



BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Department Name: Public Works
Department No.: 054
For Agenda Of: November 6, 2018
Placement: Departmental
Estimated Time: 60 Minutes on
November 6, 2018
(First Reading)
November 13, 2018
(Administrative -
Second Reading)

Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Scott D. McGolpin, Public Works Department, 568-3010
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064
SUBJECT: Amendment of County Code Chapter 9, 23, and 28 for Business Operations
Encroaching on Sidewalks or in the County Right-of-Way, 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 9-Bicycles, to allow permitting, regulation, and collection of fees for shared mobility device operations encroaching on sidewalks or in the County right-of-way, All Supervisorial Districts;
- b) Approve the introduction (First Reading) of an Ordinance amending Santa Barbara County Code, Chapter 23-Motor Vehicles and Traffic, to allow permitting, regulation, and collection of fees for car share or shared mobility device operations encroaching in the County right-of-way, All Supervisorial Districts;
- c) 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 sidewalks or in the County right-of-way, All Supervisorial Districts;
- d) Read the title of the Ordinances and collectively waive further reading of the Ordinances in full; and
- e) Continue the item to the Administrative Agenda of November 13, 2018 to consider the adoption (Second Reading) of an Ordinance amending Santa Barbara County Code, Chapters 9, 23, and 28.

On November 13, 2018:

- i) Approve the adoption (Second Reading) of an Ordinance amending Santa Barbara County Code, Chapter 9-Bicycles, to allow permitting, regulation, and collection of fees for shared mobility device operations encroaching on sidewalks or in the County right-of-way, All Supervisorial Districts;
- ii) Approve the adoption (Second Reading) of an Ordinance amending Santa Barbara County Code, Chapter 23-Motor Vehicles and Traffic, to allow permitting, regulation, and collection of fees for car share or shared mobility device operations encroaching in the County right-of-way, All Supervisorial Districts;
- iii) 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 on sidewalks or in the County right-of-way, All Supervisorial Districts;
- iv) Determine these Ordinance amendments to Santa Barbara County Code, Chapters 9, 23, and 28 are not a project under the California Environmental Quality Act pursuant to Section 14 CCR 15378 (b)(2) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

Summary Text:

This item is on the agenda to amend the Santa Barbara County Code to allow for encroachments in the road right-of-way for business operations. These ordinance changes will provide for permitting and regulation of vendors, vehicles, and shared mobility device operations, and to collect fees for their use of County right-of-way to administer the program and address impacts.

Operations, such as outdoor dining, car share programs, and shared mobility devices (fee for use services for bicycle, scooter and other vehicle fleets), which encroach into sidewalk and other road right-of-way can be regulated through encroachment permits. The proposed ordinance changes provide a mechanism for these services to be provided on sidewalks or in the road right-of-way, where appropriate, and for the County to regulate their operations in these areas.

Background:

With recent advances in mobility technology, means of transportation are changing rapidly. Dockless on-demand mobility services have emerged, providing the public new travel alternatives. These companies place their electric bicycles or electric scooters throughout a community, providing an easy, affordable, and dependable means to travel short distances. This new and evolving service has potential for both positive and negative impacts to the community. To address these potential impacts, Public Works recommends changes to Santa Barbara County Chapters 9, 23, and 28. The County has authority to regulate the registration, parking, and operation of shared mobility devices (SMDs) on pedestrian or bicycle facilities and local streets and highways, so long as those regulations do not conflict with the vehicle code. (Veh. Code §§ 21100, 21206, 21210, 21225.) Highway is broadly defined to encompass “a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel” and also includes streets and sidewalks. (Veh. Code §§ 360, 555.)

The ordinances covering these types of operations also pertain to other business operations that encroach on County sidewalks or in the right-of-way, such as car share, outdoor dining, and food services. The road commissioner may issue a permit authorizing a permittee to place, change or renew an encroachment.

(Sts. & Hy. Code § 1460.) The County may establish procedures for the abatement of and removal of abandoned, wrecked, dismantled, or inoperative SMDs and has authority to remove a SMD when it is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic, or in a condition so as to create a hazard to other traffic upon the highway. (Veh. Code §§ 22651, 22660.) The County also has authority to, after notice, remove SMDs owned by businesses encroaching in the County right-of-way that have not acquired a permit (Sts. & Hy. Code § 1480 et seq.) Public Works recommends updating existing ordinances for these operations concurrently and applying them uniformly across the County (some parts of the ordinance currently only apply to Isla Vista).

If ordinances are approved, the next step will be for Public Works to bring a resolution to your board establishing fees for: encroachment permit applications, per-square-foot fee for exclusive use of the right of way for food service or shared mobility devices (where appropriate), monthly per-vehicle fleet fees, and impound fees.

Encroachment permits will include conditions for operations that include insurance requirements, fleet size limitations, and rules of operation. In addition it will include provisions for denial of permits for those not operating in conformance with permit conditions, appeals and dispute resolution.

Fiscal and Facilities Impacts:

Budgeted: No

Narrative:

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

Special Instructions:

10 Days Prior to the Hearing:

Clerk of the Board, please publish in the Santa Barbara News-Press the enclosed Notice of Public Hearing for the Amendment of County Code Chapter 9, 23, and 28 for Business Operations Encroaching on Sidewalks or in the County Right-of-Way.

Thirty days after the Hearing:

Original documents to be filed with the Clerk of the Board.

Please provide a certified stamped Minute Order and a copy of the executed document to:

1. Gary Smart, Public Works Department, Transportation Traffic Section, ext. 3308
2. Gail Ocheltree, Public Works Department, Transportation Engineering Section, ext. 3094

Attachments:

Attachment A: Ordinance Amending Chapter 9

Attachment B: Ordinance Amending Chapter 23

Attachment C: Ordinance Amending Chapter 28

Authored by:

Chris Sneddon, Transportation Division Deputy Director, Public Works Department, ext. 3064