

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number: 11/18/04
Prepared on: 3rd District, Parks, ADMHS
Department Name: 0230
Department No.: 12/7/04
Agenda Date: Departmental
Placement: 45 minutes
Estimate Time: NO
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Gail Marshall,
Third District Supervisor

STAFF CONTACT: Mark Chaconas
Executive Staff Assistant (x2197)

Terri Maus
Director of Parks (x2461)

Al Rodriquez
Deputy Director ADMHS (x5442)

SUBJECT:

- 1) Conduct first reading and introduction of an ordinance amending Chapter 26 of the County Code to provide for restriction of the consumption of alcohol.
- 2) Consider adoption of Resolution to provide for use of alcohol by permit only in certain County parks, recreation areas, beach access ways and Redevelopment Agency recreation areas within the community of Isla Vista.

Recommendation(s):

That the Board of Supervisors:

1. Conduct first reading and introduction of an ordinance to amend Chapter 26 of the County Code to provide for restriction on alcohol consumption in certain County parks, recreation areas, beach access ways and or recreation properties owned by the Redevelopment Agency.

2. Consider adoption of Resolution to provide for use of alcohol by permit only in certain County parks, recreation areas, beach access ways and Redevelopment Agency recreation areas within the Community of Isla Vista.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 5 – A High Quality of Life for All Residents; and with Goal No. 2 A Safe and Healthy Community in Which to Live, Work and Visit.

Executive Summary and Discussion:

The Isla Vista Recreation and Park District (IVRPD) in concert with several County Departments including Alcohol Drug and Mental Health Services, Public Health and the Sheriff's Department has requested that County Parks consider adopting restrictions on the consumption of alcohol in County owned parks, recreation areas and open spaces in the community of Isla Vista. Such properties are owned by either the County or Redevelopment Agency.

The IVRPD, which maintains these properties through a maintenance agreement with the County's Park Department, has experienced significant health and safety problems as a result of the use of the parks and open spaces by those individuals who consistently use alcohol.

As a result of these health and safety concerns, the IVRPD has adopted a permit system for alcohol consumption for the 22 acres of parks and open spaces they control and have requested the County adopt similar measures for the parks and open spaces owned by the County and the Redevelopment Agency. IV Parks & Recreation District has worked in conjunction with the Isla Vista Alcohol and other Drugs Council (IVAOD Council) and other social services agencies and County Departments to develop a comprehensive strategy for change in the Isla Vista Community, which includes:

- 1) Enforcement of existing ordinances and laws.
- 2) Institution of an Alcohol Permit Program at appropriate Parks, Open Spaces and Redevelopment areas.
- 3) Initiation of a "take back the parks" program to bring families back to area and establish norms for suitable use of the parks.
- 4) Work with *Project Recovery* to further address needs of homeless, health and safety, and social issues.

Discussion:

By and large, the consumption of alcohol in the County's parks and open spaces is done in a responsible manner. Unfortunately, there is a population of individuals, which consistently utilizes the parks of Isla Vista during the day. Their presence at times can be intimidating for families with children and other residents of the community. In addition, the lack of public restrooms also contribute to a severe health and

safety situation not only for the public but the employees who are charged with keeping the properties clean and safe for the community.

In response to this ongoing problem, the Isla Vista Recreation and Park District has adopted an ordinance that prohibits alcohol in the IVRPD's parks without a permit issued by the Park District. The permit provides for the following:

- 1 person to possess alcohol (\$10.00)
- 2-10 persons to possess alcohol (\$35.00)
- Specified areas and specified hours of use of the permit
- Permit does not allow alcohol to be sold, dispensed, or furnished on properties
- All permits are for four hours.

The multifaceted program described above, coupled with the ordinance has effectively discouraged use of alcohol consumption in the IVRPD's parks, but has, as anticipated, created several issues within surrounding areas.

Properties owned by the County and Redevelopment Agency are not covered by the IVRPD ordinance. Therefore individuals have migrated to the County Parks and recreation areas to avoid contact by the Sheriff's Department who are responsible for enforcing both County and IVRPD ordinances. As a result, the nearby County properties have experienced an influx of people during the day; particularly the properties that are located near the downtown area.

The County Park Commission took this matter under consideration and concluded that it would be appropriate to extend the IVRPD ordinance to appropriate County properties in the area. They felt that it was important to keep the parks available for the majority of residents of the County and allow the parks be to used for their intended purpose. Therefore, at their meeting of July 22, 2004, the Parks Commission recommended further pursuing the implementation of a permit system at parks and open spaces within the Isla Vista community.

Presently the consumption of alcohol is allowed within County parks. The amendment to Chapter 26 adds sub sections c and d which would allow for the restriction of consumption. A resolution will specifically set forth areas to be impacted. County properties and/or redevelopment agencies areas proposed for inclusion within the permit program include areas commonly know as Pelican Park, Sea Lookout Park, Del Playa Open Space, and various beach access ways commonly known as Camino Majorca, Escondido Pass, Camino Del Sur, Camino Pescadero and El Embarcadero.

Mandates and Service Levels:

Implementation of permit program is to be handled by Isla Vista Parks and Recreation District and Isla Vista Foot Patrol.

Fiscal and Facilities Impacts:

Subject: Set Hearing for amendment to Chapter 26 of the County Code
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It is not anticipated that there will be a significant financial impact associated with implementation of the ordinance and permit program.

Special Instructions:

Provide copy of adopted Ordinance to the Parks Department

Concurrences:

Alcohol Drug and Mental Health
County Counsel
Public Health
District Attorney
Sheriff's Department

Attachments:

Ordinance amending Chapter 26 of the County Code
Resolution for program implementation

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SANTA BARBARA
AMENDING CHAPTER 26 OF THE COUNTY CODE**

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

Section 1. Chapter 26-17 of the Santa Barbara County Code is amended by the addition of the following subsections, 26-17(c), 26-17(d), 26-17(e) and 26-17(f). The remainder of Chapter 26 remains in full force and effect:

26-17(c) The Board of Supervisors may, by resolution, designate any County recreation area as an area in which the possession of any open container or use of alcohol is prohibited. Upon passage of such a resolution, the Park Director shall cause signs to be posted in the area subject to the prohibition. After the posting of signs, no person shall use or possess an open container of alcohol in a county recreation area designated pursuant to this section.

26-17(d) The Board of Supervisors may, by resolution, designate any county recreation area as an area in which the possession of an open container or use of alcohol without a permit is prohibited. Upon passage of such a resolution, the Park Director shall cause signs to be posted in the area subject to the prohibition. After the posting of signs, no person shall use or possess an open container of alcohol in a county recreation area designated pursuant to this section except by permit.

26-17(e) 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 designated pursuant to subsections (c) and (d).

26-17(f) Violation of Chapter 26-17(c) or (d) is an infraction, the fine for which shall not exceed one hundred dollars (\$100).

Section 2.

This ordinance amendment shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen 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 the _____, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 2004, by the following votes:

AYES:

NOES:

ABSTAIN:

Chairperson, Board of Supervisors

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS
AUDITOR-CONTROLLER

By _____
Deputy

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION TO
Designate the County of Santa Barbara
Parks, Open Space and/or Recreation or
Redevelopment Areas and Beach Access
ways in Isla Vista as areas in which the
possession of an open container or use of
alcohol without a permit is prohibited.

Resolution No. _____

WHEREAS, Chapter 26 of the Santa Barbara County code was amended to add Section 26-17(c) to provide that the Board of Supervisors may by resolution designate any County recreation area as an area in which the possession of an open container or use of alcohol is prohibited; and

WHEREAS, Section 26-17(d) provides that the Board of Supervisors may by resolution designate any County recreation area as an area in which the possession of an open container or use of alcohol without a permit is prohibited; and

WHEREAS, upon passage of a resolution the Park Director shall cause signs to be posted in the area subject to prohibition; and

WHEREAS, after the posting of signs, no person shall use or possess an open container of alcohol in a county area designated pursuant to such section without first obtaining a permit and,

WHEREAS, the Health and Safety of the community of Isla Vista would be benefited by the establishment of a permitting program for the use of alcohol in parks and recreation areas and,

WHEREAS, the recreation areas that would be benefited by a permit-only alcohol program include the areas commonly known as Pelican Park, Sea Lookout Park, Del Playa Open Space, and the public beach access ways commonly known as Camino Majorca, Escondido Pass, Camino Del Sur, Camino Pescadero, and El Embarcadero,

NOW, THEREFORE, the Board of Supervisors does resolve as follows:

1. Pursuant to Chapter 26 section 17(d) of the Santa Barbara County Code, the following county recreation areas are hereby designated as areas where the possession of an open container or use of alcohol without a permit is prohibited:

Those areas commonly known as Pelican Park, Sea Lookout Park, Del Playa Open Space, and various public beach access ways commonly known as Camino Majorca, Escondido Pass, Camino Del Sur, Camino Pescadero, and El Embarcadero.

2. Permits shall not be issued to persons under the age of 21 or anyone intoxicated at the time of application or who, at a previous event held under a permit, was:

- a. Intoxicated, or
- b. Engaged in acts of threats or violence, or
- c. Committed acts of vandalism or causes damage to property, or
- d. Harassed other park users including but not limited to excessive noise, or
- e. Engaged in the violation of any California law or rule or regulation or ordinance of the County of Santa Barbara or IslaVista Parks and Recreation District.

3. The Park Director shall adopt rules and procedures for the issuance of permits hereunder. The Park Director may delegate the authority to issue permits, hear appeals of permit denials, and to enforce this resolution to the General Manager, or designee, of the Isla Vista Park and Recreation District (“MANAGER”). Such delegation shall be in the form of an agreement in writing signed by the MANAGER and the Park Director. In that agreement, it shall be provided that MANAGER shall issue such permits on behalf of the County of Santa Barbara and shall provide the County of Santa Barbara Parks Department and the County Department of Alcohol Drug and Mental Health Services with monthly reports on the amount and types of permits generated and any incident reports.

4. MANAGER, the Park Director, their designees, or any peace officer may immediately revoke a permit if there is any act or threat of violence by a person present at the areas stated above.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2004, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:

Deputy County Counsel

Approved as to Form:
Auditor -Controller

By _____