



**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:** Departmental on  
11/17/20 1<sup>st</sup> Reading  
Administrative on  
12/08/20 2<sup>nd</sup> Reading  
**Placement:** Departmental  
**Estimated Tme:** 20 Minutes on 11/17/20  
**Continued Item:** No  
**If Yes, date from:** NA  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director: Scott D. McGolpin, Public Works Director, 568-3010  
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064  
**SUBJECT:** **Ordinance Temporarily Amending Chapter 28, to add Chapter 28B, Special Encroachment Permits Related to COVID-19 Pandemic Response**

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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 (Board) on the Departmental Agenda of November 17, 2020:

- a) Consider the introduction (First Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara amending Chapter 28 of the Santa Barbara County Code, to add Chapter 28B, Special Encroachment Permits Related to COVID-19 Pandemic Response, which authorizes the Public Works Director to issue special encroachment permits for operations by businesses and community entities in County roadway rights-of-way until the proclaimed Santa Barbara County Local Emergency based on the COVID-19 virus is terminated or this Ordinance is otherwise earlier terminated;
- b) Read the title and waive reading of the Ordinance in full;
- c) Set a hearing on the Administrative Agenda for December 8, 2020 to consider the adoption (Second Reading) of an Ordinance Amending Chapter 28, to add Chapter 28B, Special Encroachment Permits Related to COVID-19 Pandemic Response; and
- d) Determine that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15269(c), 15301, 15303, and 15305.

That the Board on the Administrative Agenda of December 8, 2020:

- a) Consider adoption (Second Reading) of an Ordinance amending Chapter 28, to add Chapter 28B, Special Encroachment Permits Related to COVID-19 Pandemic Response, which authorizes the

Public Works Director to issue special encroachment permits for operations by businesses and community entities in County roadway rights-of-way until the proclaimed Santa Barbara County Local Emergency based on the COVID-19 virus is terminated or this Ordinance is otherwise earlier terminated (Attachment A); and

- b) Determine that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15269(c), 15301, 15303, and 15305.

**Summary Text:**

On June 2, 2020, the Board of Supervisors approved an urgency ordinance to add Chapter 28B of the Santa Barbara County Code, Special Encroachment Permits Related to COVID-19 Pandemic Response, which temporarily:

- Allowed the Public Works Director to provide administrative regulations for issuance of a special encroachment permit for the reopening of businesses and community entities and to issue encroachment permits pursuant to those regulations in the County roadway rights-of-way in order to protect public health and support a phased re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19; and
- Suspended any fees associated with encroachment permits for use of County roadway rights-of-way during the COVID-19 pandemic response.

The urgency ordinance established that it would expire on the earlier of December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency from COVID-19 was terminated.

Since the COVID-19 emergency is still in effect, the current proposed Ordinance would readopt and replace the Urgency Ordinance after its expiration. It would extend the temporary allowances in the Ordinance to: (a) when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated; or (2) when the Ordinance is otherwise earlier terminated. The Ordinance text is contained in Attachment A.

**Background:**

On May 20, 2020, the Director of Emergency Services issued Emergency Rule #1. The Rule's purpose was to minimize the economic impacts of COVID-19 and encourage the speedy recovery of businesses, restaurants, retail, and other community entities that were required to close or curtail operations under the State of California's "Stay At Home" orders. It allowed implementation of the County's Reopening in a Safe Environment (RISE) Small Business & Community Partnership Enhancement Program (SBCPEP) by providing a clear, quick path and parameters for businesses and other entities to operate temporarily in County roadway rights-of-way, to allow for social distancing. The Rule temporarily authorized the Santa Barbara County Public Works Director to issue encroachment permits, to businesses and community entities that reopen and resume operations, in County roadway rights-of-way to allow for adequate social distancing during operations.

On June 2, 2020, the Board of Supervisors confirmed and superseded Emergency Rule #1 with an urgency ordinance amending Chapter 28 to add Chapter 28B, sections 28B-1 to 28B-12. Since adoption of the urgency ordinance, 20 businesses have participated in the special encroachment permits process.

This Ordinance would readopt the urgency ordinance provisions until the Santa Barbara County Local Emergency from COVID-19 was terminated or the Ordinance is earlier terminated by amendment of the Board.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Narrative:**

Since these businesses are not currently paying fees because they are not operating in the County roadway right-of-way, there would be no loss of revenue that was previously anticipated.

**Special Instructions:**

Before the expiration of 15 days after passage of this Ordinance, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

Following Board approval, Clerk of the Board to please post the Notice of Exemption and forward a stamped copy to Gail Ocheltree Public Works - Transportation, 568-3094.

Please forward a stamped, certified Minute Order approving the recommendations, and one copy of the Ordinance to Gail Ocheltree Public Works - Transportation, 568-3094.

**Attachments:**

Attachment A: Ordinance Adding Chapter 28B

Attachment B: Notice of Exemption

**Authored By:**

Chris Sneddon, Deputy Director, Public Works – Transportation, 568-3064