



**Agenda Item B.1**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: June 2, 2020**

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**TO:** Mayor and Councilmembers

**FROM:** Winnie Cai, Assistant City Attorney  
Peter Imhof, Planning and Environmental Review Director

**SUBJECT:** Resolution Suspending Zoning and Development Permit Requirements for Open-Air Areas and Parking Spaces and Allowing Outdoor Dining and Other Uses in Open-Air Areas and Parking Lots on Private Property

**RECOMMENDATION:**

Consider Adoption of Resolution 20-\_\_ entitled "A Resolution of the City Council of the City of Goleta, California Suspending Zoning and Development Permit Requirements for Open-Air Spaces and Parking Lots on Private Property and Adopting an Emergency Expanded Restaurant Dining and Other Uses Program."

**BACKGROUND:**

On May 20, 2020, Santa Barbara County received approval of its Attestation and Reopening Plan by the State of California. This approval allowed the County to move into Late Stage 2 of the State's Reopening Stages for workplaces. In Late Stage 2, restaurants may offer dine-in service in addition to take-out and delivery. On May 21, 2020, the Santa Barbara County Public Health Officer issued Health Officer Order 2020.8.2, among other requirements, to allow for dine-in service in restaurants, so long as these restaurants comply with the California Department of Health COVID-19 Industry Guidance for Dine In Restaurants ("State Dine-In Guide") and attest and self-certify that they have performed a detailed risk assessment and have an implementation plan on how to prevent COVID-19 spread. Restaurants offering dine-in service that do not adhere to Health Officer Order 2020-8.2 would be subject to immediate permit suspension and mandatory closure.

The State Dine-In Guide requires the establishment of a written, worksite-specific COVID-19 prevention plan that requires the restaurant to, among other things:

1. Identify contact information of its employees and customers;
2. Train employees and require use of face coverings;
3. Regularly evaluate the plan;
4. Investigate any COVID-19 illness;

5. Require individual control measures and screening (self-screening at home, provide temperature and symptom screening at beginning of shifts, face coverings, wear disposable gloves, wash hands);
6. Clean surfaces often and certain hygiene protocol for menus, shared food items, utensils, etc.;
7. Prioritize outdoor dining and curbside pickup;
8. Physically distance six feet between workers and customers; and
9. Physical distancing of check stands, terminals, deli counters and lines for restrooms, host stands and waiting areas.

Beyond restaurants, other businesses and uses may need to expand into similar outdoor spaces, in order to be able to meet physical distancing rules and re-open when permitted to do so by the State and County. The City could therefore also include other uses, such as retail (currently permitted to reopen with self-certification), fitness classes and yoga, and faith-based organizations, as they are allowed to reopen within the scope of this program.

## **DISCUSSION:**

This item presents a draft Emergency Expanded Restaurant Dining and Other Uses Program ('Program') and a resolution for Council's consideration. If Council approves the attached resolution and Program, staff will implement the Program to allow expansion of dining and use areas temporarily to open-air spaces and parking lots on private property. Expanded outdoor dining and use areas are intended to allow Goleta restaurants and other specified uses to re-open safely, ensuring adequate pedestrian and vehicle circulation and patron safety while simultaneously meeting physical distancing standards.

## **Outdoor Areas**

In order to assist restaurants in meeting the last three elements of the State Dine-In Guide, a number of cities are allowing them to provide dine-in service outside. Outdoor dining and other Program uses could happen in any of the following locations:

1. Public road right of way (would require road closures)
2. Sidewalks (must maintain 4-foot ADA access)
3. Parking lots
4. Open-air spaces<sup>1</sup>

Staff reviewed how restaurants are configured in the City in order to ascertain which of the four areas would make sense in Goleta. Most of the City's restaurants are in private shopping centers, such as the Camino Real Marketplace, Calle Real Shopping Center, Fairview Shopping Center, Hollister Village and Target Shopping Center. As of the publication of this report, the City had heard directly from only one restaurant owner inquiring about the possibility of expanding their outdoor seating. As noted below,

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<sup>1</sup> "Open air spaces" refer to any privately owned, paved, unenclosed surface area that is not in the public ROW or used for motor vehicle circulation or parking.

shopping centers including the Camino Real Marketplace and Calle Real Shopping Centers have expressed an interest in the expansion of dining areas for restaurants. Restaurants in Goleta may benefit from being able to expand dining areas into parking lots and open-air spaces to retain existing dining capacity while simultaneously meeting physical distancing requirements. In order to facilitate this expansion of dining areas, the City could temporarily suspend zoning requirements and existing development permit conditions that prohibit outdoor dining and/or require a certain number of parking spaces.

The restaurants that have frontage along a public street are primarily located in Old Town Goleta along Hollister Avenue. These restaurants might benefit from using the public road right of way and sidewalks because many do not have open-air spaces or parking lots that could accommodate outdoor dining. Staff analyzed whether closure of the public road and sidewalk can occur in Old Town. With regard to Hollister Avenue, it would not be feasible, since Hollister Avenue is the only east-west arterial through Old Town and is considered a major roadway. Moreover, staff has determined that closing off Hollister Avenue would create significant traffic congestion and become an impediment to public safety and emergency vehicles in the Old Town area. Unlike the City of Santa Barbara's downtown where there are multiple arterials adjacent to State Street, there are no other east-west arterials south of the freeway other than Hollister Avenue. Lastly, the sidewalks along Hollister Avenue are not wide enough to accommodate outdoor dining in the configuration required by Public Health Order 2020-8.2 and the State Guide for Dine-In Restaurants and ADA pedestrian access at the same time.

Staff has also performed a preliminary analysis of outdoor dining opportunities using sidewalks and roadway right of way in other portions of Old Town. North of Hollister Avenue there is almost exclusively residential land uses. The City is also in the process of delivering the Old Town Sidewalks Project north of Hollister Avenue with significant construction activities. While there are a number of restaurants and retail businesses south of Hollister Avenue, the analysis showed that the area is primarily commercial businesses and residential units. Partial or full closures of roadways would also impede access to driveways and parking lots that serve these uses, potentially negatively affecting business activity and access. With these and several other concerns such as sidewalk widths, circulation, and police and fire access, ultimately, staff does not recommend the use of the public roadway right of way in the Old Town Goleta area. However, businesses in Old Town can still take advantage of the Program if the business has open-air areas or a parking lot it can expand into. In addition, these businesses could potentially negotiate a deal to use a neighbor's open-air area or parking lot.

Therefore, the only feasible categories for outdoor dining in Goleta are parking lots and open-air spaces.

### **Collaboration with Other Jurisdictions**

The City of Carpinteria, like Goleta, is similarly exploring usage of only parking lots and open-air spaces at the moment. The City of Santa Barbara and County of Santa

Barbara are allowing public roads and sidewalks to be used for outdoor dining. The City of Santa Barbara recently issued an emergency order to allow for the closure of the 500 through 1300 blocks of State Street to allow for outdoor dining on the public road and sidewalk. The City of Solvang has also closed Copenhagen Drive to vehicle traffic, while Buellton is allowing deviations from zoning requirements and permit conditions on a case-by-case basis to support re-opening activities.

The County of Santa Barbara also recently issued an emergency order to allow for use of public roads and sidewalks. The County already had an existing outdoor dining licensing program, which allowed for restaurant use of sidewalk spaces. They are expanding this program to accommodate restaurant use, retail use and potentially faith-based use, once restrictions on these gatherings are lifted. Because the County is so large, it will review each license application on a case-by-case basis to determine whether a specific public road or sidewalk could be used for outdoor dining. This program will also cover outdoor dining requested in open-air areas and parking lots.

Neither the City of Santa Barbara nor the County have fully developed specific rules yet regarding use of private parking lots and open-air spaces. City staff is in communication with both jurisdictions, however, and collaborating to develop a framework to address expanded dining and other program use areas for this unprecedented situation.

### **Restaurant Dining and Other Program Uses**

As noted above, staff also gauged the interest of shopping center owners to determine whether they were willing to allow their restaurant tenants to expand into open-air spaces and parking lots. Both Camino Real Marketplace and Calle Real Shopping Centers expressed an interest in the expansion of dining areas for restaurants.

Since there is interest on the part of restaurant operators and shopping center owners, the Council could adopt a resolution to allow outdoor dining in parking lots and open-air spaces, thereby suspending the requirements of Title 17 (Zoning Ordinance) and existing development permit requirements to provide a certain number of parking spaces for the purposes of using the open-air spaces and parking lots for outdoor dining.

The County and some other cities are also envisioning allowing other uses to expand into similar outdoor spaces. The City could therefore also include other uses, including, but not necessarily limited to retail, fitness classes and yoga, or faith-based organizations (when they become permissible).

### **Program Requirements**

To implement an outdoor dining program, City staff has created an Expanded Restaurant Dining and Other Uses Program ("Program"), bearing similarities to the County's outdoor dining program and the City of Santa Barbara's State Street program. This Program, as drafted, would allow restaurants and other uses specified under the Program to expand their dining and/or use areas, provided they obtain a Temporary Use Area Expansion Permit under this Program. The Program applies only to existing

restaurants and uses, as specified below, that meet all other permit and license requirements.

The Program takes a two-tiered approach, which would automatically allow restaurant dining area and other use expansions within open-air spaces that meet certain criteria and do not encroach into parking areas or affect vehicle circulation (Group 1). Expansions that propose to use parking areas, reduce the number of available parking spaces and/or would affect vehicle circulation (Group 2) must meet all the requirements of Group 1 and in addition meet certain other requirements, including submitting a plan for review and obtaining a permit.

This two-tiered approach will allow as many restaurants and businesses as possible to re-open immediately without delay or the need for an involved permit process, similar to the City of Santa Barbara's State Street program. The Program thus seeks to minimize delay and complexity, requiring review of expansions only where they could affect vehicle circulation, while preserving oversight over other expansions where vehicle circulation would not be affected.

### ***Group 1 Expansion Requirements***

More specifically, Group 1 expansions may expand into open-air spaces in front of or immediately adjacent to the existing restaurant or business premises but may not expand into parking areas or decrease the number of existing parking spaces provided. Group 1 expansions would have to meet all of the following requirements, such that the proposed expansion:

1. Has in place a COVID-19 prevention plan consistent with the State Dine-In Guide or other applicable State guidelines and approved by County Public Health;
2. Has permission from the underlying property owner;
3. Is an allowed use in the zone district where the expansion is located;
4. For all food service establishments, follows the requirements under Santa Barbara County Health Order No. 2020-8.2, including completion of self-certifications;
5. Meets all other County rules (e.g., environmental health regulations and Health Officer Orders) and State laws (e.g., State Dine-In Guide and alcohol beverage consumption laws), as verified by County Public Health or other responsible agency;
6. Follows an outdoor dining or occupancy plan at the proposed location that meets all Fire Dept. standards, including number of occupants, points of egress, access to fire extinguishers, and tent and awning ratings, if applicable;
7. Maintains access required under the Americans with Disabilities Act at all times;
8. Ensures fire hydrants shall remain unobstructed at all times;
9. Includes suitable demarcation of the boundary of the outdoor dining or use area, such as bright tape or temporary fencing not exceeding 4 ft. in height, placed in safe manner around outdoor dining area;
10. Does not encroach into any public right of way, restrict vehicle circulation or reduce the number of available parking spaces;

11. Clearly and physically separates the outdoor expansion area from pedestrian traffic and preserves adequate and safe circulation for pedestrians;
12. For all food service establishments, does not exceed any existing overall dining capacity limit currently permitted for the restaurant;
13. Does not include installation of any permanent item or structure;
14. Provides for restricted hours of operation for outdoor dining or other uses on private property that coincide with the hours of operation for the corresponding business or use in question;
15. Prohibits all forms of outdoor music and speaker amplification associated with the outdoor dining provided under this order;
16. Assures compliance by businesses with the City's noise regulations in the Goleta Municipal Code;
17. Includes temporary signage to designate the use of the outdoor area for dining or other allowed use;
18. Ensures that outdoor areas are maintained and free of trash and other debris; Food service establishments must provide conveniently located outdoor waste and recycling receptacles for customers, and the receptacles must be regularly serviced and maintained;
19. For food service establishments, provides that all tables and associated seating must be spaced at least six feet apart from other tables and seating or, for other uses, maintains a six-foot physical separation between persons;
20. Does not permit groups of 10 or more at one table;
21. Provides that all lines for patrons for food orders or pick-up, as well as onsite restroom facilities, clearly demarcate a minimum distance of 6 feet between patrons in line - for example, by placing labels or tape markings on the ground;
22. Consistent with Resolution No. 20-30, adopted May 5, 2020, requires all employees and patrons to wear face coverings, with the exception of patrons who are seated at tables provided and who are eating or drinking;
23. Does not permit smoking in the expanded outdoor dining or other use areas;
24. Provides maintenance standards for the outdoor dining or other use area;
25. Provides and posts onsite the name and contact phone number for a designated contact person authorized to address any complaints regarding expanded dining or use areas.

### ***Group 2 Expansion Requirements***

In addition to the Group 1 requirements listed above, Group 2 expansions that propose to encroach into parking areas, reduce the number of available parking spaces or could affect vehicle circulation must submit a plan and obtain a Temporary Use Area Expansion Permit from the City to ensure the expanded dining or use area:

26. Preserves adequate and safe circulation for vehicles and pedestrians;
27. Ensures vehicular traffic onsite would not create a traffic problem (e.g., queueing) on public roads or obstruction of public sidewalks; and
28. Is protected by a surrounding barrier approved by the Public Works Department.



In addition to restaurant dining, the draft Program specifies the following other uses that may expand to outdoor areas, when specified requirements are met:

1. Retail
2. Fitness classes and yoga
3. Faith-based gatherings

Permits under this program will temporarily override any City zoning or land use permit provisions regarding business premises or restaurant dining area in conflict with the expanded area or parking allowed by the new temporary permit. They will also include provision for permit suspension or revocation, if permit standards and requirements are not adhered to.

Denials, suspensions and revocations can be appealed in accordance with the appeal procedures for business license appeals pursuant to Chapter 5.01 of the Goleta Municipal Code. The City Council is the decisionmaker for appeals. The Council can appoint a Hearing Officer to conduct a hearing and report findings and recommendations to the Council. A Hearing Officer can be a City employee or a person with no affiliation with the City.

Also included in the Resolution is authority for the City Manager to change the proposed Program as events unfold (i.e.: local or State orders impose new or different requirements) and as appropriate to fit the community. If any major changes are made, staff would bring the Program back to Council for direction.

Expanded restaurant dining and/or retail areas do not need to indemnify the City or provide additional insurance, if such outdoor area is located on private property.

The Planning and Environmental Review Department would be principally tasked with implementing this Program. For Group 1 expansions, which must meet stated requirements, but do not need a permit, the staff role would be limited to providing information and enforcing compliance as necessary. For Group 2 expansions, applicants would need to submit a simple application showing the location of the proposed expansion area and demonstrate compliance with Group 2 requirements. Staff envisions an expedited permit process with turnaround within a maximum of 2 days. The new permit program would be ready to implement immediately upon Council adoption. The City has the option to pass on the cost of permit processing to the applicant with adoption of a fee schedule or to provide the service at no cost to the applicant. We estimate that Group 2 permits would require approximately 2 hours of planning staff time plus 1-2 hours of a Public Works engineer's time (including field consultation/check). Appeal fees would be as shown for Land Use Permits on the adopted Planning and Environmental Review Department fee schedule and would not be waived. We note that the County is choosing to waive all fees associated with review of outdoor dining applications. Because this permit program is in response to a public emergency, staff recommends the City's program mirror the County's in this regard and waive processing fees.

**ALTERNATIVES:**

Council could choose not to allow restaurants to provide dine-in service or other businesses to operate in open-air spaces and parking lots on private property. Council could also choose to impose a permit review fee.

**FISCAL IMPACTS:**

Inasmuch as the Program proposes not to charge a fee for permits and staff time needed to review any permit applications is already budgeted, there would likely be no additional fiscal impact and will be absorbed by the General Fund. Since it is difficult to predict at this point how many permits will be issued under the Program, the fiscal impacts would be difficult to quantify, if the City elects to impose a permit review fee.


**Reviewed By:**

**Legal Review By:**

**Approved By:**

  
Kristine Schmidt  
Assistant City Manager

  
Michael Jenkins  
City Attorney

  
Michelle Greene  
City Manager

**ATTACHMENT:**

1. Resolution of the City Council of the City of Goleta, California Suspending Zoning and Development Permit Requirements for Open-Air Spaces and Parking Lots on Private Property and Adopting an Emergency Expanded Restaurant Dining and Other Uses Program



## **ATTACHMENT 1:**

Resolution of the City Council of the City of Goleta, California Suspending Zoning and Development Permit Requirements for Open-Air Spaces and Parking Lots on Private Property and Adopting an Emergency Expanded Restaurant Dining and Other Uses Program

## RESOLUTION NO. 20- \_

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, SUSPENDING ZONING AND DEVELOPMENT PERMIT REQUIREMENTS FOR OPEN-AIR SPACES AND PARKING LOTS ON PRIVATE PROPERTY AND ADOPTING AN EMERGENCY EXPANDED RESTAURANT DINING AND OTHER USES PROGRAM**

**WHEREAS**, on March 4, 2020, the Governor of the State of California declared a state of emergency in response to the serious public health threat represented by the novel coronavirus COVID-19 crisis and formalized emergency actions already underway across multiple state agencies and departments to combat the spread of COVID-19;

**WHEREAS**, on March 14, 2020, in response to the novel coronavirus COVID-19 public health crisis, the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency;

**WHEREAS**, on March 17, 2020, City Council adopted Resolution 20-18 ratifying the Director of Emergency Services' declaration of the existence of a local emergency and adopted attendant orders, including (1) requiring the closing of restaurants, banquet facilities, bars, nightclubs and lounges except for take-out orders and deliveries; (2) requiring the closing of commercial gyms, fitness centers, bowling alleys, movie theaters, and arcades; and (3) prohibiting the use of City play structures and exercise equipment in City parks and beaches;;

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order 33-20, which ordered all residents to immediately heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians;

**WHEREAS**, since March 2020, the Governor has issued Executive Orders to allow for the re-opening of certain types of businesses and Santa Barbara County's Public Health Officer have issued companion orders to clarify how certain types of businesses allowed to open pursuant to the Governor's Executive Orders must operate;

**WHEREAS**, on May 20, 2020, Santa Barbara County received approval of its Attestation and Reopening Plan by the State of California, allowing the County to move into Late Stage 2 of the State's Reopening Stages for workplaces and pursuant to which restaurants may now offer dine-in service in addition to take-out and delivery;

**WHEREAS**, on May 21, 2020, the Santa Barbara County Public Health Officer issued Health Officer Order 2020.8.2, allowing, among other things, for dine-in service in restaurants, so long as these restaurants comply with the California Department of Health COVID-19 Industry Guidance for Dine In Restaurants ("State Dine In Guide") and attest

and self-certify that they have performed a detailed risk assessment and have an implementation plan on how to prevent COVID-19 spread;

**WHEREAS** restaurants offering dine-in service that do not adhere to Health Officer Order 2020-8.2 would be subject to immediate permit suspension and mandatory closure;

**WHEREAS** the State Dine-In Guide requires the establishment of a written worksite-specific COVID-19 prevention plan that requires a restaurant, among other things, to:

1. identify contact information of its employees and customers;
2. train employees and require use of face coverings;
3. regularly evaluate the plan;
4. investigate any COVID-19 illness;
5. require individual control measures and screening (self-screening at home, provide temperature and symptom screening at beginning of shifts, face coverings, wear disposable gloves, wash hands);
6. cleaning surfaces often and certain hygiene protocol for menus, shared food items, utensils, etc.;
7. prioritize outdoor dining and curbside pickup;
8. physically distance six feet between workers and customers; and
9. physical distancing of check stands, terminals, deli counters and lines restrooms, host stands and waiting areas;

**WHEREAS**, the ability of businesses to meet the State's Dine-In Guide requirements on physical distancing would be facilitated if they were able to operate outside in open-air spaces and parking lots located on private property;

**WHEREAS** many businesses throughout the City of Goleta, including many restaurants, are suffering continuing economic harm due to the business closures mandated by State and local order and the COVID-19 public health crisis;

**WHEREAS** affected businesses, restaurants and other uses are vital to the health and well-being and the quality of life, as well as the economic health, of the City of Goleta and its residents; and

**WHEREAS** the City is empowered under its emergency powers to suspend zoning rules and permits temporarily during the COVID-19 crisis and allow restaurants and other uses to operate in open-air spaces and parking lots;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:**

**SECTION 1.**

The City Council hereby suspends the provisions of Title 17 (Zoning Ordinance) and any development permits with respect to requirements for open-air spaces and parking spaces.

**SECTION 2.**

The City Council hereby adopts and establishes an Emergency Expanded Restaurant Dining and Other Uses Program to restaurants and other businesses, as they are allowed to operate according to State and local orders, within the City of Goleta to operate within open-air spaces and parking lots on private property so long as they obtain a Temporary Use Area Expansion Permit, where required, and meet all Program requirements and all local and State mandates for operations and physical distancing.

**SECTION 3.**

The Emergency Expanded Restaurant Dining and Other Uses Program shall assure that restaurants and businesses allowed to operate under this program shall meet all of the criteria and follow all of the standards outlined in **Exhibit A**, attached hereto and incorporated herein. If a business violates the Program standards, criteria and conditions, the Director of Planning and Environmental Services may immediately suspend or revoke the Temporary Use Area Expansion Permit.

**SECTION 4.**

Any denial, suspension or revocation of a Temporary Use Area Expansion Permit may be appealed to the City Council pursuant to the procedures for appeals of business licenses as set forth in Chapter 5.01 of the Goleta Municipal Code.

**SECTION 5.**

The City Council authorizes the City Manager to make changes to the Program in Exhibit A as necessary and appropriate to meet new State and local orders and community needs.

**SECTION 6.**

The City Council hereby authorizes City staff to initiate processing of permits, as applicable under the Emergency Expanded Restaurant Dining and Other Uses Program.

**SECTION 7.**

This Resolution shall continue until rescinded by the City Council.

**SECTION 8.**

The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 2<sup>nd</sup> day of June 2020.

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PAULA PEROTTE  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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DEBORAH S. LOPEZ  
CITY CLERK

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MICHAEL JENKINS  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SANTA BARBARA    )       ss.  
CITY OF GOLETA                 )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 20-\_\_ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 2<sup>nd</sup> day of June, 2020 by the following roll call vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

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DEBORAH S. LOPEZ  
CITY CLERK



## **Exhibit A**

### **Emergency Expanded Restaurant Dining and Other Uses Program**

This Emergency Expanded Restaurant Dining and Other Uses Program (the “Program”) allows for the expansion of dining and use areas temporarily to open-air spaces and parking lots on private property where certain requirements are met. Expanded outdoor dining and use areas are intended to allow Goleta restaurants and specified uses to re-open safely, ensuring safe and adequate pedestrian and vehicle circulation while simultaneously meeting physical distancing and public health standards to prevent the spread of COVID-19.

The Program is intended to address in particular the following three elements of the worksite-specific COVID-19 prevention plan required to be established under the California Department of Health COVID-19 Industry Guidance for Dine-In Restaurants (“State Dine-In Guide”):

1. Prioritize outdoor dining and curbside pickup;
2. Physically distance six feet between workers and customers; and
3. Physical distancing of check stands, terminals, deli counters and lines restrooms, host stands and waiting areas.

This Program temporarily suspends City zoning and/or land use permit provisions applicable to business premises or restaurant dining areas that are in conflict with the expanded dining or use areas allowed by this Program.

#### **Dining and Use Area Expansions - Applicability**

Food service establishments and other uses specified herein located within the City of Goleta may add to or expand their premises for outdoor dining or other allowed uses onto adjacent open-air spaces and/or privately-owned parking lots as provided herein. “Open-air spaces” refer to any paved, unenclosed surface area that is not in the public ROW or used for motor vehicle circulation or parking.

Expansions of dining and use areas under this Program may occur only in open-air spaces and/or privately-owned parking lots. No dining area or use may be expanded into the public right of way, including public sidewalks, under this Program without first obtaining an encroachment permit in addition to any other permit required under this Program.

This Program applies only to existing restaurants and other uses specified below located within the City of Goleta that are currently validly permitted and meet all other license requirements.

The City of Goleta reserves the right to suspend, revoke or amend expanded dining and use areas allowed under this Program provision at any time, if problems, complaints or conflicts arise as a result of the expanded dining or use areas.

## **Allowed Uses**

In addition to dining at food service establishments, this Program allows the following other uses to expand to outdoor areas, where and when specified requirements are met:

1. Retail sales
2. Fitness classes and yoga
3. Faith-based gatherings

## **Program Requirements**

The Program requires applicants to apply for a Temporary Use Area Expansion Permit in accordance with the requirements of this Program. The Program takes a two-tiered approach to allowing expansions of dining and use areas. The Program automatically allows expansion of food service establishment dining area and use expansions within open-air spaces that meet the criteria and requirements specified below and that do not encroach into parking areas or affect vehicle circulation (Group 1). Expansions that propose to use parking areas, reduce the number of available parking spaces and/or could affect vehicle circulation (Group 2) must meet all the criteria and requirements of Group 1 and in addition must meet other additional requirements specified below.

### ***Group 1 Expansion Requirements***

Group 1 dining and use area expansions may expand into open-air spaces in front of or immediately adjacent to the existing restaurant or business premises. They may not expand into parking areas or decrease the number of existing parking spaces provided. Group 1 expansions must meet all of the following requirements listed below.

Group 1 expansions are allowed provided that the expansion:

1. Has in place a COVID-19 prevention plan consistent with the State Dine-In Guide or other applicable State guidelines and approved by County Public Health;
2. Has permission from the underlying property owner;
3. Is an allowed use in the zone district where the expansion is located;
4. For all food service establishments, follows the requirements under Santa Barbara County Health Order No. 2020-8.2, including completion of self-certifications;
5. Meets all other County rules (e.g., environmental health regulations and Health Officer Orders) and State laws (e.g., State Dine-In Guide and alcohol beverage consumption laws), as verified by County Public Health or other responsible agency;
6. Follows an outdoor dining or occupancy plan at the proposed location that meets all Fire Dept. standards, including number of occupants, points of egress, access to fire extinguishers, and tent and awning ratings, if applicable;
7. Maintains access required under the Americans with Disabilities Act at all times;
8. Ensures fire hydrants shall remain unobstructed at all times;

9. Includes suitable demarcation of the boundary of the outdoor dining or use area, such as bright tape or temporary fencing not exceeding 4 ft. in height, placed in safe manner around outdoor dining area;
10. Does not encroach into any public right of way, restrict vehicle circulation or reduce the number of available parking spaces;
11. Clearly and physically separates the outdoor expansion area from pedestrian traffic and preserves adequate and safe circulation for pedestrians;
12. For all food service establishments, does not exceed any existing overall dining capacity limit currently permitted for the restaurant;
13. Does not include installation of any permanent item or structure;
14. Provides for restricted hours of operation for outdoor dining or other uses on private property that coincide with the hours of operation for the corresponding business or use in question;
15. Prohibits all forms of outdoor music and speaker amplification associated with the outdoor dining provided under this order;
16. Assures compliance by businesses with the City's noise regulations in the Goleta Municipal Code;
17. Includes temporary signage to designate the use of the outdoor area for dining or other allowed use;
18. Ensures that outdoor areas are maintained and free of trash and other debris. Food service establishments must provide conveniently located outdoor waste and recycling receptacles for customers, and the receptacles must be regularly serviced and maintained;
19. For food service establishments, provides that all tables and associated seating must be spaced at least six feet apart from other tables and seating or, for other uses, maintains a six-foot physical separation between persons;
20. Does not permit groups of 10 or more at one table;
21. Provides that all lines for patrons for food orders or pick-up, as well as onsite restroom facilities, clearly demarcate a minimum distance of 6 feet between patrons in line - for example, by placing labels or tape markings on the ground;
22. Consistent with Resolution No. 20-30, adopted May 5, 2020, requires all employees and patrons to wear face coverings, with the exception of patrons who are seated at tables provided and who are eating or drinking;
23. Does not permit smoking in the expanded outdoor dining or other use areas;
24. Provides maintenance standards for the outdoor dining or other use area;
25. Provides and posts onsite the name and contact phone number for a designated contact person authorized to address any complaints regarding expanded dining or use areas.

### ***Group 2 Expansion Requirements***

In addition to the Group 1 requirements listed above, Group 2 expansions that propose to encroach into parking areas, reduce the number of available parking spaces or could affect vehicle circulation must submit a plan and obtain a Temporary Use Area Expansion Permit from the City to ensure the expanded dining or use area:

26. Preserves adequate and safe circulation for vehicles and pedestrians;

27. Ensures vehicular traffic onsite would not create a traffic problem (e.g., queueing) on public roads or obstruction of public sidewalks; and
28. Is protected by a surrounding barrier approved by the Public Works Department.

## **Fees**

There are no fees applicable to processing of Temporary Use Area Expansion Permits pursuant to this Program.

## **Denials, Suspensions and Revocations / Appeals**

If a business violates the Program standards, criteria and conditions, the Director of Planning and Environmental Review may immediately suspend or revoke the Temporary Use Area Expansion Permit.

Any denial, suspension or revocation of a Temporary Use Area Expansion Permit may be appealed to the City Council pursuant to the procedures for appeals of business licenses as set forth in Chapter 5.01 of the Goleta Municipal Code. Appeal fees would be as shown for Land Use Permits on the adopted Planning and Environmental Review Department fee schedule.