

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA BARBARA,
STATE OF CALIFORNIA**

IN THE MATTER OF ESTABLISHING)
FEES AND CONDITIONS FOR THE ISLA)
VISTA OUTDOOR DINING PROGRAM)
PURSUANT TO COUNTY CODE)
CHAPTER 28, ARTICLE X)

RESOLUTION NO. _____

WHEREAS, on November 27, 1990, the Santa Barbara County Board of Supervisors approved and adopted Ordinance No. 3894 establishing the Redevelopment Plan for the Isla Vista Redevelopment Project; and

WHEREAS, the Redevelopment Plan for Isla Vista identified a goal to provide for the enhancement and renovation of businesses within the Project Area to promote their economic viability; and

WHEREAS, the 2007 - 2011 Five Year Implementation Plan for the Project Area identifies goals and objectives to provide for the enhancement and renovation of businesses within the Project Area to promote their economic viability; and

WHEREAS, on August 21, 2007, the Board of Supervisors adopted Isla Vista Master Plan which identifies policies and action items aimed creating a vibrant mixed-use downtown to serve as the center of the community; and

WHEREAS, Isla Vista Master Plan, Downtown Development Standard 2.2 states: Planning and Development shall update the downtown zone district to encourage construction of at-grade patios on new mixed-use buildings in the downtown on the north side of Pardall Road; and

WHEREAS, staff has developed the Isla Vista Outdoor Dining Enclosure Design Guidelines, which will assist property owners and tenants along Pardall Road and other areas that include commercial use in downtown Isla Vista in establishing well-designed and attractive outdoor dining areas that contribute to the dynamic and lively atmosphere of the; and

WHEREAS, on January 16, 2009 the South County Board of Architectural Review reviewed the Isla Vista Outdoor Dining Enclosure Design Guidelines; and

WHEREAS, the implementation of Outdoor Dining Program would provide funding to address maintenance of the public right-of-way in the program area; and

WHEREAS, The establishment of an outdoor dining program would serve to enhance business development in the downtown area, stimulate private development on small

lots where current usable space is constrained and has hindered business expansion, improve downtown Isla Vista, and improve overall land use patterns; and

WHEREAS, Santa Barbara County Code has been amended to add Chapter 28, Article X: consisting of new sections 28-124 through 28-133, entitled “Use Of County Sidewalks And Rights-Of-Way For Dining Purposes In Isla Vista”

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

- a. The above recitations are found to be true and correct.
- b. Establishment of an Outdoor Dining Program Ordinance is consistent with the Redevelopment Plan, the 2007 – 2011 Five Year Implementation Plan for Isla Vista, and the adopted Isla Vista Master Plan.
- c. The fees set hereunder are user fees, not a tax or special assessment.
- d. The fee for use of public right of way shall be \$0.50 per gross square foot of right of way per month with contract terms through December 31, 2010. Thereafter, the fee for use of public right of way shall be \$0.75 per gross square foot of right of way per month beginning January 1, 2011 with contract terms up to one year. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Riverside-Orange County, CA – all items, September to September).

The renewal of an existing contract for use of the public right of way shall be submitted along with all fees no later than 30 days prior to the new contract year. A late fee of not more than a 10% of the total lease amount will be applied to contracts which are delinquent or incomplete or do not include all fees due by December 1st prior to the new contract year. Penalty fees may be decreased or dismissed at the discretion of the Public Works Director for good cause shown. Failure to submit a complete renewal application and all fees including any late processing fees by December 31st will result in the removal and forfeiture of any structure or equipment incidental to the lease contract and located in the public right of way.

APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, the _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOSEPH CENTENO
CHAIR, BOARD OF SUPERVISORS

ATTEST
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By: _____
Deputy

APPROVED AS TO FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy