



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:** December 11, 2018  
**Placement:** Departmental  
**Estimated Tme:** 45 Minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**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:** **Adopt Fees for Shared Mobility Devices and Use of Road Right-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: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Adopt the attached Resolution authorizing the collection of fees for issuance of Annual Business Purposes Encroachment Permits, All Supervisorial Districts;
- b) Receive a report on implementing enforcement options and provide direction;
- c) Receive and file a report on draft permit conditions for shared mobility businesses Annual Business Purposes Encroachment Permits; and
- d) Determine this Resolution is 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:**

Pursuant to County Code Chapters 9, 23, and 28 Article X, this item is on the agenda to establish fees for various businesses receiving the specific benefit of operating in the public road right-of-way, including shared mobility devices (SMD) such as car share, scooter share, and bicycle share. It also includes fees for the specific benefit of allowing businesses to operate dining and other services in the road right-of-way. These fees cover the reasonable costs of the governmental activity to oversee compliance with, and to issue and administer encroachment permits to businesses using the right-of-way, pursuant to County Code Chapters 9, 23, and 28 Article X.

**ADOPT**

All fees established shall be through December 31, 2019, and are based on costs to administer and maintain these programs, and to improve operations within the right-of-way. These costs were determined after conducting an analysis of estimated staffing and resource costs in relation to the anticipated fleets,

compliance issues, and creation of designated spaces. The fee structure may be updated annually by the Public Works Director, consistent with changes in the Consumer Price Index (Los Angeles area– all items, September to September).

Outdoor dining fees: \$1.00 per gross square foot, per month.

Car Share exclusive use space fee: \$75 per space, per month.

Shared Mobility Devices (bike share, scooters, etc) fees:

- Annual permit applications fee: \$500
- Monthly fee: \$5 per scooter per month
- Monthly bike fee: \$1 per bike per month
- Exclusive parking areas in the road right-of-way: \$5 per gross square foot, per month
- Impoundment due to safety or nuisance: \$300 per SMD impounded

**Background:**

On November 13, 2018, your Board approved changes to Chapters 9, 23, and 28 Article X of County Code to regulate use of road right-of-way for business purposes, including shared mobility devices, outdoor dining and other services through issuance of encroachment permits. The authority to issue encroachment permits is vested by statute in the Road Commissioner. (Sts. & Hys. Code § 1460.) Prior to issuing an encroachment permit, every permit is measured against the standards governing permissible uses of a public right-of-way. These standards include, but are not limited to, determining if the use serves as a means, or is incident to a means, for the transport or transmission of people; serves either the public interest or a private interest without interfering with the public’s use rights; and, whether the use unduly endangers or interferes with use of the abutting property. Upon issuance of an encroachment permit the Road Commissioner may include terms and conditions. (Sts. & Hys. Code §§ 1460, 1461.) A draft of the conditions is attached as an example of conditions that may apply to SMD businesses that are issued an annual business purposes encroachment permit.

The proposed actions 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).

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

This action will allow for recovery of costs incurred to administer permits and to monitor compliance of new County Code sections.

**Narrative:**

Funds generated will be deposited in Fund 0015.

**Special Instructions:**

1. Please provide a certified, stamped Minute Order and a copy of the executed Resolution to each:
  - Gail Ocheltree, Public Works Transportation, 123 E. Anapamu Street, Santa Barbara, x3094
  - Michelle Garcia, Public Works Transportation, 4417 Cathedral Oaks Road, Santa Barbara, x4990
2. Public Works will publish a Notice of Public Meeting twice in the Santa Barbara Newspress, starting 10 days prior to the Board meeting, and return a Proof of Publication to the Clerk of the Board.

**Attachments:**

Attachment A: Resolution establishing fees and procedures for the use of County right-of-way for  
business purposes

Attachment B: Draft Permit Conditions

**Authored by:**

Chris Sneddon, Public Works, Deputy Director - Transportation, x3064