. Staff conducted a nighttime field review and made a recommendation for 39 additional strings of horizontal lights spanning State Street between the 400 and 1300 blocks of State Street including some of the 00 blocks to the west and east of State Street. The Committee supported staff recommendations. The cost of the additional lighting and infrastructure needed to hang the lights is about \$75,000. There is enough funding from the Downtown Parking Measure C fund to cover the additional \$25,000.

In Street Deep Cleaning

Council directed \$300,000 in ARPA funds go to quarterly in street deep cleaning of the Promenade. The initial deep cleaning is anticipated to occur in August 2022. Since the majority of the businesses are not portable, crews will be required to work around the dining facilities.

Continued Staffing Constraints

As discussed during the Fiscal Year (FY) 2023 Public Works Budget Presentation, opening the Promenade in May 2020 was a major change to the PW Downton Division's workload, and resulted in the shift of many workload priorities without additional staff. Staff resources have also committed to meeting with businesses to discuss various interim operations issues, and working on the State Street Master Planning effort.

Code enforcement of the Promenade is limited. Enforcement related to parklets located outside of the Promenade is still on hold pending staff availability. Staff is evaluating the feasibility of contractor support.

BUDGET/FINANCIAL INFORMATION:

The financial impact to the City from the proposed actions is still being determined. Staff will return to Council as prescribed above with additional information on the financial impacts to the City, to include recommendations for use of public right of way rental income to offset City costs.

ATTACHMENT: State Street Promenade - One-Way Traffic Pilot Concept Plan

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APPROVED BY: City Administrator's Office