



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: September 10, 2024
Placement: Departmental – Hearing
(September 10, 2024)
Estimated Time: 15 Minutes on
September 10, 2024
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Chris Sneddon, Public Works Director, (805) 568-3010
Contact Info: Mostafa Estaji, Deputy Public Works Director, (805) 568-3064
SUBJECT: Proposed Fee Ordinance for the Issuance of Permits for, and Related Supervision of, Encroachments in County Road Right of Way Public Works Transportation Division, 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:

Consider recommendations regarding the adoption of an Ordinance establishing and updating fees for services provided by the Public Works Department in connection with Encroachment Permits in accordance with Government Code Section 54985, All Supervisorial Districts, as follows (Time Estimate 15 minutes):

- a) Read the title of the Ordinance and waive further reading in full;
- b) Adopt the Ordinance establishing and updating fees for services provided by the Public Works Department in connection with Encroachment Permits;
- c) Find that the proposed actions are administrative activities of the County approving charges that are for the purpose of meeting operating expenses, which will not result in direct or indirect physical changes in the environment, and are therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15273(a)(1) and 15378(b)(5).

Summary Text:

This item is to consider adding new fees to allow the Department to collect permit fees for encroachments in the public right-of-way for outdoor business operations including the use of Parklets. The Board approved an ordinance providing guidelines for Parklets and other business operations in the public right-

of-way May 7, 2024. If approved by your Board, the above noted fees would also be subject to the same annual increases based on the Los Angeles Consumer Price Index (CPI) adjustment to Encroachment Permits, which becomes effective no earlier than July 1st of each year. Appropriate notice is provided to the public 60 days prior to the CPI adjustment effective date. If costs exceed the CPI in any given year, the Department will provide your Board with options of how to address those costs. Fees will be collected for existing and future permits at the beginning of the 2025 calendar year.

Background:

The Santa Barbara County Transportation Division regulates and controls all secondary uses of public roads to protect and preserve the primary purpose of roads traveled by the public. A road encroachment permit is required prior to work within the public right-of-way, where an applicant installs, maintains, cuts into, repairs, or removes any sidewalks, curbs, gutters or road surfacing or installs, repairs or removes any facilities or substructures in, on, over or under any road right-of-way; or excavates or fills in an excavation within a road right-of-way.

The fee schedule is also being updated to include the fees for Shared Mobility Devices (SMD), Hourly and Staff Overtime, Expedited Review, and Special Event fees. These fees have already been adopted by your board. Additionally, a 3.5% CPI adjustment for the current fees is posted on the website and will be effective as of September 13, 2024: <https://content.civicplus.com/api/assets/95d128e6-ac52-4d75-aba8-47bc4fb447b4?cache=1800>.

Fiscal and Facilities Impacts:

Budgeted: n/a

Fiscal Analysis:

Narrative: The new Parklet fee is collected in two parts: 1) a one-time fee of \$5,000 for each parking space occupied by a parklet at the time of permit issuance; and 2) the annual Outdoor Business Fee which is based off of square footage, currently assessed at \$1.20/sq. ft. per month.

Based on the current active permits, the Department estimates an annual revenue of \$15,000 in the next calendar year.

Special Instructions:

After the Hearing on September 10, 2024, direct the Clerk of the Board to:

1. Send copies of the adopted Ordinance and copies of the minute order to the Public Works Department Transportation Division, 123 E Anapamu St, Santa Barbara, CA 93101 to Yanette Luna x83094
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 – Notice to the Public
- Attachment B – Permit Fee Ordinance – Redlined
- Attachment C – Permit Fee Ordinance – Clean

Authored by:

Mostafa Estaji, Deputy Director, Transportation Division