



CITY OF SANTA BARBARA
PARKS AND RECREATION COMMISSION REPORT

AGENDA DATE: May 22, 2019
TO: Parks and Recreation Commission
FROM: Administration Division
SUBJECT: Proposed Title 15 Amendments and Sidewalk Vending Regulations

RECOMMENDATION:

That the Commission receive a report and discuss the proposed amendments to Title 15 and regulations related to sidewalk vending in response to Senate Bill 946.

DISCUSSION:

This staff report provides the Commission with an overview of proposed amendments to Title 15 Recreation, Beaches and Parks chapters of the City's Municipal Code. The intent of the amendments is to improve park management and maintenance, enhance park safety, discourage misuse, and support productive community park use. The Department is also evaluating expanding the number of parks where alcohol would be prohibited, and working on regulations related to sidewalk vending in response to SB 946.

Title 15 is a section of the City's municipal code containing five chapters that specifically govern allowable and restricted activities in City parks, beaches, and recreation facilities. The Chapters are: 15.05 Management of Recreation, Beaches and Parks; 15.08 Santa Barbara Arts and Crafts Show; 15.16 Public Beaches and Parks; 15.20 Tree Planting and Maintenance; and 15.24 Preservation of Trees. These laws are introduced as ordinances and once adopted by City Council are included in the City's municipal code, allowing the law to be officially enforced.

Chapter 15.16 is the focus of the proposed amendments and would address park hours, adult access to playgrounds, bicycle and shared mobility devices, and barbeques. The Department is currently working with the City Attorney's office to develop draft ordinance amendment language. Proposed amendments require review by the Ordinance Committee and City Council approval.

Proposed Title 15 Amendments

Park Hours

Title 15, Section 15.16.260 *Closing Times* (Attachment 1) of the municipal code states "City park properties shall be closed to public use at 10:00 p.m. and shall remain closed until

sunrise the following day,” with the exception of specific parks as listed. Currently there are 30 parks open from sunrise to 10 p.m. and 19 park facilities open from sunrise to half hour after sunset. The beaches do not have established hours.

Current facilities that close one half hour after sunset include:

- Softball and soccer fields, golf course, and tennis courts unless operating by permit
 - Dwight Murphy Field
 - Cabrillo Ball Field
 - Pershing Park
 - MacKenzie Park
 - Ortega Park
 - Municipal Tennis Center
 - Santa Barbara Golf Club
- Skater’s Point Skate Park- opens at 8:00 a.m.
- Skofield Park
- Franceschi Park
- Hilda Ray Park
- Moreton Bay Fig Tree Park
- Hidden Valley Park
- Honda Valley Park
- Mission Historical Park – excluding the A.C. Memorial Rose Garden
- Douglas Family Preserve
- Oak Park
- Arroyo Burro Open Space
- Stevens Park

The variation in park hours creates confusion for park users, makes enforcement more difficult for the Santa Barbara Police Department, and strains park resources. Moreover, longer park hours, particularly after sunset, increases park misuse and contributes to illegal activities.

The Department proposes that the City establish consistent park, beaches, and recreation area hours of sunrise to sunset. Consistent hours will provide clarity for the public, improve park management and maintenance, and facilitate law enforcement if needed. Use of parks and recreation areas outside regular hours would still be allowed by permit.

To develop the recommended changes, Department staff reviewed park hours established by other agencies in the area including the County of Santa Barbara, cities of Carpinteria, Goleta, Lompoc, Solvang, Buellton, and Santa Maria. All close at sunset, dusk, or half hour after sunset. The proposed changes would be consistent with other park agencies. An exception would still be in effect by permit for special events, recreational activities, and rentals.

Adult Access to Playgrounds and Aquatic Facilities

The City has 22 playgrounds in its park system. The playgrounds are well loved and well used by young children and their families. In recent years, some of the City park playgrounds have been used by individuals or groups of adults for sleeping, illegal drug and alcohol use, and loitering. Defining adult access to playgrounds is recommended to enhance safety for children and limit loitering in areas designated for minors. The Department proposes restrictions for adults without a minor child from loitering at park playgrounds and outdoor aquatic facilities. Aquatic facilities, including Los Baños, the Oak Park Wading Pool, and the Ortega Park Pool, are also included since they serve children in the summer and on weekends. The restrictions would set a specific distance an adult without a minor child can be from a park playground or outdoor aquatic facility. This would maintain a safe age-appropriate environment for children and provide law enforcement with a tool to address unwanted adult use at these sites.

Other cities have taken steps to designate children play areas. For example the City of Hollywood, Florida, created “Designated Children Play Areas,” that make it unlawful for any adult to enter and remain in a designated Play Area, where signage is posted, unless the adult is supervising and/or accompanying child(ren) who is/are then visiting the Play Area. The ordinance defines an “adult” as anyone over 18 and “children” as persons age 12 or younger. “Play Areas” are defined in the ordinance as: “Any portion of an area within a city park that contains playground equipment for use by children, and has been posted with signs identifying the designated area as a children’s play area.” The Department would propose similar language and parameters.

Bicycles and Shared Mobility Devices

The City Council recently approved a three year pilot program authorizing dockless shared bicycle and mobility within the City. Dockless shared bicycles could be located and rented using GPS-enabled mobile phone applications rather than retrieved from and returned to a specific “docked” location. This, however, could also result in bicycles being left in areas where they do not belong, causing safety concerns or nuisances. An example would be bicycles left on the sidewalk or pedestrian pathway in a park, which creates unsightly clutter and poses a safety problem for people walking.

In response to the proposed program, the City Council adopted an ordinance regulating shared mobility services and devices. The ordinance states: “It is unlawful and a public nuisance for a shared mobility device to be parked or left unattended in the following areas: crosswalks; curb ramps; designated access ways for persons with disabilities; public parks, sidewalks, paseos, or pedestrian pathways except in designated locations or facilities designed for parking of bicycles or scooters”. As a result of the pending dockless bike share and mobility program and ordinance, the Department is evaluating whether to further establish terms/conditions under which bicycle riding would be allowed within park and recreation areas. This would reduce confusion and conflict related to bike use in City parks and limit the impact of managing abandoned bicycles.

Barbeques

Barbeques are not specifically addressed in the current municipal code. The City has ten parks with stationary barbeques. They include Escondido Park, Eastside Park, Hilda Ray Park, La Mesa Park, Oak Park, Ortega Park, Leadbetter Beach Park, Stevens Park, Skofield Park, and Shoreline Park. Due to misuse and high maintenance requirements, the Department is not currently replacing every worn or deteriorated barbeque. Once they become unusable, they generally are removed. Patrons enjoy this amenity when visiting parks and commonly bring their own. The use of portable barbeques have become a concern. Open flames and disposable coals can be a fire hazard, and cause damage and maintenance issues. The Department proposes guidelines that allow portable barbeques in defined picnic areas: be stand alone, enclosed, self-contained units, and be prohibited in specific areas that would pose a safety risk or potential conflict with other park uses.

Use of Alcohol

Chapter 9.05, Section 9.05.010 *Alcoholic Beverages* (Attachment 2) of the municipal code states “public parks, beaches, and recreational facilities designated by resolution are permitted for patrons to possess alcohol.” Although this is not specifically addressed in Title 15 it is applicable by Resolution No. 11-008 (Attachment 3) which specifies 13 parks and facilities, plus all open space parks, are allowed to process alcohol. There are 16 parks and facilities where alcohol is only allowed by permit. Alcohol is prohibited in all remaining locations.

Establishing a consistent alcohol policy for parks would provide clarity for the public and allow law enforcement to respond more effectively when issues arise. The Department is evaluating if it is appropriate to expand the no alcohol policy, except by permit, at other parks and recreation areas where misuse and illegal activity occur on a regular basis.

Sidewalk Vending

Prior to the inception of Senate Bill 946, Safe Sidewalk Vending Act, which became effective January 1, 2019, the City did not permit vending on city sidewalks or in parks. The statute defines sidewalk vendors as persons who sell food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path. A sidewalk vendor can be roaming or stationary. The purpose of SB 946 is to legalize and decriminalize sidewalk vending across the state and promote entrepreneurship. Based on this new law it is permissible to vend statewide; however the existing law does authorize local authorities, by ordinance or resolution, to adopt requirements for public safety regulating any type of vending, and the time, place, and manner of vending.

The bill requires a local authority that elects to adopt a sidewalk vending program to, among other things, not require a sidewalk vendor to operate within specific parts of the

public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns, and not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified. The bill authorizes a local authority to, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending, as specified, if the requirements are directly related to objective health, safety, or welfare concerns. The bill also authorizes a local authority to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority.

It is anticipated that vending could become more prevalent and overwhelm the park system as well as conflict with other park uses. Being proactive and creating parameters through the municipal code would eliminate confusion and curtail potential problems, such as an excessive amount of vendors in a concentrated areas that could disrupt the public's enjoyment and use of park amenities and recreational activities and/or permitted events.

Proposed Regulations

The Department created a detailed outline (Attachment 4) of where it may be most appropriate and restricted to vend in parks within the confines of the legislation. The recommendations are to restrict vending in specific parks due to sensitive habitat and provide broader options at parks that have more suitable accommodations and would not likely interfere with activities and the public's enjoyment of the area.

The Vending Matrix refers to each City park, lists acreage, hours of operation, and limitations that would restrict vending, defines most suitable areas for vending activity, and references sections of the law that would support the decision. For example Eastside Neighborhood Park is a two acre, very developed park, with several features such as reserved picnic areas, a playground, and a community garden. Given these features, there is inadequate space available for vendors to be stationed without adversely affecting use of the park. Therefore, designating a specific area that does not impede recreation enjoyment, permitted activity, or the vendor, is the most reasonable solution.

Through a preliminary review with the City Attorney, it was determined that vending could be prohibited in Alice Keck Park Memorial Garden, Mission Historical Park, and the Andrée Clark Bird Refuge due to the natural/cultural/historical environment of those areas, and the Municipal Golf Course because there is a concessionaire permanently on site. Other concessionaire areas to be further evaluated include the Cabrillo Pavilion and East, West and Leadbetter Beaches.

Specific distances from main park features is also proposed to include: 50 feet from picnic areas, rentable buildings, sensitive habitat/cultural/historical areas, permitted sporting and special events, and from a public street, lane, or thoroughfare adjoining or approaching a public park, facility, or beach (unless permitted); 100 feet from playgrounds; 300 feet from beach shoreline; and minimum 3 feet width from paths, trails,

walkways, and sidewalks. In addition, vending would be prohibited on park benches and in parking lots.

These parameters would provide reasonable accommodations for vending purposes without interfering with the public's use of natural resources, scenic and natural character of the park, recreational opportunities, and health, safety or welfare.

Next Steps

The Department will work with the City Attorney's Office to draft the Title 15 ordinance changes for review by the Ordinance Committee and referral to the City Council for final approval and adoption. Once adopted, ordinance changes would become effective 30 days from adoption.

Sidewalk vending recommendations could either be included in Title 15 in relation to parks and facilities or be a separate citywide ordinance that addresses the subject on a citywide level. The Department will work with the City Attorney to create suitable ordinance language and provide appropriate direction.

- ATTACHMENTS:**
1. Title 15 Chapter 15.16 Public Beaches and Parks;
 2. Chapter 9.05 Consumption of Alcohol in Public Places; and
 3. Resolution No. 11-008 Permitting the Consumption Alcohol in Certain City-Owned Public Areas
 4. Sidewalk Vending Matrix

SUBMITTED BY: Michele Kostenuik, Administrative Analyst

APPROVED BY: Jill E. Zachary, Parks and Recreation Director