

BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

A-10

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Sheriff, Fire, Public
Health, Parks
Department No.: 032, 031, 041, 052
For Agenda Of: October 27, 2009
Placement: Set Hearing
Estimated Tme: 45 minutes on 11/3/09 *Mick*
Continued Item: Yes
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Bill Brown, Sheriff/Coroner 681-4290
Directors Mike Dyer, Fire Chief 681-5507
Daniel Hernandez, Director of Parks 568-2475
Michele Mickiewicz, Interim Director of Public Health 681-5105



SUBJECT: Receive Report on Urgency Ordinance Prohibiting Use of Alcohol on Parks, Beaches, Recreational Areas and Beach Access Ways for Public Safety Purposes in the Community of Isla Vista and Set Hearing for First Reading of Permanent Ordinance Prohibiting Use of Alcohol on Parks, Beaches, Recreational Areas, and Beach Access Ways for Public Safety Purposes in the Community of Isla Vista.

County Counsel Concurrence

As to form: Yes

Other Concurrence:

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing to consider the following:

- a) Receive 6 month update on Urgency ordinance Restricting Use of Alcohol in Certain Parks, Beaches, Access ways and Recreation Areas located in the community of Isla Vista.
- b) Consider the introduction (first reading) of Ordinance Restricting use of Alcohol in Certain Parks, Beaches, Access Ways, and Recreation Areas located in the Community of Isla Vista for November 3, 2009.
- c) Set hearing for December 1, 2009 to consider the adoption (second reading) of Ordinance Restricting use of Alcohol in Certain Parks, Beaches, Access Ways and Recreation Areas Located in the Community of Isla Vista.

Summary Text:

This item was previously before the Board of Supervisors on May 5, 2009. At that time, the Board of Supervisors adopted an urgency ordinance and directed staff to return in 6 months with an update to ascertain impacts, outcomes, and the ongoing need for the ordinance.

On April 4, 2009 in the community of Isla Vista an event known as "Floatopia" occurred. This unsanctioned/ unsponsored event attracted over 12,000 individuals to the community of Isla Vista beaches, parks and beach access ways and resulted in significant impacts to public health and safety, environmental conditions and the overall quality of life. Given the extensive public health and safety issues, the Board of Supervisors enacted an urgency ordinance. As a result of the ordinance, the Flotopia event anticipated in mid May of 2009 did not occur. In addition, as a result of this ordinance, the Santa Barbara County Sheriff Department and Santa Barbara County Park Departments reports reduction in alcohol usage and debris accumulation along Isla Vista beaches, parks, and recreational areas. The ordinance is an effective tool to ensure Public Health & Safety can be maintained and appropriate enforcement can occur when necessary.

Background:

On April 4, 2009 the event known as "Floatopia" occurred in the community of Isla Vista. Based on data collected from Santa Barbara County Sheriff, Fire and Public Health Departments, this event attracted over 12,000 individuals to the community of Isla Vista and had significant public safety, health and environmental impacts to Isla Vista and surrounding region.

The initial data gathered from the aforementioned departments indicated the following:

- 78 citations for alcohol related offenses and public urination
- 13 arrests for throwing bottles from the bluffs at the crowds on the beach, public intoxication, and other alcohol related offense.
- 2 individuals falling from bluff taken to Cottage Trauma Center
- 33 people taken to hospitals for treatment (head injury via thrown bottles, alcohol poisoning, lacerations)

Emergency Medical Services (EMS) transported 20 patients, and Goleta Valley Cottage Hospital treated 33 patients as a direct result of the "Floatopia" event. The normal flow of anticipated EMS calls for this area during this time frame is 4. Most of the calls were for alcohol related incidents, including the two fall calls which required the activation of the trauma team at Santa Barbara Cottage Hospital. The magnitude of this event diverted ambulances away from their designated response locations and required the hospital to call in additional personnel and open overflow areas.

The Fire Department responded to the event with 5 engine companies, the Water Rescue Team, Helicopter 308 with 2 paramedic rescue swimmers on board, and one Battalion Chief. In addition, the Dispatch Duty Officer was fully engaged with this event for 4 hours. Overall, the Fire Department responded to 10 calls for emergency assistance and handled 30 swimmer assists (which involved assisting intoxicated individuals back to shore). In addition, the Water Rescue Team kept privately owned boats and personal watercraft from intruding unsafely close to individuals.

- 12 deputies
- 25 firefighters (5 engine companies)
- Helicopter and jet skis
- Multiple ambulances
- Deputies from other Sheriff Stations and University of California Police Departments
- Goleta and Santa Barbara Cottage Hospital Personnel
- Volunteer Clean up of beaches and access ways (not complete as of this date)

Costs associated with the mobilization of these resources total approximately \$20,000 for the event.

In order to ensure public health and safety of an event of this nature, managing the consumption of alcohol is key. Therefore, on May 5, 2009 an urgency ordinance was adopted by the Board of Supervisors. The ordinance provided for the restriction on the consumption of alcohol in the following specific locations:

On the West, the boundary of the University of California at Santa Barbara ("UCSB") separating unincorporated Isla Vista and UCSB, beginning at the 6885 Del Playa Drive and extending the UCSB boundary to a point 100 yards South of the Mean High Tide Line of the Pacific Ocean;

On the North, the coastal bluffs at the southerly end of the properties fronting Del Playa Drive in the 6500, 6600, 6700 and 6800 blocks;

On the East, the property boundary separating unincorporated Isla Vista and UCSB, beginning at the 6500 block of Del Playa Drive and extending the UCSB boundary to a point 100 yards South of the Mean High Tide Line of the Pacific Ocean;

On the South, a line 100 yards South of the Mean High Tide Line of the Pacific Ocean at that location;

Additionally, the following beach access leading from Del Playa Drive, to the area described above are included:

"Escondido Pass," located between 6773 and 6769 Del Playa Dr.
Unnamed beach access at Camino Del Sur, located between 6697 and 6701 Del Playa Drive

Unnamed beach access at Camino Pescadero, located between 6599 and 6607 Del Playa Drive

Unnamed beach access at El Embarcadero, located between 6551 and 6549 Del Playa Dr.

Unnamed beach access at Camino Majorca, located at Camino Majorca and Del Playa Drive

Section 36-2 (c) of the proposed urgency ordinance also provided for issuance of permits for possession and consumption of alcohol via procedures and criteria established by the County Parks Department. As of the preparation of this report, Santa Barbara County Parks has not issued or received requests for permits in this area since the adoption of the urgency ordinance.

The penalty for violating the provisions of Chapter 36 are as follows:

Sec. 36-5. Penalty.

Any violation of this chapter is an infraction punishable by (a) a fine not exceeding one hundred dollars for a first violation; (b) a fine not exceeding two hundred dollars for the second violation of this chapter within one year; (c) a fine not exceeding five hundred dollars for each additional violation of this same section within one year. (Ord. No. 4055, § 1; Ord. No. 4122, § 1)

The County of Santa Barbara previously instituted restrictions on the use of alcohol in several other recreational venues including all parks within the community of Isla Vista, Butterfly Beach and Hammonds Meadow in the community of Montecito and Orcutt Community Park. Multiple municipalities throughout the State have maintained restrictions or banned the use of alcohol on beaches for a number of years. The municipalities include but are not limited to Laguna Beach, Newport Beach, San Diego, Dana Point, Malibu, Santa Monica, Carpinteria , City of Santa Barbara and Carpinteria State Beach (day use area).

In addition to the public safety concerns inherent with “Floatopia”, agencies and the community at large expressed outrage regarding the amount of trash and other debris impacted the beaches and ocean following the event. While volunteers attempted clean up, as a result of the magnitude of the debris, nominal results were achieved, and much of the waste was swept into the ocean at the first high tide. In addition, while not officially measured, Santa Barbara County Parks staff has seen a reduction in debris along Beaches, Parks and recreation areas of the 6 month term of the urgency ordinance.

Given the ongoing public safety and health issues associated with the consumption of alcohol in the areas noted, as well as the continued opportunity for unsanctioned and unpermitted events of this nature to occur compromising the health and safety of residents and visitors to the area, it is recommended that a regular ordinance pursuing the continued restriction on the consumption of alcohol be enacted.

Performance Measure:

Fiscal and Facilities Impacts:

Not budgeted

This item is not budgeted. Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
General Fund			
Federal			
Fees			
Other:			
Total		\$	-

Staffing Impacts:

Staffing increases are not required to address enforcement and permits associated with the proposed ordinance.

Legal Positions: **FTEs:**

Special Instructions:

Attachments:

Map Ordinance Boundary

Ordinance amending Chapter 36 of the County Code

Authored by:

Terri Nisich, Assistant CEO x 3412 in collaboration with sponsoring departments

CC:

Bill Brown, Sheriff/Coroner

Mike Dyer, Fire Chief

Michele Mickiewicz, Interim Public Health Director

Daniel Hernandez, Parks Director

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS,
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
AMENDING CHAPTER 36 OF THE SANTA BARBARA COUNTY CODE

WHEREAS, on April 4, 2009, in the community of Isla Vista, an event known as "Floatopia" attracted over 12,000 persons to the Isla Vista beaches, parks and beach access ways and resulted in significant adverse impacts to the overall quality of life, environmental conditions and public health and safety of the community; and

WHEREAS, Floatopia is an event centered around the consumption of alcoholic beverages and ocean-related activities such as bathing, rafting and boating; and

WHEREAS, the combination of the activities set forth in the preceding paragraph are inherently dangerous to the safety of the participants and the general public; and

WHEREAS, injury to the public and criminal activity associated with Floatopia include the following:

- 78 citations for various infractions
- 13 misdemeanor arrests
- 2 individuals falling from bluff taken to Cottage Trauma Center
- 33 people taken to hospitals for treatment, including head injuries via thrown bottles, alcohol poisoning, and serious cuts and lacerations
- One alleged sexual assault necessitating Sheriff's response and intervention

WHEREAS, the County emergency medical services system transported 20 patients and Goleta Valley Cottage Hospital treated 31 patients as a direct result of the "Floatopia" event, compared to the normal number of anticipated EMS calls for this area during this time frame which is 4; and

WHEREAS, Floatopia required the mobilization of multiple emergency responders, including but not limited to:

- 12 Sheriff's deputies
- 25 County firefighters (5 engine companies)
- Sheriff's helicopter and jet skis
- Multiple ambulances
- City of Goleta and University of California Police Departments
- Goleta Valley and Santa Barbara Cottage Hospital personnel
- Volunteers for clean up of beaches and access ways

WHEREAS, the cost of this mobilization and usage of these resources is approximately \$20,000 in unbudgeted funds; costs associated with this event are directly paid from the general fund thus impacting already strained general fund resources used for critical public safety and health and human service needs; and

WHEREAS, injuries and alcohol intoxication associated with Floatopia required the activation of the trauma team at Santa Barbara Cottage Hospital, diverting ambulances away from their designated response locations and requiring the hospital to call in additional personnel; and

WHEREAS, the majority of the adverse health and safety impacts cited above arose from the possession and consumption of alcoholic beverages within the area subject to this Ordinance; and

WHEREAS, Urgency Ordinance 4709, adopted by the County Board of Supervisors in May, 2009, has resulted in a reduction in drinking and debris as the aforementioned areas and there has also been no repeat of the activities associated with the April 4, 2009; and

WHEREAS, although the original conditions supporting the finding of urgency contained in Ordinance 4709 no longer exist, it remains necessary for the protection of the public health and safety of those visiting the parks, recreation areas and beaches referenced above that a permanent ordinance prohibiting the use of alcohol on parks, beaches and recreational areas within the community of Isla Vista be adopted;

WHEREAS, this regular Ordinance will reenact the Code changes effected by Urgency Ordinance 4709, adopted May 5, 2009; now therefore

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. The title of Chapter 36 of the Santa Barbara County Code is amended to read as follows (*additions herein indicated by underline, deletions by strikethrough*):

**“CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC STREETS
AND CERTAIN BEACHES”**

SECTION 2. Section 36-2 of the Santa Barbara County Code is amended to read as follows:

36-2 (a) It is unlawful for any person to drink or consume any intoxicating liquor in the unincorporated areas of the county upon any public street, public sidewalk, public highway, public parking lot or public alley.

(b) Except as authorized by permit as set forth in subdivision (c), it is unlawful for any person to drink, consume or possess any opened or unsealed container of any

alcoholic beverage or intoxicating liquor within the beach area enclosed within the following described boundaries:

On the West, the boundary of the University of California at Santa Barbara ("UCSB") separating unincorporated Isla Vista and UCSB, beginning at the 6885 Del Playa Drive and extending the UCSB boundary to a point 100 yards South of the Mean High Tide Line of the Pacific Ocean;

On the North, the coastal bluffs at the southerly end of the properties fronting Del Playa Drive in the 6500, 6600, 6700 and 6800 blocks;

On the East, the property boundary separating unincorporated Isla Vista and UCSB, beginning at the 6500 block of Del Playa Drive and extending the UCSB boundary to a point 100 yards South of the Mean High Tide Line of the Pacific Ocean;

On the South, a line 100 yards South of the Mean High Tide Line of the Pacific Ocean at that location;

And additionally including the following beach access pathways leading from Del Playa Drive to the area described above:

"Escondido Pass," located between 6773 and 6769 Del Playa Dr.

Unnamed beach access at Camino Del Sur, located between 6697 and 6701 Del Playa Dr.

Unnamed beach access at Camino Pescadero, located between 6599 and 6607 Del Playa Dr.

Unnamed beach access at El Embarcadero, located between 6551 and 6549 Del Playa Dr.

Unnamed beach access at Camino Majorca, located at Camino Majorca and Del Playa Dr.

(c) The park director, or designee, may establish conditions and issue event permits for the possession and consumption of alcoholic beverages by designated persons within areas described in subdivision (b).

SECTION 3. Section 36-4 of the Santa Barbara County Code is amended to read as follows:

Nothing in sections 36-2 or 36-3 shall limit the consumption of alcohol or display of open containers in or on:

(a) The property of an establishment, business place, or other location properly licensed for the consumption of alcoholic beverages under the Alcoholic Beverage Control Act of the state; or

(b) The property of any public park or public beach, except for the beaches and access pathways described in Section 36-2(b).

SECTION 5. Publication and Effective Date. This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2009, by the following four-fifths vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOE CENTENO
Chair, Board of Supervisors

ATTEST:
MICHAEL BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL,
COUNTY COUNSEL

By: _____
Deputy County Counsel



Including the following Beach Access:

- 1 Southerly terminus of Camino Mayorca
- 2 Escondido Pass
- 3 Southerly terminus of Camino Del Sur
- 4 Southerly terminus of Camino Pescadero
- 5 Southerly terminus of El Embarcadero

Isla Vista

Area of Proposed Permanent Ordinance

Mean High Tide Line Streets Restriction Ordinance Boundary (Proposed)

Coastal Access Trails U.C.S.B. Boundary

Coastal Blufftops



Coordinate System: State Plane California Zone V NAD 83
 UTM Zone 18N
 Datum: NAD 83
 Spheroid: GRS 1980
 Prime Meridian: Greenwich



This map is for reference only. Although every effort has been made to ensure the accuracy of information, errors and omissions may be reflected on this map. Santa Barbara County shall not be liable for any errors, omissions, or damages that result from inappropriate use of this document. No level of accuracy or guarantee is made. The user assumes all liability for any use of this document. The user should not be used to obtain coordinate values, bearings or distances.



Information Technology Department

Compiled by the County Enterprise GIS in October 2009.

