



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:** February 27, 2024  
**Placement:** Administrative - Set  
Hearing (February 27,  
2024); Departmental –  
March 19, 2024 (First  
Reading);  
Administrative - April  
2, 2024 (Second  
Reading)  
**Estimated Time:** 45 Minutes on  
March 19, 2024  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Scott D. McGolpin, Public Works Director, (805) 568-3010  
Director(s)  
Contact Info: Chris Sneddon, 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

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors set a hearing for March 19, 2024 (45 minutes) to:

- 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) Set a hearing for the Administrative Agenda of April 2, 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. 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 business uses 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.

**Background:**

During the Covid-19 Pandemic, the County allowed businesses 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 business and customers, but they can have negative impacts on public safety, neighboring businesses, community parking plans, and the surrounding area. To address these potential impacts and resource needs, Public Works recommends changes to Santa Barbara County Chapter 28.

Additional information will be provided in the March 19, 2024 board letter for the first reading.

**Fiscal and Facilities Impacts: 0**

Budgeted: N/A

Narrative:

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

**Special Instructions:**

After the February 27, 2024 Hearing, direct the Clerk of the Board to publish the attached Notice of Public Hearing (Attachment A) pursuant to Section 25124 of the Government Code in the Santa Maria Times, the Lompoc Record, and the Santa Barbara Independent five (5) days prior to the First Reading.

After the Second Reading on April 2, 2024, direct the Clerk of the Board to:

1. Send one copy of the adopted Ordinances and one certified minute order to:
  - a. Public Works Department Transportation Division, 123 E Anapamu St, Santa Barbara, CA 93101 Attn: Yanette Luna x83094
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: Notice of Public Hearing

**Authored by:**

Eric Pearson, Construction & Permits Manager, 805-681-4990