



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: Public Works
Department No.: 054
For Agenda Of: April 23, 2024
Placement: Departmental – April 23, 2024 (First Reading);
Administrative - May 7, 2024 (Second Reading)
Estimated Time: 60 Minutes
Continued Item: Yes
If Yes, date from: March 19, 2024
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Chris Sneddon, Public Works Director, (805) 568-3010
Director(s)
Contact Info: Mostafa Estaji, Interim Deputy Director, Transportation, (805) 568-3064

SUBJECT: Amendment of County Code Chapter 28 – For use of County Rights-of-Way for Business Purposes, All Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Approve the introduction (First Reading) of an Ordinance amending Santa Barbara County Code, Chapter 28-Roads, to allow permitting, regulation, and collection of fees for business operations encroaching on County road right-of-way, All Supervisorial Districts;
- b) Read the title of the Ordinance and waive further reading of the Ordinance in full; and
- c) Continue the item to the Administrative Agenda of May 7, 2024 (Second Reading) to consider the adoption of an Ordinance amending Santa Barbara County Code, Chapter 28 as follows:
 - i) Approve the adoption (Second Reading) of an Ordinance amending Santa Barbara County Code, Chapter 28-Roads, to allow permitting, regulation, and collection of fees for business operations encroaching in the County road right-of-way, All Supervisorial Districts;
 - ii) Determine that this action is not subject to California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (c), as the proposed project(s) consists of the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to existing

highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, and direct staff to file a Notice of Exemption on that basis.

Summary Text:

This item is on the agenda to amend the Santa Barbara County Code to allow for the Public Works Department to approve encroachments in the public right-of-way for business operations, including the use of parklets. These ordinance changes will provide for permitting and regulation of business owners, and to collect fees for their use of County right-of-way to administer the program and address impacts.

Existing County Code allows for shared mobility device businesses and outdoor dining within the County road right of way under certain conditions, including sidewalks and areas in the right of way not used for roadway purposes. The proposed amendment would add provisions to allow parklets, defined as “designated area constructed over the roadway used by the adjacent business for outdoor business, which may include a temporary, removable small seating or gathering area” under certain conditions, and will allow for permitting of other outdoor business uses

Background:

During the Covid-19 Pandemic, the County allowed restaurants to extend their operations areas into the roadway with parklets for public health and safety, and to help businesses survive when use of indoor space was limited. A “parklet” is an area of the public right-of-way on portions of the street for business uses that includes a small seating or gathering area temporarily constructed over the roadway. They have been installed in paved shoulders as well as parking spaces. Parklets are intended to be an inviting, people-oriented space providing functional and aesthetic enhancements to the overall streetscape. Parklets are contained within a defined space surrounded by barriers, such as railings, planters or planter boxes to separate people from traffic.

Parklets are helpful for individual businesses and customers, but they can impact public safety, neighboring businesses, community parking plans, and the surrounding area. To address these potential impacts and increased resource needs, Public Works recommends changes to Santa Barbara County Code Chapter 28.

Chapter 28 currently includes provisions for outdoor dining in non-roadway areas, such as sidewalks and road right-of-way, as well as the allowance of shared-mobility device businesses such as scooters and bicycles.

This ordinance amendment would provide for outdoor business in permitted parklets under certain conditions. Additionally, parklets would occupy space that is currently used as roadway, either as part of the traveled way or parking areas. Parklets must accommodate Americans with Disability Act (ADA) requirements and the usual pedestrian traffic in the area and the operation of the proposed business. Permittees shall maintain adequate clearance for all normal uses of the sidewalk and any special or occasional uses that may arise from time to time.

The proposed Ordinance change would allow Annual Business Roadway Encroachment Permits to be issued for parklets. Conditions on where and how they would be allowed include safety, regulatory, cost considerations, and geographic factors. General conditions are set forth in the Ordinance. Fees and additional geographic-specific conditions will be included in the annually-adopted permit fees and guidelines.

Ordinance Standards and Conditions

The standards and conditions for Parklets in the Ordinance are:

1. Parklets may not remove parking spaces in Coastal Zone areas or communities where it conflicts with County policies or community plans.
2. Parklets and their use for business must conform with all applicable laws, regulations, and County guidelines, including, but not limited to those of the Departments of Planning and Development, County Fire, Public Health, and Alcoholic Beverage Control.
3. Parklets may not interfere with the safe and efficient operations of the transportation network for all modes and uses. Traffic barriers or setbacks may be required as determined by the Public Works Department.
4. Parklets must be portable and removable. Permittee must remove parklets when directed by the Department.
5. Parklets must be located on a public street with a posted speed limit of 30 miles per hour or less. The Permittee must submit an engineering analysis and traffic plan from a licensed Civil or Traffic Engineer on streets with speed limits of 30 miles per hour. For roadways with speeds limits under 30 miles per hour, plans may be required at the discretion of the department.
6. Parklets are only allowed directly adjacent to the business they serve and may not encroach beyond the frontage of the Permittee.
7. Parklets may not include walls over 48”, permanent roof structures, or any screening that affects visibility or would require building and safety review.
8. Parklets may not include utility installations such as electrical wiring, gas hookups, or features that would require building and safety review.

Community-Specific Guidelines

Attached are proposed guidelines for specific communities to be adopted by the Department. These guidelines and limitations were developed working with community stakeholders and referencing existing community plans and other adopted guidelines. The following Community Plan Areas are included for consideration of community-specific guidelines: Orcutt, New Cuyama, Mission Hills/Vandenberg Village, Los Alamos, Los Olivos, Santa Ynez, Isla Vista, Eastern Goleta Valley, Montecito, and Summerland. Areas outside of these communities do not have community-specific guidelines and would fall under conditions provided in Chapter 28 of County Code.

Parklets in the Coastal Zone would not be allowed if it takes parking spaces (Isla Vista, Montecito, Summerland). New Cuyama, Mission Hills and Vandenberg Village do not have community-specific guidelines, as there are no specific areas of likely Parklets and if an application was submitted, the conditions in the Ordinance would sufficiently cover these areas. Eastern Goleta Valley does not have businesses on roadways with speeds under 30 MPH and therefore does not meet conditions for Parklets. Based on current outdoor business locations, guidelines were created for Orcutt, Los Alamos, Los Olivos, and Santa Ynez.

Permit Fees

Permit fees for Parklets would be established by Board resolution. In 2018, your Board established outdoor dining fees at \$1.00/sq ft. The fee structure may be annually updated by the Public Works Director

consistent with the change in the Consumer Price Index. The current fee is set at \$1.20/sq. ft. A similar fee could be set for Parklets. At a minimum, a fee is recommended to be set at a rate that covers the cost of administering the permits and checking compliance. Additionally, the proposed ordinance would charge a fee for Parklets that occupy parking spaces in order to create offset parking. These fees would be calculated by determining the cost to create offset parking in the area and charging a proportionate amount. The Department will return to your board with a resolution to adopt fees by resolution.

Fiscal and Facilities Impacts:

Budgeted: N/A

Narrative:

This is an Ordinance change and has no budget requirements at this time.

Special Instructions:

After the Second Reading on May 7, 2024 direct the Clerk of the Board to:

1. Email the adopted Ordinances and one certified minute order to Yanette Luna yluna@countyofsb.org
2. Publish a copy of the Ordinance or summary thereof, with the names of the members of the Board of Supervisors voting for or against the approval in the Santa Barbara Independent, Santa Maria Times, and Lompoc Record newspapers 15 days after the adoption.

Attachments:

Attachment A: Ordinance amending Santa Barbara County Code, Chapter 28-Roads

Attachment B: Redlined version of Ordinance amending Santa Barbara County Code, Chapter 28-Roads

Attachment C: Community Specific Parklet Guidelines

Attachment D: Notice of Exemption

Authored by:

Gary Smart, Traffic Manager