



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 22, 2021

**TO:** Mayor and Councilmembers

**FROM:** Transportation Planning & Downtown Parking Division, Public Works Department

**SUBJECT:** Updates To Guidelines For Business Operations On The State Street Promenade And Citywide Parklets

**RECOMMENDATION:** That Council:

- A. Ratify updated Guidelines for Citywide Parklets and the State Street Promenade applicable to all existing and new parklets and outdoor business areas, for the duration of Emergency Economic Recovery Ordinances Nos. 5944, 5963, and 5993; and
- B. Provide input to staff on whether to require modification of existing outdoor business enclosures to comply with design guidelines developed in cooperation with a member of the Historic Landmarks Commission and the some members of the Santa Barbara Chapter of the American Institute of Architects.

### **EXECUTIVE SUMMARY:**

In response to the COVID-19 pandemic, the Council adopted an Emergency Economic Recovery Ordinance (EERO) in May 2020 to allow temporary outdoor business activities on private property and in the public right-of-way to help businesses throughout the City reopen, recover, and survive. The City then issued guidelines governing the use of parklets citywide and outdoor business operations on State Street and on private property. City Council recently extended the EERO to March of 2022.

While outdoor dining has provided a draw, some business have not benefited as much from the closure of the State Street, addition of outdoor business enclosures on State Street, and narrowing of the sidewalks for shoppers due to the expanded outdoor dining areas. Also, most of the outdoor business enclosures on State Street and Citywide parklets were constructed quickly and intended for temporary use. Most of these enclosures do not comport with Santa Barbara-style aesthetics and the updated design guidelines. Staff propose to prohibit the construction of any new enclosures and parklets, and seeks input on requiring modification of existing enclosures, given that they will now be in place until March 2022.

After over a year of public health orders resulting in the closure or restriction of business activities, business restrictions have relaxed and full-capacity operations for many businesses have resumed. Staff are recommending changes to the guidelines to address access, aesthetics, and safety issues, and seeks input from Council on addressing the existing temporary outdoor business expansion program on State Street and the parklet program where outdoor business activities are occurring in the public right-of-way (including Coast Village Road).

## **DISCUSSION:**

### **Background**

Since reaching Santa Barbara County in March of 2020, the COVID-19 pandemic has caused unprecedented social and economic disruption. Public health orders required most businesses to close or significantly reduce indoor operations, threatening their economic viability. As public health orders allowed, City Council and staff worked quickly to enable the rapid reopening and recovery of these businesses by allowing outdoor business operations.

On May 19, 2020, Council authorized the City Administrator, as the Director of Emergency Services, to utilize his emergency authority to temporarily close portions of public streets and parking to motor vehicle use to allow businesses to expand operations into the public right-of-way (sidewalks and streets) and on private property to enable outdoor business operations in compliance with public health directives. On May 22, 2020, the City Administrator issued a proclamation temporarily closing the 500 to 1300 blocks of State Street to motor vehicle traffic and suspending the licensing requirements for outdoor dining operations.

Staff developed parklet and outdoor business guidelines to assist businesses with safe re-opening in the public right of way and on private property. Three sets of guidelines were published and have been revised periodically: the *Guide to Operating a Business on State Street* (Attachment #1), which governs business expansions onto the sidewalks and on the closed portion of State Street; the *Parklet Guidelines* (Attachment #2), which govern the expansion of businesses into the parking lane of all other City streets, and the *Guide to Temporary Outdoor Dining on Private Property* (Attachment #3). For clarity, the term parklet refers only to structures and features placed in a parking lanes on City streets other than the closed portion of State Street and W. Victoria Street.

On May 27, 2020, Council ratified the City Administrator's proclamation by adopting Ordinance No. 5944 (EERO). The initial term of the EERO was for four months. In August 2020, Council adopted Ordinance No. 5963 extending the EERO to March 8, 2020. In February 2021 the Council adopted Ordinance No. 5993, allowing outdoor business operations in the right of way to continue until March 8, 2022. Together, these three ordinances are now collectively considered the EERO. By quickly issuing initial versions of the *Guidelines*, City staff enabled businesses to re-open without delay when public health restrictions were relaxed. As public right-of-way operations were established, the

*Guidelines* were revised and updated to respond to emerging challenges and concerns. A few of the key staff updates of the *Guidelines* are as follows:

- **September 2020** – *Accessibility Requirements* section added to provide specific guidance, in addition to prior ADA compliance requirements, to address gaps from lessons learned and comments/feedback from the Access Advisory Committee and broader community. Added winterization guidelines for overhead enclosures and heating elements along with updated drainage requirements to address storm water in the street.
- **March 2021** – Added Aesthetic Design Guidelines, developed in cooperation with a member of Historic Landmarks Commission and members of the Santa Barbara Chapter of the American Institute of Architects. Indicated that overhead enclosures would be phased out when indoor operations resume at full capacity.

Additionally, in July 2020, the City closed the 00 block of West Victoria Street and the travel lane adjacent to the curb on the 400 block of State Street to allow expansion of outdoor dining and business areas as adjuncts to the State Street Promenade. Recently, as business restrictions are easing and transportation and circulation needs are increasing, the City partially reopened the 00 block of West Victoria with a one-way eastbound traffic lane. The one-lane configuration allows for the continuation of the expanded outdoor dining areas in the roadway. For the duration of the EERO staff will monitor the operation of the one-way eastbound traffic lane on West Victoria Street and the reduced travel lanes on the 400 block of State Street.

### **Continuation of Business Operations in the Right-of-Way**

The EERO is a temporary suspension of the rules and regulations governing outdoor business activities on private property and the temporary use of public right-of-way on the sidewalks and streets. Initial the EERO was anticipated to expire after Labor Day, 2020. The pandemic worsened and the EERO was extended twice, and now is scheduled to expire on March 8, 2022.

Without further council action, upon expiration of the EERO, outdoor business operations in the public right-of-way and unpermitted expansions on private property will end, and all business operations will be subject to zoning and other regulations. At that time, all parklets and outdoor business enclosures in the public right-of-way must be removed. Staff recognize that Council may wish to continue allowing outdoor business uses even after the expiration of the EERO, and staff will return to Council at a later date to seek direction from Council on this matter.

At this time, staff are recommending certain modifications to the guidelines to address access and safety, and are asking for direction on how the State Street outdoor business areas and parklets throughout the City should be managed for the next nine months as businesses are allowed to resume indoor operations and COVID-19-related restrictions continue to relax. Staff have received input from people concerned for equity of access

for all people, impacts to retail businesses, and balancing the use of the right-of-way with Santa Barbara's high aesthetic standards. Issues that have been raised include:

- Maintaining adequate sidewalk space to allow passage for all.
- Requiring more space on the sidewalks to encourage pedestrian use and resultant higher visibility of retail businesses' indoor operations.
- Maintaining adequate access for emergency vehicles.
- Providing more natural separation for bicycles, skateboards, scooters and pedestrians.
- Establishing a more garden-like feel on the street by encouraging or requiring planters.
- Improving the aesthetic quality of the enclosures.
- Removing overhead elements (other than umbrellas), including lighting.
- The ability to resume the use of State Street to host parades.

Based on this input staff are recommending that the Council consider adopting more rigorous guidelines for existing outdoor improvements.

**Recommended *Guidelines* Update Strategy Developed in Response to Stakeholder input:**

In order to improve the safety and accessibility of business operations in the right of way and create a uniform "Santa Barbara-style" aesthetic appropriate for longer-term operations, staff recommends the following phased changes to the *Guidelines*:

Staff Recommended Changes Effective Immediately

- *Guide to Operating a Business on State Street:*
  - No new fixed outdoor business enclosures. All new outdoor dining areas must be created using movable planters, wooden or metal posts connected with thick ropes, as advised by the Aesthetic Design Guidelines developed in cooperation with the Historic Landmarks Committee and the Santa Barbara Chapter of the American Institute of Architects.
  - Require adherence to Aesthetic Design Guidelines for new structures.
- *Parklet Guidelines:* Parklets are those enclosures located on open streets throughout the City, other than on the State Street Promenade and W. Victoria Street.
  - No new construction or installation of parklets in the public right-of-way.

Effective July 9, 2021

- *Guide to Operating a Business on State Street:*
  - Sidewalks on State Street and West Victoria Street must be cleared of all tables and other fixtures that are not part of outdoor dining areas licensed under the City's outdoor dining program that existed prior to the pandemic-related closures. Clear sidewalks will improve accessibility and foot traffic past retail storefronts, and offer better opportunities for separation of

pedestrians and other users, such as bicycles which are not permitted on sidewalks.

- *Parklet Guidelines:*
  - Sidewalks must be cleared of tables and other fixtures that are not part of outdoor dining areas previously licensed under the City's pre-pandemic outdoor dining program.

AIA recommended modifications to existing State Street and Parklets, to be effective July 22, 2021 upon Council advice:

- *Guide to Operating a Business on State Street:*
  - All overhead elements (roofs, canopies, tents, etc.) must be removed. Businesses may use umbrellas to provide shade. Temporary overhead enclosures were allowed to enable businesses to operate in inclement winter weather conditions. However, with the reopening of indoor dining, these elements are no longer necessary during inclement weather as diners can move inside.
  - All existing business enclosures must adhere to the Aesthetic Design Guidelines. Business enclosures will be required to paint wood and iron enclosures with approved colors, eliminate plastic patio furniture, and add plantings to screen enclosures. All umbrellas and fabric elements must adhere to approved colors.
  
- *Parklet Guidelines:*
  - All overhead elements (roofs, canopies, tents, etc.) must be removed. Businesses may use umbrellas to provide shade.

As with all previously published *Guidelines*, all future versions of the *Guidelines* will be reviewed and approved by the City Engineer and the Traffic Engineer to ensure safety.

Staff will monitor right-of-way improvements for compliance with the guidelines and pursue enforcement for those that do not comply with the required changes.

**ATTACHMENT(S):** 1. Guide to Operating a Business on State Street  
2. Parklet Guidelines  
3. Guide to Temporary Outdoor Dining on Private Property

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**SUBMITTED BY:** Joshua Haggmark, Acting Public Works Director

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