



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: District 2
Department No.:
For Agenda Of: November 7, 2023 (first reading) and November 28, 2023 (second reading)
Placement: Departmental
Estimated Time: 1 Hour
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Supervisor Laura Capps, 2nd District
Contact Info: Chris Henson, Chief of Staff, 2nd District, 805-568-2191
SUBJECT: Isla Vista Bluffs Update and Ordinance Amendments

County Counsel Concurrence

As to form: Yes

Other Concurrence: CEO Budget

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

On November 7, 2023:

- a) Receive and file report on raising the heights of bluff fencing and railings in Isla Vista and on permitting requirements for different zoning types along Del Playa in Isla Vista (Attachment 1);
- b) Approve the introduction (First Reading) of an Ordinance to amend Santa Barbara County Code, Chapter 10, titled Building Regulations, Article II, Part II, section 10-14.2 to raise the mandatory height for railings and fencing along the Isla Vista Bluffs (Attachments 2 & 3);
- c) Approve the introduction (First Reading) of an Ordinance to amend Ordinance 4991, Santa Barbara County Planning and Development Fee Ordinance, to allow Director of Planning and Development to waive permitting fees for good cause for fencing and railings along the Isla Vista Bluffs (Attachments 4);
- d) Find that waiving permitting fees for fencing and railings on private property along the Isla Vista bluffs is necessary to meet the social needs of the population of the County, including public safety, and this fulfills an important public purpose of enhancing public safety;

- e) Read the title of the above Ordinances and waive full reading of the Ordinances;
- f) Direct Community Services Department, Parks Division staff to revise the existing project to move bluff top fencing in County Parks in Isla Vista to include increasing the height of the existing fence from 4 to 6 feet and submit any required permitting;
- g) Direct Community Services Department, Parks Division staff to report back on options for lighting, warning signs, reducing vandalism of warning signs, the use of horticulture options as a natural barrier, and community collaboration for public restrooms at County Parks on the Isla Vista Bluffs;
- h) Approve budget revision #9422 (Attachment 6) that includes the following:
 - i) Use of South County- Trails and Open Space set-aside in the amount of \$180,000 to provide funding for Community Services Department, Parks Division, to fund and revise existing bluff fencing project to increase fencing height to six feet; work with consultants and community stakeholders on lighting and landscape design and collaboration with Isla Vista stakeholders;
 - ii) \$90,000 from the FY 2023/2024 2nd District 990 allocation that was budgeted to each supervisor's office and \$10,000 from FY 2022/23 2nd District 990 fund balance to provide funding to reimburse the County up to \$100,000 for permitting fees and Planning and Development staff time that may be waived for good cause to process permit applications from private property owners along the Isla Vista Bluffs; and
- i) Continue the hearing to the Administrative Agenda of November 28th, 2023 to consider adoption of the of ordinance amendments, as follows:

On November 28, 2023:

- a) Adopt the Ordinance (Second Reading) amending Santa Barbara County Code, Chapter 10, titled Building Regulations, Article II, Part II, section 10-14.2 to raise the mandatory height for railings and fencing along the Isla Vista Bluffs;
- b) Adopt the Ordinance (Second Reading) amending Ordinance 4991, Santa Barbara County Planning and Development Fee Ordinance, to allow Director of Planning and Development to waive permitting fees for good cause for fencing and railings along the Isla Vista Bluffs; and
- c) Determine that these ordinance amendments are exempt from the California Environmental Quality Act pursuant to CEQA Sections 15061(b)(3) and 15378(b)(5), because there is no possibility that the action in question may have a significant effect on the environment and this is an organizational or administrative activity that will not result in any direct or indirect physical changes in the environment (Attachment 5).

Summary Text:

Our county experienced a devastating loss over Labor Day weekend with the passing of 19 year old Benjamin 'Benny' Schurmer in Isla Vista. Benny was a beloved member of the Ojai community, a thriving Santa Barbara City College Student, and a talented and loving young man with a bright future

ahead of him. Tragically, he is one of 13 young people whose lives have been cut short by an accident involving the bluffs along Isla Vista. Additionally, an untold number of people have fallen from the cliffs and sustained serious injuries but have survived.

The office of Supervisor Capps has been working with the Isla Vista Community Services District, property owners, community-based groups, students and family members of those who have died on potential safety enhancements related to the Isla Vista Bluffs including the fence heights, lighting, warning signs, public restrooms, education, horticulture barriers, a memorial, updates to the County's social host and festival ordinances, and alcohol and drug use considerations.

Background:

Fence Heights:

Stakeholders have emphatically conveyed that raising the height of fencing is of paramount importance. The coastal side of Del Playa includes approximately 70 privately owned residential buildings, along with County and Isla Vista Recreation and Park District parks. To address this critical concern, the office of Supervisor Capps is seeking to amend the Santa Barbara County Code, Chapter 10, titled Building Regulations, Article II, Part II, Section 10-14.2.

The proposed amendments target an increase in the mandatory height for railings and fencing in Isla Vista, seeking to establish a more robust preventive measure against cliff falls. Currently, fence heights in County Parks are four feet, while on private property, the minimum height requirement for fences and rails is set at 3.5 feet.

The proposed amendments advocate for raising these height requirements. Specifically, the office of Supervisor Capps is seeking to establish a new standard of 6 feet minimum for existing County Parks fencing along the Isla Vista Bluffs, as well as for railings and fences on private property. This deliberate effort to increase the height of barriers is rooted in the understanding that a more substantial physical deterrent can contribute to the overall safety of residents and visitors in the community.

Additionally, the office of Supervisor Capps is proposing a permitting Fee Waiver which seeks to empower the Director of Planning and Development with the authority to waive permitting fees under certain circumstances, specifically for the installation or modification of fencing and railings along the Isla Vista Bluffs.

The rationale behind this proposed amendment is to streamline and facilitate the process for property owners seeking to enhance safety measures along the Isla Vista Bluffs. By allowing the Director of Planning and Development to exercise discretion in waiving permitting fees for good cause, the ordinance acknowledges the unique circumstances and urgent need for enhanced safety improvements in this specific area. The purpose of this ordinance is to incentivize and encourage private landowners to install safety fencing and railings to protect residents and other members of the public.

By pursuing these amendments, the office of Supervisor Capps aims to create a standardized, cohesive approach to enhanced safety regulations along the Isla Vista Bluffs. The emphasis on a uniform 6-foot height for both public and private spaces is a proactive measure intended to provide consistent protection across the community. This proposed change not only reflects a commitment to preventing further tragedies but also underscores the importance of collaborative efforts between the local government and private property owners in fostering a safer living environment for all.

Lighting:

Fatal cliff falls occur at night. We request that Parks staff engage lighting design consultants as well as the community to explore enhanced lighting options and report back to the Board with innovative solutions, such as motion sensor lighting.

Warning Signs:

Despite the presence of signs warning of the dangers of the Isla Vista Bluffs, theft and visibility issues persist, particularly at night. To address this, we are collaborating with County Parks to install durable and ideally well-lit signage. A pilot project to illuminate some of the existing warning signs is underway. County Parks should work with stakeholders as to come up with effective solutions.

Public Restrooms:

One way to enhance public safety near the cliffs is to provide public bathrooms. The Isla Vista Community Services District has identified public restrooms as a community health and safety need and has placed porta potties in strategic locations near the Isla Vista Bluffs. The 2nd District office is committed to exploring more permanent bathroom options in consultation and collaboration with relevant stakeholders.

Education:

Efforts to educate the community about bluff safety are underway, led by the Isla Vista Community Services District. We acknowledge the valuable contributions of the media and the families affected in raising awareness. Our collaborative efforts with IV Safe, Santa Barbara City College, UCSB, and the Isla Vista Community Services District will continue to enhance existing initiatives and address any gaps in educational outreach.

Horticulture Barriers:

Planting dense shrubs and bushes along the bluff edge can create a natural barrier, discouraging people from approaching the bluff edge. Exploring the use of effective shrubbery to deter trespassing in unsafe areas is a priority. We ask that County Parks work to identify suitable horticulture options for creating a natural barrier.

Memorial:

In a joint effort to commemorate and pay tribute to the lives tragically lost due to cliff falls, we proudly support the establishment of a memorial in Isla Vista. The collaboration between UCSB Associated Students, Santa Barbara City College, and the Isla Vista Community Services District reflects a shared commitment to honoring the memories of those who have experienced untimely and unfortunate incidents. The Associated Students of UCSB have already allocated funds and have started the process. We applaud their efforts and will continue to monitor progress.

This memorial will represent more than just a physical structure; it symbolizes a community coming together to remember and reflect. We are unified in our dedication to creating a space that fosters healing, remembrance, and a sense of solidarity among residents, students, and visitors.

Updates to the County Social Host and Festival Ordinances:

Law enforcement capabilities should be expanded to further address unsafe activities on the cliffs. Our office has been collaborating with the Isla Vista Community Services District, the Sheriff's office, and the community to strengthen their tools for intervention without increasing their presence. This ongoing effort began in early 2023 and aims to prevent unsafe situations from escalating into dangerous circumstances. The Isla Vista Foot Patrol recently presented the suggested changes to the Isla Vista Community Services District and received unanimous support. These updates will be brought to the Board for consideration by the Sheriff's office later this month.

Alcohol and Drug Use Considerations:

It is essential to acknowledge that alcohol and drug use have played significant roles in some of the cliff falls that have occurred in Isla Vista over the years. Efforts to address these issues have included ongoing education and awareness campaigns aimed at promoting responsible behavior and personal safety, particularly during events like Deltopia and other gatherings. The presence of alcohol and drug use underscores the importance of implementing robust safety measures that can effectively deter individuals from accessing precarious areas along the bluffs, even when under the influence. Education alone, while valuable, may not always be sufficient to prevent accidents, especially when impaired judgment is a factor.

Therefore, it remains imperative to proceed with the proposed safety enhancements as an integral component of our community's commitment to safety. This proactive approach not only addresses immediate safety concerns but also complements ongoing educational efforts by providing an additional layer of protection to residents and visitors, regardless of their state of sobriety or awareness.

Fiscal Analysis:

Approve a budget revision (#9422) to the South County Trails and Open Space set-aside in the amount of \$180,000 to provide funding for Community Services Department, Parks Division, to fund and revise existing bluff fencing project to increase fencing height to six feet; work with consultants on lighting and landscape design and collaboration with Isla Vista stakeholders

Approve a budget revision of \$100,000 from the FY 202/23 and FY 2023/2024 2nd District 990 fund balance that was allocated to each supervisor's office to provide funding up to \$100,000 for permitting fees and Planning and Development staff time (up to \$ 3,000 per property along the bluff in Isla Vista) that may be waived for good cause to process permit applications from private property owners along the bluff in Isla Vista. This funding shall be used only for permit applications for the installation of new bluff top fencing or railings of at least 6 feet or raising the height of existing bluff top fencing and/or railings to 6 feet.

Special Instructions:

- A. The Clerk of the Board will satisfy all noticing requirements.
- B. The Clerk of the Board will provide copies of the Minute Order and signed Ordinances to the Planning and Development Department, attention David Villalobos.

- C. The Clerk of the Board will publish the names of the members of the Board of Supervisors voting for and against the Ordinance Amendments in the Santa Barbara Independent before the expiration of 15 days after its passage.

Attachments:

1. Matrix of permitting requirements for different zoning types along Del Playa in Isla Vista.
2. Ordinance to amend Santa Barbara County Code, Chapter 10, Article II, Part II, section 10-14.2. (Track Changes)
3. Ordinance to amend Santa Barbara County Code, Chapter 10, Article II, Part II, section 10-14.2. (Clean Version)
4. Ordinance to amend Ordinance 4991, Santa Barbara County Planning and Development Fee Ordinance
5. Notice of Exemption
6. Budget Revision #9422

Authored by: Chris Henson, Chief of Staff, 2nd District