

**CITY OF SANTA BARBARA  
CITY COUNCIL  
REDEVELOPMENT AGENCY**

**Helene Schneider**  
*Mayor/Chair*  
**Grant House**  
*Mayor Pro Tempore/Vice Chair*  
**Bendy White**  
*Ordinance Committee Chair*  
**Das Williams**  
*Finance Committee Chair*  
**Dale Francisco**  
**Frank Hotchkiss**  
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**James L. Armstrong**  
*City Administrator/  
Executive Director*

**Stephen P. Wiley**  
*City Attorney/Agency Counsel*

**City Hall**  
*735 Anacapa Street*  
<http://www.SantaBarbaraCA.gov>

**MARCH 30, 2010  
AGENDA**

**ORDER OF BUSINESS:** Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council and Redevelopment Agency meetings begin at 2:00 p.m. in the Council Chamber at City Hall.

**REPORTS:** Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

**PUBLIC COMMENT:** At the beginning of the 2:00 p.m. session of each regular Council/Redevelopment Agency meeting, and at the beginning of each special Council/Redevelopment Agency meeting, any member of the public may address them concerning any item not on the Council/Redevelopment Agency agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the Council/Redevelopment Agency. Should Council/Redevelopment Agency business continue into the evening session of a regular Council/Redevelopment Agency meeting at 6:00 p.m., the Council/Redevelopment Agency will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The Council/Redevelopment Agency, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

**REQUEST TO SPEAK:** A member of the public may address the Finance or Ordinance Committee or Council/Redevelopment Agency regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or Council/Redevelopment Agency.

**CONSENT CALENDAR:** The Consent Calendar is comprised of items that will not usually require discussion by the Council/ Redevelopment Agency. A Consent Calendar item is open for discussion by the Council/Redevelopment Agency upon request of a Council/Agency Member, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council/Redevelopment Agency considers the Consent Calendar.

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

**TELEVISION COVERAGE:** Each regular Council meeting is broadcast live in English and Spanish on City TV Channel 18, and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at [www.citytv18.com](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **ORDER OF BUSINESS**

- 11:00 a.m. - Special Ordinance Committee Meeting Begins, Council Chamber
- 12:00 Noon - Special Ordinance Committee Meeting Recess
- 12:00 Noon - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 12:30 p.m. - Special Ordinance Committee Meeting Reconvenes
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Special Redevelopment Agency Meeting

### **SPECIAL ORDINANCE COMMITTEE MEETING - 11:00 A.M. IN THE COUNCIL CHAMBER (120.03)**

**1. Subject: Neighborhood Preservation Ordinance Two-Year Review**

Recommendation: That the Ordinance Committee review and comment on the proposed changes in Titles 22 and 28 of the Santa Barbara Municipal Code (SBMC) and forward proposed amendments to Council for adoption.

(Time Certain: 11:00 a.m.)

**2. Subject: Medical Marijuana Dispensary Ordinance Revisions**

Recommendation: That the Ordinance Committee:

- A. Review allowable areas for dispensaries with protection for the highest priority substance abuse recovery facilities; and
- B. Discuss the concept of Medical Marijuana collectives and cooperatives, and consider possible Municipal Code regulations to ensure compliance with the State Health and Safety Code regarding the distribution of Medical Marijuana to "qualified patients" by "primary care givers."

(Time Certain: 12:30 p.m.; Continued from March 16, 2010)

**SPECIAL FINANCE COMMITTEE MEETING - 12:00 NOON IN THE DAVID  
GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)**

**1. Subject: Six-Year Capital Improvement Program For Fiscal Years 2011  
Through 2016**

Recommendation: That the Finance Committee review the Six-Year Capital Improvement Program (CIP) for Fiscal Years 2011 through 2016.

**2. Subject: Fiscal Year 2010 Budget Balancing And Adjustments**

Recommendation: That the Finance Committee recommend:

- A. That Council hear a report from staff, as a follow-up to the special budget work session held on February 25, 2010, to continue the discussion of recommended measures to help offset projected General Fund revenue shortfalls in Fiscal Year 2010;
- B. That Council approve the transfer of \$480,000 from the Self-Insurance Fund to the General Fund, representing charges allocated to the General Fund above amounts needed to fund the General Fund's portion of the Fiscal Year 2010 workers' compensation and liability programs based on an analysis of claims paid to date;
- C. That Council approve the transfer of \$440,000 from the Solid Waste Fund to the General Fund, representing unrestricted funds intended to reimburse the City's General Fund for the use of the City's public right-of-way; and
- D. That the Redevelopment Agency Board allocate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease costs of the Fire Department's Administrative Staff due to the Agency-funded Fire Station No. 1 Annex Renovation Project.

(See Council/Redevelopment Agency Agenda Item No. 15)

**REGULAR CITY COUNCIL MEETING – 2:00 P.M.  
SPECIAL REDEVELOPMENT AGENCY MEETING – 2:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CEREMONIAL ITEMS**

- 1. Subject: Proclamation Declaring April 2010 As National Poetry Month (120.04)**

**CHANGES TO THE AGENDA**

**PUBLIC COMMENT**

**CONSENT CALENDAR**

**CITY COUNCIL**

- 2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of March 16, 2010.

- 3. Subject: February 2010 Investment Report (260.02)**

Recommendation: That Council accept the February 2010 Investment Report.

- 4. Subject: Human Services Contract Assignment For Homemaker Program (610.05)**

Recommendation: That Council authorize the assignment of Family Service Agency Human Services Contract No. 23,042 in the remaining amount of \$3,750 for the period of October 1, 2009, to June 30, 2010, to Visiting Nurse & Hospice Care of Santa Barbara for operation of the Homemaker Program.

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

**5. Subject: Increase In Change Order Authority For The Marilla Avenue Sidewalk Infill Project (530.04)**

Recommendation: That Council approve an increase in the change order authority for Contract No. 23,174 with Aguilera Brothers Construction, Inc. (Aguilera), for extra work for the Marilla Avenue Sidewalk Infill Project (Project), in the amount of \$7,000, for a total change order authority of \$17,500.

**6. Subject: Contract For Cultural Resources Studies For The Chapala, Cota, And Mason Street Bridge Replacement Projects (530.04)**

Recommendation: That Council authorize the Public Works Director to execute a City professional services contract with Applied EarthWorks, Inc. (Applied EarthWorks), in the amount of \$218,585, for mandated cultural resource studies and analyses services during design of the Chapala, Cota, and Mason Street Bridge Replacement Projects (Bridge Projects), and authorize the Public Works Director to approve expenditures of up to \$21,858 for extra services of Applied EarthWorks that may result from necessary changes in the scope of work.

**7. Subject: West Beach Dredging Project (570.03)**

Recommendation: That Council:

- A. Appropriate \$175,000 out of the Waterfront Department's Harbor Preservation Fund unappropriated reserves for the West Beach maintenance dredging project; and
- B. Authorize the General Services Manager to issue a purchase order in an amount not to exceed \$175,000 to AIS Construction Company to dredge approximately 20,000 cubic yards of sand off West Beach.

**8. Subject: Property Tax Exchange Agreements For Las Canoas Reorganization (680.04)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, an Annexation of Property Referred to as Parcel A Located at 2030 Las Canoas Road (APN 021-010-061) to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District and Detachment from County Service Areas 32 and 12; and

(Cont'd)

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

#### 8. (Cont'd)

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, a Concurrent Annexation of a Narrow Strip of Land Underlying Calle Real near Old Mill Road Referred to as Parcel B to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Detachment from the Goleta Water District and Detachment from County Service Areas 3 and 32.

#### 9. **Subject: Set A Date For Public Hearing Regarding Single Family Design Board Preliminary Denial Of 1464 La Cima Road (640.07)**

Recommendation: That Council:

- A. Set the date of May 18, 2010, at 2:00 p.m. for hearing the appeal filed by Scott McCosker of the denial of an application for property located at 1464 La Cima Road, Assessor's Parcel No. 041-022-032, R-1 Single Family Residence Zone, General Plan Designation: Residential-3 units per acre. The project proposes the removal of existing non-permitted Alan block retaining walls, minor grading and construction of concrete block and Alan block retaining walls. The project is located in the Hillside Design District; and
- B. Set the date of May 17, 2010, at 1:30 p.m. for a site visit to the property located at 1464 La Cima Road.

### REDEVELOPMENT AGENCY

#### 10. **Subject: License Agreement Regarding Public Art In Jardin de las Granadas**

Recommendation: That the Redevelopment Agency Board approve and authorize the Executive Director to execute, subject to approval by Agency Counsel, a License Agreement with the Santa Barbara County Arts Commission regarding Installation, Use, Maintenance and Removal of Art on Redevelopment Agency (RDA)-owned property at 21 East Anapamu Street commonly known as Jardin de las Granadas.

## **CONSENT CALENDAR (CONT'D)**

### NOTICES

11. The City Clerk has on Thursday, March 25, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
12. Received a letter of resignation from Creeks Advisory Committee Member Roger Schlueter; the vacancy will be part of the next City Advisory Group recruitment.
13. Cancellation of the regular City Council and Redevelopment Agency meetings of April 6, 2010.

**This concludes the Consent Calendar.**

## **REPORT FROM THE ORDINANCE COMMITTEE**

## **REPORT FROM THE FINANCE COMMITTEE**

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### FINANCE DEPARTMENT

14. **Subject: Professional Services Contract For Survey On Single-Use Bag Tax (630.01)**

Recommendation: That Council consider entering into a professional services agreement with Fairbank, Maslin, Maullin, Metz & Associates for an amount not to exceed \$23,319 to develop and conduct a voter survey regarding a possible tax on single-use bags.

15. **Subject: Fiscal Year 2010 Budget Balancing And Adjustments (230.05)**

Recommendation:

- B. That Council hear a report from staff, as a follow up to the special budget work session held on February 25, 2010, to continue the discussion of recommended measures to help offset projected General Fund revenue shortfalls in Fiscal Year 2010;
- C. That Council approve the transfer of \$480,000 from the Self-Insurance Fund to the General Fund, representing charges allocated to the General Fund above amounts needed to fund the General Fund's portion of the Fiscal Year 2010 workers' compensation and liability programs based on an analysis of claims paid to date;

(Cont'd)

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

### **FINANCE DEPARTMENT (CONT'D)**

#### **15. (Cont'd)**

- D. That Council approve the transfer of \$440,000 from the Solid Waste Fund to the General Fund, representing unrestricted funds intended to reimburse the City's General Fund for the use of the City's public right-of-way; and
- E. That the Redevelopment Agency Board allocate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease costs of the Fire Department's Administrative Staff due to the Agency-funded Fire Station No. 1 Annex Renovation Project.

### **COMMUNITY DEVELOPMENT DEPARTMENT**

#### **16. Subject: Update On Strategies To Address Community Issues Related To Homelessness In The City Of Santa Barbara (660.04)**

Recommendation: That Council receive an update on the twelve recommended strategies outlined in *Strategies to Address Community Issues Related to Homelessness in the City of Santa Barbara*.

### **CITY ADMINISTRATOR**

#### **17. Subject: Introduction Of Ordinance For Cancellation Of Management Salary Increase And Suspension Of Salary Increase For Supervisors (440.02)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5485, the 2008-2010 Salary Plan for Unrepresented Managers and Professional Attorneys.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## CLOSED SESSIONS

**18. Subject: Conference With Legal Counsel - Pending Litigation (160.03)**

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Landslide Repair Foundation v. City Of Santa Barbara*, SBSC Number 1304297.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

**19. Subject: Conference With Legal Counsel - Pending Litigation (160.03)**

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: *Juanita Doyle v. City of Santa Barbara*, WCAB, Case Number ADJ142497.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

**20. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, the Hourly Bargaining Unit, and the Supervisory Employees Association, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

## ADJOURNMENT

CITY OF SANTA BARBARA

**ORDINANCE COMMITTEE MEETING**

SPECIAL MEETING AGENDA

DATE: March 30, 2010  
TIME: 11:00 a.m.  
PLACE: Council Chambers

Bendy White, Chair  
Grant House  
Frank Hotchkiss

Office of the City  
Administrator

Office of the City  
Attorney

Nina Johnson  
Assistant to the City Administrator

Stephen P. Wiley  
City Attorney

**ITEMS FOR CONSIDERATION**

**11:00 am Subject: Neighborhood Preservation Ordinance Two-Year Review**

Recommendation: That the Ordinance Committee review and comment on the proposed changes in Titles 22 and 28 of the Santa Barbara Municipal Code (SBMC) and forward proposed amendments to Council for adoption.

**12:00 pm Break**

**12:30 pm Subject: Medical Marijuana Dispensary Ordinance Revisions**

Recommendation: That the Ordinance Committee:

- A. Review allowable areas for dispensaries with protection for the highest priority substance abuse recovery facilities; and
- B. Discuss the concept of Medical Marijuana collectives and cooperatives, and consider possible Municipal Code regulations to ensure compliance with the State Health and Safety Code regarding the distribution of Medical Marijuana to “qualified patients” by “primary caregivers.”

(Continued from March 16, 2010)



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** March 30, 2010  
**TO:** Ordinance Committee  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Neighborhood Preservation Ordinance Two-Year Review

### RECOMMENDATION:

That the Ordinance Committee review and comment on the proposed changes in Titles 22 and 28 of the Santa Barbara Municipal Code (SBMC) and forward proposed amendments to Council for adoption.

### EXECUTIVE SUMMARY:

Staff has followed direction provided by Council on December 15, 2009 to implement ordinance and guideline amendments related to a two-year review of the NPO Update. Staff has met with the Single Family Design Board (SFDB) and the Planning Commission (PC) for review of proposed Ordinance changes. The SFDB and PC unanimously supported the proposed changes presented to them. The two-space uncovered parking option elicited split votes at both hearing bodies due to issues of minimum required storage, screening, square footage distribution, and neighborhood compatibility. Staff has adjusted the two-space uncovered parking proposal to address each item of concern discussed at the SFDB and PC.

### DISCUSSION:

On December 15, 2009, City Council:

- Initiated changes recommended in the "Two-Year Review of Neighborhood Preservation Ordinance/Single Family Design Guidelines Update (NPO Update)"; with staff to work with a subcommittee of the SFDB and the Ordinance Committee; and
- Directed staff to return to Council with ordinance and guideline amendments for adoption.

Since January 2010, staff has met with a subcommittee of the SFDB three times, the full SFDB twice and the PC once to review proposed changes to the Single Family Residential Design Guidelines (SFRDG), Single Family Design Board Guidelines (SFDBG) and ordinance changes. After final presentation of revised draft SFRDG to the SFDB, both the guidelines and ordinance proposals are planned to be presented to Council for adoption consideration April 27, 2010.

Proposed ordinance revisions are in Attachment 1. Strike-out indicates deletion of existing text and underlining indicates proposed new text within existing text. Attachment 2 provides details regarding uncovered parking guideline revisions related to uncovered parking ordinance proposals (see pages 3-4 of this report). The December 15, 2010 staff report provides background information (Attachment 3). Proposed ordinance changes directed by Council are discussed below.

## **I. Ordinance Revisions**

In addition to the changes discussed in the December 15, 2009 CAR, the expiration of Design Review approvals has been clarified, in particular for projects with multiple approvals. These revisions are found in proposed SBMC sections 22.22.180, 22.68.110, and 22.69.090. Also, the draft ordinance proposes a refinement to the basement net floor area calculation procedures in section 28.15.083.B.1.b.

### Noticing

Eliminate noticing for additions of less than 150 square feet to existing second stories or higher. (SBMC 22.69.040.A.3 and .4) Reduce hand-delivered noticing to the closest 10 lots, rather than the closest 20 lots. (SBMC 22.22.132.C and 22.69.040.C)

### Design Review Triggers

Clarify and simplify the trigger for Design Review for roof alterations in the Hillside Design District. (SBMC 22.69.020.B.2.b) Change the trigger for Design Review for walls, fences or gates in front yards from six feet and greater in height to greater than 3.5 feet in height. (SBMC 22.69.020.C.8)

### One Uncovered Parking Space Encroachments

Disallow uncovered parking encroachments on large lots for single-family residential projects that propose an uncovered parking space. Also, permeable paving is required where feasible. (SBMC 28.90.100.G.1.b)

### Green Building Standard for Large Residences

Update the Ordinance to clarify that green building programs equivalent to the Santa Barbara Contractor Association's Built Green program are acceptable for homes over 4,000 square feet. (See SBMC 22.69.055 and 22.22.131) Exempt additions of less than 500 square feet from the green building requirement. (SBMC 22.69.055 and 22.22.131) Clarify that both Historic Landmarks Commission and SFDB single family home projects resulting in over 4,000 square feet are subject to the Built Green requirement. (SBMC 22.22.131)

## **II. Two Uncovered Parking Spaces Exception Option**

**Summary.** During the review of the NPO Update staff recognized that defining when two uncovered parking spaces may be acceptable could bring substantial benefits in achieving storm water quality goals, street friendly home facades, increased housing affordability and flexibility for constrained and non-conforming lots. However,

modifications to the covered parking ordinance requirement to allow two uncovered spaces have not traditionally been supported for single family development. Staff presented potential benefits and disadvantages of studying this provision to the Council as an option for further consideration on December 15, 2009. Council directed staff to study an option whereby two uncovered parking spaces might be allowed on a case by case basis by the SFDB for homes under 80% of the maximum FAR with required Design Review. The SFDB initially had concerns regarding a modification process for two uncovered parking spaces and staff worked to address these issues. Rather than the modification process, an exception requiring SFDB approval was approved by the SFDB on March 15, 2010.

Two uncovered parking spaces would typically require only 333 square feet (18' by 18.5'), whereas a two-car garage requires 400 square feet (interior 20' by 20'). In addition to minimum ordinance standards, SFDB Guidelines (Attachment 2) were drafted for consideration.

**Benefits.** This change to the ordinance and guidelines would result in these benefits.

- Minimize the unfriendly/bulky appearance of garages on street facades and allow for more "open" site designs.
- Maximize permeable surfaces on lots, helping with Storm Water Management Program clean water goals.
- Provides opportunity to allow flexibility for a constrained lot, such as a lot that is less than 55' wide or less than 10,000 square feet.
- For lots legally non-conforming as to parking, provides opportunity to allow flexibility to avoid demolition of major portions of existing structures to accommodate an addition that triggers a two-car parking requirement where there was previously only a legally non-conforming one-car garage on site.
- Reduce overall single-family housing construction costs, benefiting housing affordability, as uncovered parking spaces are much less expensive to construct than garages or carports.
- Achieve an overall increase in the amount of off-street parking actually available/in use on a day to day basis in some single-family neighborhoods, since a number of garages are illegally converted to storage and uncovered spaces are less likely to be converted to storage.

**Issues.** Debate on this topic centered on the following items.

*Amount of minimum storage to be required.* The original recommended storage for these proposals was 200 cubic feet, consistent with condominium storage requirements (SFDB March 1, 2010 hearing). The SFDB expressed concern that the storage could be provided in cupboards, whereas full-height storage areas are more appropriate for single family homes. In response, staff increased the minimum storage requirement to a 100 square feet recommendation for PC review. The PC expressed concern that even with 100 square feet of minimum storage, that unsightly storage problems could proliferate on a property without a garage. As a result, staff increased the minimum

storage recommendation to 150 square feet for the second SFDB review on March, 15, 2010. This amount was considered potentially excessive by the SFDB. The SFDB recommended that the Ordinance Committee further consider this issue. A 120 square feet storage minimum is now recommended by staff along with guidelines addressing adequate storage area design (Attachment 2).

*Screening.* Concern that uncovered parking might not be appropriately screened was expressed by both SFDB and PC members. A member of the PC had particular concern regarding the use of gates for screening. In response, staff proposes that the SFDB would be charged with determining appropriate screening on a case by case basis. If the SFDB finds that a project cannot be appropriately screened, the SFDB would deny the application.

*Square Footage.* A member of the SFDB and a member of the PC strongly felt that garage or carport square footage should not be able to be “transferred” into habitable living space with no maximum FAR penalty. Their opinion was that uncovered parking spaces should only be implemented in cases where the square footage of the home is modest, at least 400 square feet less than the maximum allowed FAR for the property. Requiring an FAR of no more than 80% of the maximum ensures the projects would be limited to at least 400 square feet less than the maximum FAR in all cases.

*Compatibility with Existing Neighborhood.* Concern was expressed by two SFDB members that allowing no covered parking on some lots would constitute incompatible neighborhood development patterns and therefore should never be allowed. Other members also saw this as an issue, but felt that exceptions for two uncovered parking spaces could rarely be allowed on a case by case basis for constrained lots. As currently proposed, if a majority of the SFDB finds a project proposing two uncovered parking spaces does not meet neighborhood compatibility findings, the two-uncovered parking space exception request would be denied.

**PC and SFDB Votes.** The result of the debates was an evenly split vote of three in support and three against the proposal at the Planning Commission on March 4, 2010. The initial SFDB vote on this topic on March 1, 2010 was 5 against and 1 abstention. After staff changed the ordinance proposal in response to SFDB and PC concerns, SFDB opinions changed; four voted in favor and two against the revised proposal on March 15, 2010.

**Proposal.** The proposed ordinance contains revisions crafted to address concerns expressed by PC and SFDB members. The ordinance proposal for this option requires the following for an exception to allow two-uncovered rather than the standard two covered parking spaces:

- No more than 80% of the maximum floor to lot area for the property’s lot size is allowed
- 120 square feet minimum of exterior storage
- Screening of the parking space
- Permeable paving

- SFDB review and approval for appropriate high quality design and details. Also, the SFDB must find the project consistent with Neighborhood Preservation Ordinance findings, including neighborhood compatibility findings.

(SBMC 28.90.100.G.1.c, 22.69.020.C.12, and 22.22.132.A.9)

#### **BUDGET/FINANCIAL INFORMATION:**

Guideline changes will accompany this package for final Council consideration. The guideline changes which will be presented to Council include some shifts of projects away from full board SFDB review toward either less labor intensive Consent Calendars or Administrative (staff) review. Some changes proposed in these ordinance revisions will result in insignificant decreases in staff workload (noticing, Design Review triggers and green building requirement adjustments) and some will result in insignificant increases (Design Review triggers).

#### **SUSTAINABILITY IMPACT:**

Providing an alternative green building program for additions for homes over 4,000 square feet to have a green building component supports Santa Barbara's sustainability. The current requirement has generated some resistance from some architects and designers and the revisions will make the program more readily acceptable to applicants. Continuing the green building requirement for large homes will continue to ensure improved site, water, energy, materials use reduction, and indoor air quality improvements.

**NOTE:** The following documents have been provided to the Ordinance Committee and are available for public viewing at the City Clerk's office:

- Existing adopted versions of the SFRDG and SFDB Guidelines (available on-line at [www.santabarbaraca.gov/Resident/Home/Guidelines/](http://www.santabarbaraca.gov/Resident/Home/Guidelines/))
- December 15, 2009 Council Agenda Report (available on-line at <http://www.santabarbaraca.gov/CAP/>).
- Proposed SFRDG amendments discussed by the SFDB (available on-line at [www.santabarbaraca.gov/Resident/Major\\_Planning\\_Efforts/NPO/](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/NPO/)).

- ATTACHMENTS:**
1. Draft Amendments to SBMC Titles 22 and 28.
  2. Proposed Guideline Revisions Regarding Uncovered Parking Spaces
  3. December 15, 2009 Council Agenda Report: Two-Year Review of Neighborhood Preservation Ordinance Update

**PREPARED BY:** Heather Baker, AICP, Project Planner

**SUBMITTED BY:** Paul Casey, Assistant City Administrator/Community Development

**APPROVED BY:** City Administrator's Office

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLES 22 AND 28 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE NEIGHBORHOOD PRESERVATION ORDINANCE, SINGLE FAMILY RESIDENCE PARKING DESIGN STANDARDS, AND THE EXPIRATION OF DESIGN REVIEW APPROVALS.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Sections 22.22.131, 22.22.132, and 22.22.180 of Chapter 22.22 of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

**22.22.131 Review of Single Family Residential Units.**

A. NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS. If a project is referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code, the Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, make the findings required for approval of the project as specified in Section 22.69.050 of this Code prior to approving the project.

Deleted: - PROJECTS REVIEWED BY THE HISTORIC LANDMARKS COMMISSION

B. GREEN BUILDING STANDARD FOR LARGE RESIDENCES. If a project referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code proposes 500 square feet or more of new net floor area (new construction, replacement construction, or additions) and the net floor area of all existing and new

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buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.

**22.22.132 Historic Landmarks Commission Notice and Hearing.**

A. **PROJECTS THAT REQUIRE PUBLIC HEARING.** Historic Landmarks Commission review of the following projects must be preceded by a noticed public hearing:

1. New single residential units, residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings, or nonresidential buildings,
2. The addition of over 500 square feet of net floor area to a single residential unit or residential duplex,
3. An addition of a new story or an addition to an existing second or higher story of a single residential unit or residential duplex,
4. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multiple residential unit,
5. Small non-residential additions as defined in Section 28.87.300,
6. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main

building that is excavated and recompactd shall not be included in the calculation of the volume of grading outside the building footprint),

7. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels,

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8. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property, or

9. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

B. **MAILED NOTICE.** Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Historic Landmarks Commission, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. **ADDITIONAL NOTICING METHODS.** In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ten (10) lots closest to the lot which is the subject of the

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action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

**D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER.** Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice for the first hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Historic Landmarks Commission to be published in a newspaper, or 2. mailed notice of hearings before the Historic Landmarks Commission after the first hearing conducted by the Historic Landmarks Commission, except as otherwise provided in the Historic Landmarks Commission Guidelines adopted by resolution of the City Council.

**22.22.180 Expiration of Approval.**

**A. CONCEPT REVIEW.** Conceptual comments by the Commission are valid for one year from the date of the last conceptual review.

**B. PRELIMINARY APPROVAL.**

**Deleted: A. TWO-YEAR EXPIRATION.** A final approval by the Commission, as defined in the Historic Landmarks Commission Guidelines, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.¶

**B. COMMUNITY DEVELOPMENT DIRECTOR EXTENSION.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Historic Landmarks Commission Guidelines, and applicable City ordinances, resolutions and other laws.¶

**C. EXTENSIONS BY THE HISTORIC LANDMARKS COMMISSION.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Commission may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Commission upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Historic Landmarks Commission Guidelines, and applicable City ordinances, resolutions and other laws.

1. **One Year Expiration.** A preliminary approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Commission or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

**C. FINAL APPROVAL.**

1. **Two Year Expiration.** A final approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this

Chapter 22.22, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

3. **Extensions by the Board.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Commission may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Commission upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

4. **Projects with Multiple Approvals.** Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Historic Landmarks Commission or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. **EXCLUSIONS OF TIME.** For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for

preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

**SECTION 2.** Section 22.68.110 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

**22.68.110 Expiration of Approval.**

**A. CONCEPT REVIEW.** Conceptual comments by the Architectural Board of Review are valid for one year from the date of the last conceptual review.

**B. PRELIMINARY APPROVAL.**

1. **One Year Expiration.** A preliminary approval from the Architectural Board of Review or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Architectural Board of Review or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Architectural Board of Review or the City Council, on appeal.

2. **Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

**C. FINAL APPROVAL.**

1. **Two Year Expiration.** A final approval from the Architectural Board of Review or the City Council, on appeal, shall expire by limitation and become null and

**Deleted:** . A. **TWO-YEAR EXPIRATION.** A final approval of the Architectural Board of Review, as defined in the Architectural Board of Review Guidelines, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Architectural Board of Review or the City Council, on appeal.¶

**B. COMMUNITY DEVELOPMENT DIRECTOR EXTENSION.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68 and applicable City ordinances, resolutions and other laws.¶

**C. EXTENSIONS BY THE ARCHITECTURAL BOARD OF REVIEW.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Architectural Board of Review may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Architectural Board of Review upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68 and applicable City ordinances, resolutions and other laws.

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void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Architectural Board of Review or the City Council, on appeal.

**2. Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68, the Architectural Board of Review Guidelines, and applicable City ordinances, resolutions and other laws.

**3. Extensions by the Board.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Architectural Board of Review may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Architectural Board of Review upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68, the Architectural Board of Review Guidelines, and applicable City ordinances, resolutions and other laws.

**4. Projects with Multiple Approvals.** Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this

Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Architectural Board of Review or City Council, on appeal, shall correspond with the expiration date of the longest discretionary application granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

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**D. EXCLUSIONS OF TIME.** For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

**SECTION 3.** Sections 22.69.020, 22.69.040, 22.69.055, and 22.69.090 of Chapter 22.69 of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

**22.69.020 Neighborhood Preservation - Single Family Residential Unit Design**

**Review.**

**A. APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT.** No building permit, grading permit, vegetation removal permit, or subdivision grading plan, the application for which is subject to the review of the Single Family Design Board pursuant

to this Chapter 22.69, shall be issued without the approval of the Board or the City Council, on appeal.

**B. BUILDING PERMITS - SPECIAL DESIGN DISTRICTS.**

1. **Mission Area Special Design District and Lower Riviera Survey Area - Bungalow District.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Mission Area Special Design District or the Lower Riviera Survey Area - Bungalow District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines.

2. **Hillside Design District.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Hillside Design District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines if either:

a. The average slope of the lot or the building site is 20% or more as calculated pursuant to Section 28.15.080 of this Code; or

b. The application involves ~~the replacement of an existing roof covering with~~ a roof covering of different materials or colors.

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**C. BUILDING PERMITS - SINGLE FAMILY RESIDENTIAL UNITS.**

Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on any lot shall be referred to the

Single Family Design Board for design review in accordance with the requirements of this Chapter and the Single Family Design Board Guidelines if the project for which the building permit is sought involves any of the following:

1. The construction of a new building or structure where any portion of the proposed construction is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 1, building height shall be measured from natural grade or finished grade, whichever is lower), or

2. An alteration to an existing building or structure where any portion of the proposed alteration either: (i) alters the second or higher story of the building or structure, or (ii) alters a point on the existing building or structure that is seventeen feet (17') or higher in building height (for purposes of this paragraph 2, building height shall be measured from natural grade or finished grade, whichever is lower), or

3. An addition to an existing building or structure where any part of the proposed addition is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 3, building height shall be measured from natural grade or finished grade, whichever is lower), or

4. The net floor area of all floors of all existing and new buildings on the lot will exceed four thousand (4,000) square feet as calculated pursuant to Section 28.15.083 of this Code, or

5. The project requires a net floor area modification pursuant to Section 28.92.110.A.6 of this Code, or

6. The construction, alteration, or addition of a deck on the second or higher floor (including roof decks) or a balcony on the second or higher floor of any building

that will extend perpendicularly more than three feet (3') from the adjacent exterior wall or will be more than seven feet (7') in length in the dimension parallel to the adjacent exterior wall, or

7. The construction, alteration, or addition of a retaining wall that is six feet (6') or greater in height, or

8. The construction, alteration, or addition of a wall, fence or gate in the front yard of the lot that is greater ~~than three and one half feet (3.5')~~ in height, excluding walls, fences, or gates that are constructed along the interior lot lines of the lot, shall be referred to the Single Family Design Board for a review of the proposed wall, fence or gate, or

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9. The installation of a manufactured home, mobile home or factory-built home (as those terms are defined in the California Health and Safety Code), subject to the limitations on review specified in Government Code section 65852.3 et seq., or

10. The installation of a single family residential unit that was, as a whole or in part, previously located on another lot, or

11. Grading outside the footprint of the main building on the lot that exceeds either: (i) fifty (50) cubic yards on a lot within the Hillside Design District identified in Section 22.68.060, or (ii) two hundred fifty (250) cubic yards on a lot that is not within the Hillside Design District. For purposes of this paragraph 11, soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the main building footprint.

12. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

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D. **SUBDIVISION GRADING PLANS.** All subdivision grading plans involving grading on a lot or lots located in any of the single family zones listed in Chapter 28.15 of this Code shall be referred to the Single Family Design Board for a review of the proposed grading.

E. **GRADING PERMITS.** Applications for grading permits that propose grading on a vacant lot or lots located within a single family zone listed in Chapter 28.15 of this Code or on any lot that is developed exclusively with a single family residence and related accessory buildings, and which are not submitted in connection with an application for a building permit for the construction or alteration of a building or structure on the same lot or lots, shall be referred to the Single Family Design Board for a review of the proposed grading.

F. **VEGETATION REMOVAL PERMITS.** Applications for vegetation removal permits pursuant to Chapter 22.10 of this Code on a lot or lots located within a single family zone listed in Chapter 28.15 of this Code, or on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for a review of the proposed vegetation removal.

G. **RETAINING WALLS.** The following types of retaining wall improvements, if located on a lot or lots within a single family zone listed in Chapter 28.15 of this Code, or on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for design review of the proposed retaining walls in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines:

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1. The construction of a retaining wall on a lot or a building site with an average slope of 15% or more (as calculated pursuant to Section 28.15.080 of this Code), or
2. The construction of a retaining wall on a lot that is adjacent to or contains an ocean bluff, or
3. The construction of multiple terracing retaining walls that are not separated by a building or a horizontal distance of more than ten feet (10') where the combined height of the walls exceeds six feet (6').

**H. SUBSTANTIAL ALTERATIONS TO APPROVED LANDSCAPE PLANS.**

The Single Family Design Board shall review any substantial alteration or deviation from the design, character, plant coverage at maturity, or other improvements specified on an approved landscape plan for any lot within the City of Santa Barbara that is developed with a single-family residence where the conditions of approval for the development on the lot require the installation and maintenance of trees or landscaping in accordance with an approved landscape plan, whether or not such alteration or deviation to the landscape plan is proposed in connection with an alteration to a building or structure on the lot that is subject to design review by the Single Family Design Board. Whether a proposed alteration or deviation is substantial shall be determined in accordance with the Single Family Design Guidelines.

**I. SUBMITTAL REQUIREMENTS.** Applications for review by the Single Family Design Board shall be made in writing in such form as is approved by the Director of Community Development. No application shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

J. **ADMINISTRATIVE APPROVAL.** Minor design alterations, as specified in the Single Family Design Guidelines or the Single Family Design Board Guidelines approved by a resolution of the City Council, may be approved as a ministerial action by the Community Development Director or the Director's designee without review by the Single Family Design Board. The Community Development Director (or the Director's designee) shall have the authority and discretion to refer any minor design alteration to the Single Family Design Board if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the architectural or landscape integrity of the building, structure or surrounding property.

K. **PRESUMPTION REGARDING PRIOR GRADING, TREE REMOVAL, AND CONSTRUCTION.** There shall be a presumption that any grading, removal of trees, or construction that occurred on the lot within two years prior to the submittal of an application for a building permit to construct, alter, or add to a single family residential unit or a related accessory structure was done in anticipation of such application, and said activities will be included in determining whether the project is subject to review by the Single Family Design Board pursuant to this Chapter. For purposes of this presumption, if the prior work required a permit from the City, the prior work shall not be considered complete unless a final inspection has occurred or a certificate of occupancy has been issued. An applicant has the burden to rebut this presumption with substantial evidence sufficient to convince the Single Family Design Board that such work was not done in an effort to avoid review of the entirety of the project by the Single Family Design Board.

L. **SINGLE FAMILY DESIGN GUIDELINES.** The Single Family Design Guidelines adopted by resolution of the City Council shall provide direction and

appropriate guidance to decision makers and City staff in connection with applications reviewed pursuant to this Chapter.

**22.69.040 Single Family Design Board Notice and Hearing.**

A. **PROJECTS THAT REQUIRE A NOTICED PUBLIC HEARING.** Single Family Design Board review of the following projects must be preceded by a noticed public hearing:

1. New single family residential unit,
2. The addition of over 500 square feet of net floor area to a single residential unit, including any related accessory structures,

3. An addition of a new second or higher story to a single residential unit or a related accessory structure.

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4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single residential unit or a related accessory structure,

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5. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompact shall not be included in the calculation of the volume of grading outside the building footprint), or

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6. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels.

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B. **MAILED NOTICE.** Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the project hearing to be sent by first class mail to the following persons: (1) the applicant, and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the

exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Single Family Design Board, (3) the location of the subject property, and (4) the nature of the application subject to design review.

**C. ADDITIONAL NOTICING METHODS.** In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ~~ten (10)~~ lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

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**D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER.** Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice of the first hearing before the Single Family Design Board shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Single Family Design Board to be published in a newspaper, or 2. mailed notice of hearings before the Single Family Design Board after the first hearing

conducted by the Single Family Design Board, except as otherwise provided in the Single Family Design Board Guidelines adopted by resolution of the City Council.

**22.69.055 Green Building Standard for Large Residences.**

If a project proposes more than 500 square feet of new net floor area (new construction, replacement construction, or additions) and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City.

**Deleted:** . All new square footage (new construction or additions) proposed in a project referred to the Single Family Design Board for design review pursuant to this Chapter shall meet or exceed the standards for a two-star rating under the Santa Barbara Contractor Association's Built Green Program as adopted by the Single Family Design Board Guidelines if the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet as calculated pursuant to Section 28.04.315.¶

**22.69.090 Expiration of Approval.**

A. **CONCEPT REVIEW.** Conceptual comments by the Single Family Design Board are valid for one year from the date of the last conceptual review.

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B. **PRELIMINARY APPROVAL.**

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1. **One Year Expiration.** A preliminary approval from the Single Family Design Board or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Single Family Design Board or the City

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Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Single Family Design Board or the City Council, on appeal.

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2. **Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

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C. **FINAL APPROVAL.**

1. **Two Year Expiration.** A final approval from the Single Family Design Board or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Single Family Design Board or the City Council, on appeal.

Deleted: **TWO-YEAR EXPIRATION.** A final approval of the Single Family Design Board, as defined in the Single Family Design Board Guidelines,

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2. **Community Development Director Extension.** Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Single Family Design Guidelines, and applicable City ordinances, resolutions and other laws.

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3. **Extensions by the Board.** In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the

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expiration of the approval, the Single Family Design Board may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Single Family Design Board upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Single Family Design Guidelines, and applicable City ordinances, resolutions and other laws.

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**4. Projects with Multiple Approvals, Notwithstanding the two-year expiration** specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Single Family Design Board or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

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**D. EXCLUSIONS OF TIME.** For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.

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**SECTION 4.** Section 28.15.083 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

**28.15.083 Maximum Net Floor Area (Floor to Lot Area Ratio).**

A. **APPLICATION.** The provisions of this Section shall only apply to lots within these zones that have less than 15,000 square feet of net lot area and which are, or are proposed to be, developed with a main or accessory building that is either: (1) two or more stories tall, or (2) has a building height of seventeen feet (17') or more.

B. **DEFINITIONS.** For purposes of this Section, the following definitions shall apply:

1. **Net Floor Area of a Building.** The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

a. **General Rule:** Net floor area is the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five (5) feet above the finished floor.

b. **Special Rules:** (i) Stairs and Elevators. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building. (ii) Small Accessory Buildings. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation. (iii) Basements and Cellars. The net floor area calculation for a basement or cellar shall be reduced by 50% if the vertical distance from grade to ceiling

is four feet (4') or less for at least one-half of the length of the perimeter of the basement or cellar. The floor area of a basement or cellar shall be excluded from the calculation of net floor area if the vertical distance from grade to the ceiling is four feet (4') or less for the entire length of the perimeter of the basement or cellar, For purposes of the exclusion of floor area, one (1) section of the basement or cellar perimeter length, not exceeding five (5) feet in length, may have a distance from grade to ceiling greater than four feet in order to allow for an exterior door and the basement or cellar may still qualify for the exclusion if the door is located outside the required front setback. (iv) Secondary Dwelling Units. Net floor area within a portion of a building that is designed and permitted as a secondary dwelling unit pursuant to Section 28.94.030.Z of this Code shall be excluded from the net floor area calculation. (v) Carports. The area within the exterior walls or supporting columns of a carport shall be included in the calculation of net floor area.

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**Deleted:** , the area of the basement or cellar shall be excluded from the net floor area calculation. See Sections 28.04.110 and 28.04.165 of this Code for the definitions of "Basement" and "Cellar."

2. **Net Floor Area on a Lot.** The net floor area on a lot shall be the sum of the net floor area of all existing and proposed buildings on the lot.

3. **Net Lot Area.** The total horizontal area within the lot lines of a lot subtracting the horizontal area within any public rights-of-way on the lot.

C. **MAXIMUM NET FLOOR AREA (Floor to Lot Area Ratio).** For purposes of this Section, the maximum net floor area of a lot shall be calculated according to the following formulae:

NET LOT AREA (SQ. FT.)

MAXIMUM NET FLOOR AREA (SQ. FT.)

Less than 4,000	2200
4,000 to 9,999	1200 + (.25 multiplied by the net lot area)
10,000 to 14,999	2500 + (.125 multiplied by the net lot area)

**D. PRECLUDED DEVELOPMENT.** No application for a building permit may be approved for any project that will: (1) result in an increase of the net floor area on the lot, (2) change the location of any floor area on the second or higher story of any building on the lot, or (3) increase the height of any portion of a building on the lot to a building height of seventeen feet (17') or higher if either of the following is true regarding the project:

1. The net floor area on the lot will exceed the maximum net floor area for the lot as calculated pursuant to this Section, or

2. The net floor area on the lot will exceed eighty-five percent (85%) of the maximum net floor area for the lot as calculated pursuant to this Section and any of the following conditions apply to the lot:

a. The average slope of the lot or the building site (as calculated pursuant to Section 28.15.080 of this Code) is thirty percent (30%) or greater, or

b. The building height of any new or existing building or structure on the lot is in excess of twenty-five feet (25'), or

c. The lot is located in the Hillside Design District established in Section 22.68.080 of this Code and the application proposes five hundred (500) or more cubic yards of grading outside the footprint of the main building (soil located within five feet

(5') of an exterior wall of a main building that is excavated and recompactd shall not be included in the calculation of the volume of grading outside the building footprint).

**SECTION 5.** Section 28.90.100 of Chapter 28.90 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

**28.90.100 Parking Requirements.**

A. GENERAL. Parking shall be provided for any use in the City of Santa Barbara.

B. DEFINITIONS. As used in this section of the code, certain words and phrases have the following meanings:

1. INDUSTRIAL USE. An industrial use is a use permitted in the C-M or M-1 zones, but not permitted in more restrictive zones.

2. SENIOR HOUSING. Senior Housing is housing that is restricted to residential uses by elderly and senior persons, sixty-two (62) years of age or older. In order to qualify, such restrictions must be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

3. LOW INCOME SENIOR HOUSING. Low income Senior Housing is housing that is restricted to residential uses by low income elderly and senior persons, sixty-two (62) years of age or older, and/or disabled or handicapped persons at affordable low income rents or sale prices in conformance with the City's adopted affordability criteria. In order to qualify, such restrictions must be for at least thirty (30) years, and be made by recorded instrument, regulations of the United States Department of Housing and Urban Development or by similar enforceable methods.

C. CUMULATIVE REQUIREMENTS. All standards set forth herein are cumulative in nature. For properties containing more than one use, the requirements for

each use shall be met.

D. BUILDINGS IN EXCESS OF 10,000 SQUARE FEET. For industrial and office uses, a reduction of the required parking will be allowed for those buildings or building complexes containing in excess of 10,000 square feet of net floor area at the following rate:

1. Buildings containing 10,000 to 30,000 square feet of net floor area shall provide 90% of the required parking.

2. Buildings containing 30,000 to 50,000 square feet of net floor area shall provide 80% of the required parking.

3. Buildings in excess of 50,000 square feet of net floor area shall provide 70% of the required parking.

E. FRACTIONS. Fractions of one-half ( $\frac{1}{2}$ ) or greater shall be considered to require one space.

F. SMALL CARS. Thirty percent (30%) of all required parking may be for small cars for parking lots containing more than 10 spaces with the layout to be approved by the City Transportation Engineer.

G. RESIDENTIAL PARKING REQUIREMENTS. In any zone, for every residential unit or units, and every residential building or structure occupied or intended to be occupied as sleeping quarters or dwellings, all of the required parking spaces shall be made available for all occupants to use as parking spaces on an assigned or unassigned basis. There shall be provided on the same lot or parcel of land a minimum ratio of parking space for each unit or occupant as follows:

1. Single Residential Unit or Group Home.

a. General Rule. Two (2) required. Both of the required spaces shall be provided within a garage or carport located on the lot. If two or more single family dwellings legally exist, or are proposed on a single lot in any zone except the A, E, or R-1 zones, one covered space and one uncovered space may be provided for each single-family dwelling.

b. Exception for One Uncovered Space. Any lot developed with less than 85% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in one covered space and one uncovered space under the following conditions:

(1) The uncovered space shall not be located in any front yard on the lot, and

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(2) If new pavement is proposed for the uncovered space and the site has an appropriate slope for permeable paving, then the new pavement shall be permeable.

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(3) If the lot is located in the A, E, or R-1 zones and has less than 15,000 square feet of net lot area, the uncovered space may encroach up to three feet (3') into a required interior yard if a landscaped buffer is provided between the uncovered space and the adjacent interior lot line.

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(4) All other provisions of this Title shall apply to the required parking.

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c. Exception for Two Uncovered Spaces. Any lot developed with less than 80% of the maximum net floor area for the lot (as calculated pursuant to Section 28.15.083), whether or not the maximum net floor area specified in Section 28.15.083 applies to the lot as a standard, may provide the required parking in two uncovered spaces

under the following conditions:

(1) The uncovered spaces shall not be located in any front yard on the lot,

(2) The uncovered spaces shall be screened from public view,

(3) If new pavement is proposed for any of the uncovered spaces and the site has an appropriate slope for permeable paving, then the new pavement shall be permeable,

(4) Storage space with exterior access of at least 120 square feet of net floor area shall be provided on the lot, and

(5) The location of the parking and the design of the screening shall be reviewed and approved by the Single Family Design Board or Historic Landmarks Commission, as applicable.

(6) If the lot is located in the A, E, or R-1 zones and has less than 15,000 square feet of net lot area, the uncovered spaces may encroach up to three feet (3') into a required interior yard if a landscaped buffer is provided between the uncovered spaces and the adjacent interior lot line.

(7) All other provisions of this Title shall apply to the required parking.

2. Two-Residential Unit. Four (4) required. Two (2) of the required spaces shall be provided within a garage or carport located on the lot. A development in which 100% of the units are rental units which are affordable to very low or low income households may reduce the number of parking spaces to one uncovered parking space per unit if the following conditions are met:

a. Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit tenant. Such space shall be accessible from the exterior of the unit it serves;

b. A covenant is recorded in the County Land Records against the title, which states that all of the dwelling units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council

Resolution from time to time. The rents shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the dwelling unit. The City shall be a party to the covenant; and

c. A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a 100% affordable project. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

3. Multiple Residential Unit.

a. Studio: one and one quarter (1-1/4) spaces per residential unit.

b. One bedroom: one and one-half (1-1/2) spaces per residential unit.

c. Two (2) or more bedrooms: two (2) spaces per residential unit.

d. When there are six (6) or more residential units on a lot or parcel, one (1) space for every four residential units shall be provided for guests.

e. When the parking referred to in Subsections 28.90.100.G.3.a-d. is provided for a condominium, community apartment or stock cooperative, at least one parking space that is in a garage or carport shall be allocated to each residential unit.

f. A development in which 100% of the units are rental units which are affordable to very low or low income households: one uncovered parking space per unit if the following conditions are met:

(1) A covenant is recorded in the County Land Records against the title, which states that all of the residential units on the Real Property shall be rented to very low or low income households; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time. The rent shall be controlled through recorded documents to assure continued affordability for at least thirty (30) years from the initial occupancy of the residential unit. The City shall be a party to the covenant; and

(2) A covenant is recorded in the County Land Records against the title which states that the development has received a reduction in the amount of parking required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that the maximum number of residential units on the Real Property does not exceed the number of residential units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use pursuant to Chapter 28.90. The City shall be a party to the covenant.

4. Planned Unit Developments for Residential Uses.

a. For each residential unit, not less than two (2) parking spaces, either in a

garage or a carport and one-half (1/2) uncovered space.

5. Senior Housing: one (1) uncovered space per residential unit.

6. Low Income Senior Housing: one-half (1/2) uncovered space per residential unit.

7. Mobilehomes and Recreational Vehicles.

a. Mobilehome on a permanent foundation: two (2) covered spaces for each mobilehome.

b. Mobilehome or permanent recreational vehicle park: two (2) parking spaces on each mobilehome and recreational vehicle space. Tandem parking is acceptable. Guest parking shall be provided at the ratio of one (1) parking space per four (4) mobilehome and recreational vehicle spaces. Each mobilehome and recreational vehicle space shall be within one hundred (100) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.

8. Boarding House, club, fraternity house, sorority house, and dormitory: one (1) space for each bedroom.

9. Community care facility: one (1) space for each two (2) bedrooms.

#### H. MIXED USE DEVELOPMENTS.

1. Residential Uses. Parking spaces shall be provided in accordance with Subsection 28.90.100.G, subject to the following exceptions:

a. In any mixed use development, where residential uses occupy up to fifty percent (50%) of the development, residential parking requirements may be reduced by fifty percent (50%) and covered parking will not be required, although it will be encouraged. If the residential use is changed to a nonresidential use, the full number of parking spaces as required in this Chapter shall be added.

b. In the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is part of this code, the residential parking requirement for mixed use developments is one uncovered parking space per dwelling unit, and guest parking is not required. If the residential use is changed to a nonresidential use, the full number of parking spaces as required in this Chapter shall be added.

2. Nonresidential Uses. Parking spaces shall be provided in accordance with Subsections 28.90.100.I., 28.90.100.J. and 28.90.100.K.

I. OFFICE, COMMERCIAL AND INDUSTRIAL USES. In any zone, except as provided in Sections 28.90.100.J and 28.90.100.K of this Chapter, for all office and commercial buildings, one (1) parking space shall be provided for each two hundred fifty (250) square feet of net floor area or fraction thereof. For all general industrial uses, one (1) parking space shall be provided for each five hundred (500) square feet of net floor area or fraction thereof.

J. PARKING REQUIREMENTS FOR SPECIFIC USES. In any zone, for the following uses parking spaces shall be in the following ratios for specific types of use:

1. CENTRAL BUSINESS DISTRICT. Any nonresidential use in the delineated areas of the Central Business District (CBD) shown on the map (Figure A) which is a part of this code: one space per 500 square feet of net floor area. However, any property located in whole or in part in the Central Business District (CBD) and which has a designated "zone of benefit" as shown on Figure A shall also be exempt from the requirements of this chapter (as to the number of parking spaces required) to the extent of

the percentage of the zone of benefit shown for such property on Figure A.

In other words, in applying this subsection, the parking space requirement for the property shall be computed on the basis of floor area ratios as initially required herein. The resulting number of required spaces shall then be reduced by the percentage applicable to the zone of benefit designated for that property, rounded to the nearest whole number. Bicycle parking shall also be required as necessary.

2. Automobile service stations: three (3) parking spaces for each grease rack. Grease racks, pump blocks and other service areas shall not be considered as parking spaces. Bicycle parking not required.

3. Auto repair: As much paved area for outside storage and parking of vehicles as there is area used for servicing of vehicles. Bicycle parking not required.

4. Car wash: Four (4) spaces per washer unit. Bicycle parking not required.

5. Churches, theaters, auditoriums, funeral parlors, stadiums, arenas and similar places of assembly:

One (1) parking space shall be provided for every four (4) seats provided in such building. A seat shall mean eighteen (18) lineal inches of seating space when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven (7) square feet of net floor area. Bicycle parking required.

6. Amusements:

a. Dance halls and clubs: One (1) parking space shall be provided for each two hundred (200) square feet of net floor area or fraction thereof. Bicycle parking required.

b. Bowling alleys, tennis courts and similar recreation facilities: Two (2) parking spaces shall be provided for each alley, tennis court or similar activity unit. For any restaurant, retail or assembly use within the building, the requirements for that use shall apply in addition to the requirements for each activity unit. Bicycle parking required.

c. Spas and skating rinks: Three (3) spaces per 1000 square feet. Bicycle parking required.

7. Fast food restaurant: one (1) space per 100 square feet. Bicycle parking required.

8. Furniture and antique stores: one (1) space per 1000 square feet. Bicycle parking not required.

9. Hospitals: At least one (1) parking space shall be provided for each bed in the total capacity of such institution. Bicycle parking required.

10. Hotels, motels, and resort hotels: one (1) space per sleeping unit. Bicycle parking required.

11. Liquor store: three (3) spaces per 1,000 square feet. Bicycle parking required.

12. Lumber yard: one (1) space per 250 square feet of retail and office space only. Bicycle parking not required.

13. Manufacturing: one (1) space per 500 square feet. Bicycle parking required.

14. Mini-warehouse: one (1) space per 5000 square feet, except that any office space associated therewith must meet the standard office requirement. Bicycle parking not required.

15. Landscape nursery: one (1) space per 2000 square feet of lot area. Bicycle

parking not required.

16. Restaurant: the greater of four (4) spaces per 1,000 square feet or one (1) space per three (3) seats. Bicycle parking required.

17. Skilled nursing facilities, hospices serving more than six individuals, and similar institutions: one-half (1/2) space per bed. Bicycle parking required.

18. Schools, both public and private:

a. Child Care Centers: one (1) space for each member of the faculty and employee, plus one additional space for every ten (10) children enrolled. In the case of part-time personnel, the requirement shall be equal to the maximum number of personnel present at the facility at any one time. Bicycle parking required, but at a rate determined by the school.

b. Elementary and junior high schools: one (1) space for each member of the faculty and employee, plus one (1) additional space for each one hundred (100) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.

c. High schools: One (1) space for each member of the faculty and employee, plus one (1) additional space for each ten (10) students regularly enrolled. Bicycle parking required, but at a rate determined by the school.

d. Colleges, universities and similar institutions: one (1) space for every two (2) employees, plus one (1) space for every two (2) full-time or equivalent regularly enrolled students in graduate or undergraduate courses. For places of assembly, the requirements of Subsection 28.90.100.J.5 shall apply. Where a university or college presents a development plan which conforms in general with the general parking requirements for employees, students and places of assembly, said plan may be approved by the Zoning Administrator as satisfying the requirements of this chapter. Consideration shall be given to parking spaces that can be utilized by the users of two (2) or more buildings. Bicycle parking required, but at a rate determined by the governing body of the educational institution.

19. Warehousing: one (1) space per 5000 square feet. Any office or retail space associated therewith must meet the standard office or retail requirements. Bicycle parking required.

20. Overnight Recreational Vehicle Parks. There shall be at least one (1) parking space on each recreational vehicle space. Guest parking shall be provided at the ratio of one (1) parking space per ten (10) recreational vehicle spaces. Each recreational vehicle space shall be within one hundred fifty (150) feet of at least one (1) guest parking space. On-street parking on internal roadways may be counted toward meeting the guest parking requirement.

K. PARKING REQUIREMENTS FOR SPECIFIC ZONES. For the following zones, parking spaces shall be on the same lot with the main building or on lots contiguous thereto, and shall be provided in the following ratios unless otherwise provided in Section 28.90.100.J.

1. C-P Zone: One (1) parking space for each two hundred (200) square feet of net floor area.

2. C-X Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. No parking area shall be constructed or used within twenty-five feet (25') of any street adjacent to the premises and there shall be no loading or delivery facilities in a front yard on such premises.

3. S-H Zone: For units restricted to Low Income Senior Housing, one (1) parking space for each two (2) residential units. For other units, one (1) space per unit.

4. S-D-2 Zone: One (1) parking space for each two hundred fifty (250) square feet of net floor area. In the event the property is located in a zone or has a use with a requirement for more parking, the greater requirement shall apply.

5. HWMF Overlay Zone: Parking space requirements for Offsite Hazardous Waste Management Facilities shall be determined by the City Transportation and Parking Manager.

6. PR Zone: Except as otherwise provided in Section 28.90.100.J, parking space requirements for park and recreation facilities shall be determined by the City Transportation and Parking Manager in consultation with the Community Development Director.

L. BICYCLE PARKING. In addition to the vehicle parking spaces required under Sections 28.90.100.I, 28.90.100.J and 28.90.100.K, one (1) bicycle parking space shall be required for each seven (7) vehicle parking spaces required therein.

## **Proposed Guideline Revisions Regarding Uncovered Parking Spaces**

### **A. Single Family Residential Design Guidelines Revisions.**

12-15-09 CAR Item 6 calls for guidelines to address uncovered parking spaces. To address this, the following text is proposed to be inserted in the SFDG page 12-SP.

#### **Uncovered Parking Aesthetics**

Some projects may have uncovered parking for guests in addition to the two covered parking spaces required.

- 5.8 Uncovered parking should be screened from the street and neighbors and placed behind the main house structure when possible. Any screening gates should be compatible with the neighborhood.
- 5.9 Uncovered parking in front of a house should be screened from the street by topography, structures or landscaping.
- 5.10 Uncovered parking should be delineated with plant or hardscape landscaping.
- 5.11 Use appropriate landscape planting to ensure adequate shading of the space.
- 5.12 On flat sites where new paving is proposed for the uncovered space, the paving should be permeable.

### **B. Single Family Design Board Guideline Revisions**

New SFDB guidelines regarding two-uncovered parking space exception requests are proposed as Section 5 of Part I.

#### **5. Two Uncovered Parking Space Exception Requests**

For an exception of two uncovered parking spaces, the Zoning Ordinance requires:

- (1) The uncovered spaces shall not be located in any front yard on the lot,
- (2) The uncovered spaces shall be screened from public view,
- (3) If new pavement is proposed for any of the uncovered spaces and the site has an appropriate slope for permeable paving, then the new pavement shall be permeable,
- (4) Storage space with exterior access of at least 120 square feet of net floor area shall be provided on the lot, and
- (5) The location of the parking and the design of the screening shall be reviewed and approved by the Single

Family Design Board or Historic Landmarks Commission, as applicable.

(6) If the lot is located in the A, E, or R-1 zones and has less than 15,000 square feet of net lot area, the uncovered spaces may encroach up to three feet (3') into a required interior yard if a landscaped buffer is provided between the uncovered spaces and the adjacent interior lot line.

(7) All other provisions of this Title shall apply to the required parking.

The SFDB or HLC is to comment on the effectiveness of the project's proposed screening of the uncovered spaces from public view and the aesthetic quality of structures and landscaping related to automobile and bicycle parking and storage structures. The SFDB or HLC also determines whether the project is consistent with Neighborhood Preservation Ordinance findings, including neighborhood compatibility findings.

**5.1 Recommended Project Aspects.** Inclusion of the following items in uncovered parking modification proposals will make the project more likely to be able to be supported. The SFDB and HLC comments on the aesthetic qualities of uncovered parking areas, permeable paving, landscaping plantings and hardscapes, storage structures or exterior cabinets, and bicycle racks and shelters, or any other project aspects that arise from the two uncovered parking spaces exception proposal.

Recommended Items

- a. **Screened from public and neighbors' views.** The uncovered space(s) proposed screening from public view is effective, and so noted by the SFDB or HLC in their comments on the project. Any gates proposed for screening are electronic, to ensure that they can be easily closed after each use; and
- b. **Any converted garages to be appropriately designed.** For projects that include conversion of a garage to another use, garage door(s) must be removed and driveway paving to the converted garage must be replaced with appropriate landscaping; and
- c. **Parking delineated.** The uncovered space is clearly delineated for parking use through the use of appropriate plant and hardscape landscape details. Landscape features prevent parking beyond the delineated parking spaces into other planted areas; and
- d. **Appropriate shading.** Landscape planting proposals to ensure appropriate shading of the space to avoid the possibility of future plastic/canvas shade structure placement. New trees chosen to provide shade should have leaf litter, pollen or branching characteristics compatible with car parking, such as

trees listed in the Architectural Board of Review Guidelines as appropriate for parking lots; and

- e. **Appropriately designed storage.** At least 120 square feet of aesthetically compatibility lockable storage suitable for the storage of yard maintenance equipment, hazardous household products, and other items is provided. Ceiling height should be at least 7' tall and the storage area width should be at least 5'. Storage area size and configuration should be adequate to the degree necessary to discourage future placement of lower aesthetic quality sheds; and
- f. **Formal bicycle parking.** A formal bicycle parking area supports a modification because garages are typically where bicycles are securely stored. Formal bicycle racks with paved maneuvering room consistent with City Transportation standards would support an uncovered parking modification request as it would ensure bicycle parking is adequately addressed. Sheltered bicycle parking would further support the proposal; and
- g. **High quality details proposed.** High quality design details and materials are provided in all of the project aspects that support the uncovered parking space, e.g. landscaping plant and hardscape parking area delineations, screening and shading, and storage cabinet and bicycle parking provisions and the provision of the high quality design details is noted by the SFDB or HLC in their comments.

Optional Additional Supporting Circumstances

The SFDB or HLC may also make note of any of the following additional supporting circumstances in their review of two uncovered parking space exception requests.

- a. **Constrained lot.** The design is needed for site development flexibility on a constrained lot, such as a lot that is less than 55' wide or less than 10,000 square feet; or
- b. **Facilitates effective response to legally non-conforming parking situation.** The proposal allows the applicant to avoid demolition of major portions of existing structures to accommodate an addition that triggers a two-car parking requirement where there was previously only a legally non-conforming one-car garage on site; or
- c. **Street-friendly façade.** The proposal results in an exceptionally "street friendly" façade, whereby windows which support neighborhood safety and a appropriately scaled detailed façade is featured rather than a unfriendly/bulky/windowless garage appearance; or
- d. **Open site design.** The proposal allows for a more "open" site design.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 15, 2009  
**TO:** Mayor and Councilmembers  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Two-Year Review Of Neighborhood Preservation Ordinance

### RECOMMENDATION:

That Council:

- A. Review and comment on the attached report, Two-Year Review of Neighborhood Preservation Ordinance/Single Family Design Guidelines Update (NPO Update);
- B. Initiate recommended changes with Staff to work with a subcommittee of the Single Family Design Board and the Ordinance Committee; and
- C. Direct Staff to return to Council with ordinance and guideline amendments for adoption.

### EXECUTIVE SUMMARY:

Planning Staff was directed to report back to Council on the effectiveness of the NPO Update which was adopted in May 2007. In general, Staff concludes that the NPO Update regulations are functioning as intended. Staff does not recommend major changes in the five topic areas that Council had expressed interest in receiving a report on. However, Staff does recommend that specific guidelines and ordinance sections be further clarified and suggests process improvements for better efficiency of reviews as outlined in the attached report.

Staff completed discussions with the Single Family Design Board (SFDB), several community organizations and neighborhood groups in order to prepare the attached report. The report summarizes comments, concerns and ideas relative to the effectiveness of the current NPO and Single Family Residential Design Guidelines (SFRDG). A public workshop was also held to provide additional feedback on Staff recommendations. Staff has incorporated some of the input into the current recommendations with the understanding that there is little interest in expending more Staff time in re-opening controversial issues or topics that were debated in lengthy subcommittee discussions from 2004 to 2007. Staff recommends some guideline improvements by briefly working with a subcommittee of SDFB members to address review areas that can be further clarified. If Council agrees, Staff expects to develop

some of these guidelines and ordinance amendments and return to the Ordinance Committee early next year.

## **DISCUSSION:**

### **I. Council Directed Review Topics**

When the NPO Update Package was adopted in May 2007, Council directed Staff to track the following five topics and report back to Council on the topics and overall NPO Update performance after two years. Research results for each of the following five Council-directed research topics are in Part 1 of Attachment 1 and are listed below.

1. 20 closest homes database effectiveness and reliability.
2. The appropriateness of floor to lot area ratios (FARs) as guidelines (current practice) versus standards for single-family homes in multi-family zones.
3. Should roofed porches and covered decks be included in net floor area for FAR calculations? (They are not included now.)
4. Carports and their inclusion in FAR calculations (current practice).
5. Private View Issues.

Staff concluded for each item that changes to the implementation of the NPO and SFRDG related to these topics are not needed.

In general, the NPO Update regulations are functioning as intended. The FAR limits, guidelines and application requirements appear to generally be resulting in an appropriate range of development options, proposals and approvals. Applications for homes approved by the SFDB in the past two years were studied and revealed that homes are now being designed to meet the new FAR limits for applications proposed on lots 15,000 square feet or less. In addition, the statistical analysis indicates the SFDB does provide some guideline flexibility to allow larger homes on lots in excess of 15,000 square feet (see Attachment 2).

The level of controversy and debate surrounding larger homes has been significantly reduced from past years. There has been a decrease in the number of appeals of single family homes to the City Council since the NPO Update was adopted (see Part 4 of Attachment 1). The SFDB is functioning well. Also, it was helpful to have the SFDB in place to handle the numerous expedited project rebuilds posed by the Tea and Jesusita Fires.

### **II. Additional Topics & Recommended Changes**

In addition to the topics which Council specifically asked to consider and report on, Staff gained ideas for changes through meetings and interviews. In the summer of 2009, Staff met with a number of neighborhood organizations including the Allied Neighborhood Association, local chapter of the American Institute of Architects, Citizens Planning Association, City-Wide Homeowners Association, La Mesa Neighborhood Association, League of Women Voters, and the Santa Barbara Association of Realtors. Additionally, Staff reviewed a report which summarizes interviews conducted in 2009 of SFDB members and former NPO Steering Committee Members asking their opinions regarding the NPO Update and any needed changes. The report was prepared by

Jason Smart, former city staff-member and recent graduate of the University of British Columbia School of Community and Regional Planning Master's Degree program.

As a result of these meetings and interviews, a number of proposals for change have been considered by Staff. Those which are considered appropriate for implementing, given budget constraints and goals for a simple, clear, efficient and fair process, are listed briefly below and described in more detail in Part 2 of the attached report. Items which are not recommended to change are listed in Part 3 of the report with a brief explanation as to why the change is not advisable.

### *Staff Recommended Changes*

#### Noticing

**Change 1:** Eliminate noticing for additions of less than 150 square feet to existing second stories.

**Change 2:** Reduce hand-delivered noticing to the closest 10 lots, rather than the closest 20 lots.

**Change 2A:** Eliminate the administrative practice of ensuring the 20 closest homes are noticed and simply maintain the standard 300 foot mailed noticing radius.

#### Design Review Triggers

**Change 3:** Clarify the trigger for design review for roof alterations in the Hillside Design District to specify "new roof area" or "alterations to existing roofs that increase height or volume" for projects where the proposed work will be over 17' tall or two or more stories.

**Change 4:** Change the trigger for Design Review for walls, fences or gates in front yards from six feet and greater in height to greater than 3.5 feet in height.

#### Staff Administrative Approvals

**Change 5:** Give Staff the authority to approve retaining walls as well as freestanding walls that meet the existing criteria for staff administrative approvals.

**Change 5A:** Give Staff the authority to approve black chain link fencing outside of front yards.

#### Single Family Residential Design Guidelines

**Change 6:** Create new guidelines and provide more detail on selected topics in the Single Family Residential Design Guidelines and SFDB Guidelines.

#### Uncovered Parking Allowances

**Change 7:** Disallow uncovered parking encroachments on large lots for single-family residential projects that propose an uncovered parking space and require that the uncovered parking space be screened.

**Optional Change 7A:** This option would allow case by case waivers which could be granted by the SFDB for two uncovered parking spaces for homes under 80% of the maximum FAR outside any front yards. Design Review would be required for the uncovered parking spaces.

### Green Building Standard for Large Residences

**Change 8:** Update the Ordinance to clarify that green building programs equivalent to the Santa Barbara Contractor Association's Built Green program are acceptable for homes over 4,000 square feet.

**Change 8A:** Exempt additions of less than 500 square feet from the green building requirement.

**Change 8B:** Clarify that both Historic Landmarks Commission and SFDB single family home projects resulting in over 4,000 square feet are subject to the Built Green requirement.

### Budget Reduction Adjustments

**Change 9:** Study reducing the number and type of Design Review projects and increasing Staff administrative approvals.

**Change 9A:** Implement two specific proposals to reduce single family residential design review functions.

## **III. Review Process**

### Single Family Design Board Review

In order to evaluate single family residential projects, the SFDB and Staff visited nine completed or under construction projects on September 14, 2009. The projects had obtained approvals after the 2007 NPO Update. Photographs of the projects visited are in Part 5 of Attachment 1.

Various drafts of the attached report were commented on by the SFDB at their October 12 and November 9 hearings, and three SFDB members attended the October 24, 2009, public workshop. The SFDB concurs with Staff's recommended changes, with the following exceptions:

- Optional Change 7A, regarding the potential for the SFDB to allow two uncovered spaces on a case by case basis, the SFDB members had a split vote in favor and opposed to the change.
- Change 9.1 regarding allowing Staff review of any project which are not publicly visible, the SFDB felt needed further clarification. The SFDB was concerned that landscaping should not be considered in determining whether or not a project is publicly visible.

The SFDB especially hopes the Council directs Staff to work with a subcommittee of the SFDB to make changes to the Single Family Residential Design Guidelines listed in Change 6. The SFDB declined to make a motion regarding Parts 1 or 3 of the report, but felt that it was important for City Council to receive the entire report. In addition, the SFDB expressed their preference for one-story homes greater than 4,000 square feet to continue to have architectural as well as landscaping review.

### Public Workshop

Notes, survey results and a public comment letter from an October 24, 2009, public workshop which was widely noticed are provided in Attachment 3. All applicants and interested parties for projects the SFDB reviewed in the last two years were sent a mailed notice regarding the workshop. Optional Change 7A, regarding uncovered parking spaces, had split votes for and against the option in a written survey conducted at the workshop, similar to the SFDB vote results for the item.

### **BUDGET/FINANCIAL INFORMATION:**

In general, staffing resources are increasingly limited due to new City budgetary constraints. As a result, only the most important changes are recommended for implementation.

Some reductions in the quantity of projects which are reviewed by the SFDB and methods to allow more Staff approvals are included in the recommended changes (items 6 and 9). This will help to address some upcoming budgetary constraints. However, further reductions in the scope of projects reviewed by the SFDB may be required to achieve future larger budget reduction goals.

### **SUSTAINABILITY IMPACT:**

Change 8 supports sustainability in Santa Barbara. Change 8 proposes key refinements to green building program requirements for additions for homes over 4,000 square feet.. By continuing to require homes over 4,000 square feet to participate in a green building program, site, water, energy, materials use reduction, and indoor air quality improvements are achieved.

**NOTE:** A copy of the existing versions of the Single Family Residential Design Guidelines and SFDB Guidelines have been provided to the Mayor and Council and are available for public viewing at the City Clerk's office as well as online at [www.santabarbaraca.gov/Resident/Home/Guidelines/](http://www.santabarbaraca.gov/Resident/Home/Guidelines/).

### **ATTACHMENTS:**

1. Report to Mayor & Council Two-Year Review of Neighborhood Preservation Ordinance / Single Family Design Guidelines Update (NPO Update)
2. Project Statistics
3. October 24, 2009, Public Workshop: Notes, Survey Results & Comment Letter

**PREPARED BY:** Heather Baker, AICP, Project Planner

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office

**Report to Mayor & Council**

**Two-Year Review**

**of**

**Neighborhood Preservation Ordinance /  
Single Family Design Guidelines Update  
(NPO Update)**

**December 15, 2009**

## **Report Parts**

- Part 1. City Council Directed Review Topics
- Part 2. Recommended Changes to the Ordinance, Single Family Residential Design Guidelines and Single Family Design Board Guidelines
- Part 3. Other Changes Not Recommended for Implementation
- Part 4. List of Projects Appealed to City Council & Yearly Appeal Statistics
- Part 5. 9/14/09 SFDB Site Visit: Photos, Project Description including Statistics and Case Status

## PART 1

### City Council Directed Review Topics

When the Neighborhood Preservation Ordinance (NPO) Update was adopted, the City Council directed Staff to track the following list of five topics and report back to the City Council on the performance after two years. Discussion for each topic follows.

1. 20 closest homes database effectiveness and reliability.
2. The appropriateness of FARs as guidelines (current practice) versus standards for single-family homes in multi-family zones.
3. Should roofed porches and covered decks be included in net floor area for FAR calculations? (They are not included now.)
4. Carports and their inclusion in FAR calculations (current practice).
5. Private View Issues.

#### 1. 20 closest homes database effectiveness and reliability.

When the Update was adopted, the 20 closest homes analysis was a new concept. There were questions and concerns about the accuracy of the available information and the usefulness of the data for project analysis.

**Staff Response:** The data are accurate enough to give a general sense of how the proposed project compares to other homes in the neighborhood. The SFDB has found the data to be helpful to determine neighborhood compatibility. If an applicant would like to provide more accurate, up to date data than the County Assessor's Office provides, they have the option of providing data from City records. Data sources are required to be listed for all data submitted. A database of the 20 closest homes data submitted to date has been compiled into an Excel spreadsheet and is now available free on-line. A few comments from SFDB members help to illustrate the usefulness of the 20 closest homes data:

- The data help to raise red flags. For example, if a home will be the second biggest in the area, which can be useful for the SFDB to know...
- The data are beneficial when a project is close to 100% of the maximum Floor to Lot Area Ratio (FAR). It makes a difference with the first large home in an area. If a home is the third largest or smaller, the 20 closest homes data doesn't matter. It's important for home size to transition gradually...

**Example for Reference:** See 20 closest lots data submitted for 214 Selrose Lane included at the end of this part of the report on pages 7-9.

**2. The appropriateness of FARs as guidelines (current practice) versus standards for single-family homes in multi-family zones.**

When the Update was adopted, there was a debate as to whether it was appropriate or beneficial to apply FARs as standards in multi-family zones. In the end, a majority of the City Council concluded that FARs should apply as a standard in single-family zones and only as a guideline in multi-family zones. However, the City Council wanted Staff to report back to the Council on how this division of guidelines and standards has performed.

**Staff Response:** Staff is not aware of any cases in multi-family zones where the SFDB, staff or the public have commented that it would have been more helpful if the FARs were standards rather than guidelines. Therefore, it is recommended that the FARs remain guidelines in multi-family zones.

**3. Should roofed porches and covered decks be included in net floor area for FAR calculations? (They are not included now.)**

The League of Women Voters (LWV) and two SFDB members would like roofed porches, decks and loggias included in FAR calculations. The local chapter of the American Institute of Architects (AIA) and Santa Barbara Association of Realtors (SBAOR) continue to advocate that no change take place regarding this calculation. One member of the SFDB suggested that the covered features should be counted at a 50% rate. Some have also expressed concern regarding potential piece-mealing of projects, whereby approved covered project features are later fully enclosed.

**Staff Response:** This issue was discussed in Issue Paper D, page 3, and extensively by the Steering Committee for the NPO Update. Covered decks and loggias are partly open; therefore, the visual impact is not the same as completely enclosed square footage. Including such items in the net floor area may discourage their use, which could lead to less diversity in architecture. Also, net floor area as defined in the Zoning Ordinance and used for two-car garage triggers and Measure E do not count these items, so if they were counted for FAR, it would further complicate the City's review process to have varying standards.

Appropriate use of roofed porches, covered decks and loggias is reviewed case by case by the SFDB. The Single Family Residence Design Guidelines (SFRDG) addresses appropriate use of covered porches, decks and loggias. The Good Neighbor Guidelines extensively address potential privacy issues upper story covered decks and porches can pose in Guideline 35.

Piecemeal prevention language is already included in the NPO. SBMC§22.69.020.J Code states that if Design Review was required in the past two years (from Certificate of Occupancy), or if the cumulative scope of work from permits in the past two years would

trigger design review, then design review is required. SFDB members are aware of this issue (example, 122 Santa Rosa Place proposal, MST2008-00407). The SFDB usually has the opportunity to analyze these projects twice. First they review projects with covered, unenclosed areas in the context of required NPO findings and SFRDG with the realization that these areas contribute to mass and bulk. Second, when the SFDB reviews a proposal to enclose these areas, they consider the appropriateness of the additional FAR square footage and the loss of the unenclosed architectural features.

The Allied Neighborhood Association (ANA) advocates an option whereby covered porches, verandas, and loggias be counted as net square footage at a 50% or 75% rate. Options similar to this were discussed at length by the Steering Committee for the NPO Update. The conclusion that this approach would overly-complicate the review process is still valid today. The present treatment of cellars and basements for FAR purposes is an example of the complications that can result from such a proposal.

Staff continues to believe that counting roofed porches or covered decks as floor area would unnecessarily complicate the Design Review process and overly discourage these architectural elements which can be sufficiently regulated with guidelines implemented by the SFDB.

#### **4. Carports and their inclusion in FAR calculations (current practice).**

As the ordinance is currently written, carports and garages count as floor area in the same manner. The SBAOR would like to give incentive to carports over garages by excluding them from FARs. According to the SBAOR, unlike garages that are often illegally converted to living space or storage space, carports are a one-use structure that will actually be used for parking.

**Staff Response:** This topic was carefully considered in the NPO Update process. Illegal garage conversions are enforced upon when complaints are received or when applicants seek new building permits. Carports are not favored design-wise over garages by the design review hearing bodies. If carports were exempted from FARs, it is expected that carports would be proposed more often. This conflict of design philosophy could complicate the design review process. Opportunities for uncovered parking located behind homes where it is not visible, are provided for in the current ordinance.

No change is needed because the current practice of including garages and carports in FARs supports neighborhood design goals while maintaining a simpler review process, and alternative parking opportunities are already provided for in the ordinance.

#### **5. Private View Issues.**

Some would like private views to be considered by the SFDB in approval decisions (Riviera Association, ANA, LWV, SFDB member). Others would prefer that the SFDB

not even allow public comments regarding private views and that the SFDB should refrain from asking questions regarding alternatives applicants might have considered to help preserve neighbors' views (SBAOR, AIA).

**Staff Response:** The issue of how to consider private views was considered in detail in Issue Paper G in the NPO Update. The topic was discussed at length by the NPO Update Steering Committee, the Ordinance Committee, and Council before adoption of the NPO Update.

The Steering Committee discussed at length whether Neighborhood Preservation Ordinance findings should require consideration of private views and concluded that it is better not to address private views in required findings. Rather, the Steering Committee and Staff recommended providing optional information to the public in the Single-Family Design Guidelines (SFDG) regarding neighbors' private views. Before the Update, the Guidelines included less than half a page of text addressing voluntary protection of private views, with no illustrations. The updated SFDG include more tips for addressing private views and two new pages of illustrations regarding private views as well as five pages of tips for "managing conflict with comfort" to encourage communication among neighbors. The update package also included provisions in the SFDB Guidelines to allow public comment and discussion of private views as part of Design Review public hearings.

The City has traditionally held that private views are a private matter for individual property owners to handle between themselves. However, some members of the community have requested that the City protect private views with regulations. Whether to protect private views was discussed in the late '70s and early '80s as part of the development of the Conservation Element Policy, Local Coastal Plan and Master Environmental Assessment procedures. The conclusion of each discussion was to maintain a policy of addressing public views only. In 1999, City Council considered protecting private views in private structural development projects, but rejected the proposal. Instead, the City Council adopted a private view vegetation mediation process.

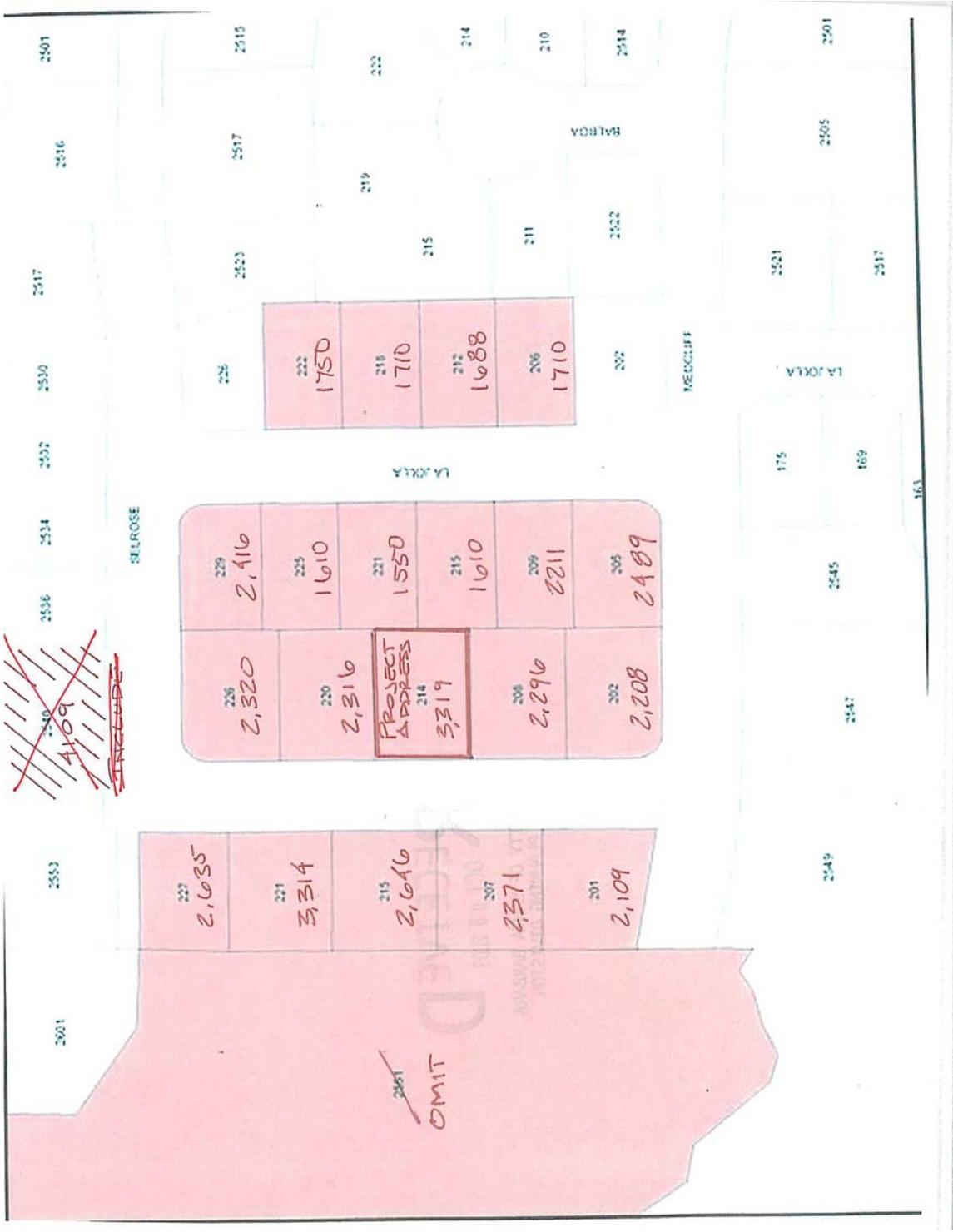
Further discussion regarding advantages and disadvantages associated with potential City regulation of private views are summarized in attachments to the October 2006 Ordinance Committee staff report. The Ordinance Committee and City Council decided that NPO findings should not require protection of private views. Ultimately, the City Council concluded that the inclusion of the Good Neighbor "tips" regarding private views in the 2007 Updated SFDG was the most prudent way to address the issue. In Staff's opinion, none of the legal considerations or other conditions that formed the basis of this decision have changed since 2007.

The current process allows for some dialogue between the SFDB and the project design architect. Design considerations are presented to explain how potential impacts to neighbors have been considered. The neighbors have an opportunity to share how their private views may be impacted by the project. In some cases, the applicant may choose a design alternative that lessens blockage impacts. The Board may require the installation of story poles, but private views are not provided specific protection. Some neighbors remain

frustrated with the SFDB review process if no design changes are made as a result of their potential view blockage complaints.

The city's existing approach to private views: providing a public forum where neighbors can briefly comment on concerns regarding views, providing tips in the guidelines, but not providing specific protection for private views, is still the recommended approach.

## **Example 20 Closest Home Data Submittal**



**RECEIVED**  
OCT 06 2009

CITY OF SANTA BARBARA  
PLANNING DIVISION

20 Closest Lots Data Ranked by Size  
214 seirose lane

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size	Floors	House	Garage /Carport	Total	Rank
214 seirose ln	Co. Assessor's Office	041-363-011	7,405	2	2,874	445	3,319	1 Largest
221 seirose ln	Co. Assessor's Office	041-362-008	7,405	2	2,616	698	3,314	2
215 seirose ln	Co. Assessor's Office	041-362-009	7,405	2	2,137	510	2,647	3
227 seirose ln	Co. Assessor's Office	041-362-013	6,534	2	2,127	508	2,635	4
205 la jolla dr	Co. Assessor's Office	041-363-006	6,534	1	2,049	440	2,489	5
229 la jolla dr	Co. Assessor's Office	041-363-008	6,098	1	1,984	432	2,416	6
207 seirose ln	Co. Assessor's Office	041-362-010	7,405	1	1,750	621	2,371	7
226 seirose ln	Co. Assessor's Office	041-363-013	7,840	1	1,900	420	2,320	8
220 seirose ln	Co. Assessor's Office	041-363-012	7,405	1	1,587	729	2,316	9
208 seirose ln	Co. Assessor's Office	041-363-010	7,405	1	1,565	731	2,296	10
209 la jolla dr	Co. Assessor's Office	041-363-005	6,098	1	1,726	485	2,211	11
202 seirose ln	Co. Assessor's Office	041-363-009	7,405	1	1,730	478	2,208	12
201 seirose ln	Co. Assessor's Office	041-362-011	7,405	1	1,626	483	2,109	13
222 la jolla dr	Co. Assessor's Office	041-361-019	6,098	1	1,354	396	1,750	14
218 la jolla dr	Co. Assessor's Office	041-361-018	6,098	1	1,292	418	1,710	15
206 la jolla dr	Co. Assessor's Office	041-361-016	6,098	1	1,292	418	1,710	16
212 la jolla dr	Co. Assessor's Office	041-361-017	5,662	1	1,292	396	1,688	17
225 la jolla dr	Co. Assessor's Office	041-363-002	6,088	1	1,170	440	1,610	18
215 la jolla dr	Co. Assessor's Office	041-363-004	6,098	1	1,170	440	1,610	19
221 la jolla dr	Co. Assessor's Office	041-363-003	6,098	1	1,170	380	1,550	20
								21 Smallest

Average/Mean House Size (including project proposal): 2,214

Revised 8-21-07

To Sort, press all at same time: CTRL+SHIFT+S

20 Closest Lots Data Ranked by FAR  
 214 selrose lane

Address (Optional)	Data Source (Ex: Co. Assessor's Office)	APN	Lot Size in net sq. ft.	Floors	House	Garage /Carport	Total	FAR	FAR Rank
221 selrose ln	Co. Assessor's Office	041-362-008	7,405	2	2,616	698	3,314	0.45	1 Largest
214 selrose ln	Co. Assessor's Office	041-363-011	7,493	2	2,874	445	3,319	0.44	2
227 selrose ln	Co. Assessor's Office	041-362-013	6,534	2	2,127	508	2,635	0.40	3
229 la jolla dr	Co. Assessor's Office	041-363-008	6,098	1	1,984	432	2,416	0.40	4
205 la jolla dr	Co. Assessor's Office	041-363-006	6,534	1	2,049	440	2,489	0.38	5
209 la jolla dr	Co. Assessor's Office	041-363-005	6,098	1	1,726	485	2,211	0.36	6
215 selrose ln	Co. Assessor's Office	041-362-009	7,405	2	2,137	510	2,647	0.36	7
207 selrose ln	Co. Assessor's Office	041-362-010	7,405	1	1,750	621	2,371	0.32	8
208 selrose ln	Co. Assessor's Office	041-363-010	7,405	1	1,565	731	2,296	0.31	9
220 selrose ln	Co. Assessor's Office	041-363-012	7,405	1	1,587	729	2,316	0.31	10
226 selrose ln	Co. Assessor's Office	041-363-013	7,840	1	1,900	420	2,320	0.30	11
202 selrose ln	Co. Assessor's Office	041-363-009	7,405	1	1,730	478	2,208	0.30	12
212 la jolla dr	Co. Assessor's Office	041-361-017	5,662	1	1,292	396	1,688	0.30	13
222 la jolla dr	Co. Assessor's Office	041-361-019	6,098	1	1,354	396	1,750	0.29	14
201 selrose ln	Co. Assessor's Office	041-362-011	7,405	1	1,626	483	2,109	0.28	15
218 la jolla dr	Co. Assessor's Office	041-361-018	6,098	1	1,292	418	1,710	0.28	16
206 la jolla dr	Co. Assessor's Office	041-361-016	6,098	1	1,292	418	1,710	0.28	17
215 la jolla dr	Co. Assessor's Office	041-363-004	6,098	1	1,170	440	1,610	0.26	18
225 la jolla dr	Co. Assessor's Office	041-363-002	6,088	1	1,170	440	1,610	0.26	19
221 la jolla dr	Co. Assessor's Office	041-363-003	6,098	1	1,170	380	1,550	0.25	20
									21 Smallest

Average/Mean Total of House + Garage Size (including project proposal): 2,214  
 Average/Mean FAR (including project proposal): 0.33

Revised 6-21-07

## PART 2

### **Proposed Changes to the Neighborhood Preservation Ordinance and Guidelines**

The following nine changes to the NPO and Guidelines are proposed for implementation.

#### **Noticing**

##### **Proposed Change 1: Eliminate noticing for additions of less than 150 square feet to existing second stories.**

The purpose of this change is to reduce the administrative time and expense associated with noticing projects where the level of public interest is generally low. The City currently requires notices for any size second story addition, capturing projects like bathroom remodels, or addition of dormer windows. Neighbors have shown little interest in small additions of less than 150 square feet to existing second stories.

##### **Proposed Change 2: Reduce hand-delivered noticing to the closest 10 lots, rather than the closest 20 lots.**

Hand-delivering notices have been working well in getting applicants face-to-face with neighbors to discuss projects. Currently, staff identifies the 20 closest lots for delivering notices using a geographic information system (GIS). The procedure requires expensive and cumbersome GIS software and specialized training so only a few city staff members can create the maps. If the number of lots required for hand-delivered noticing is reduced to ten, applicants could identify the lots themselves and Staff would no longer need to create maps. In most cases, it is the immediate neighbors who respond to noticing and offer comments on projects. Projects that require noticing would continue to post the on-site sign, and property owners within 300 feet would also receive a mailed notice regarding the project from the City. Reducing the hand-delivered notice requirement to the 10 closest neighbors instead of the 20 closest neighbors can more efficiently achieve noticing goals.

##### **Proposed Change 2A: Eliminate the administrative practice of ensuring the 20 closest homes are noticed and simply maintain the standard 300 foot mailed noticing radius.**

The purpose of this change would be to save Staff time and avoid confusion by having a consistent standard noticing requirement for all mailed notice projects. Implementation of this change would not require an ordinance amendment, simply a change to the Single Family Design Board Guidelines and Planning and Zoning Counter handouts.

## Design Review Triggers

**Proposed Change 3: Clarify the trigger for design review for roof alterations in the Hillside Design District to specify “new roof area” or “alterations to existing roofs that increase height or volume” for projects where the proposed work will be over 17’ tall or two or more stories.** The purpose of this change is to clarify the intent of the requirement for design review for roofs in the Hillside Design District. The proposed change makes explicit the kinds of changes to roofs that warrant Design Review. Intensification of roof development in the Hillside Design District is intended to be reviewed. Intensification of roof development can be in the form of new roof area, and increased height or volume of existing roofs, in addition to the replacement of roof coverings. The new language clarifies when Design Review is to be triggered.

**Proposed Change 4: Change the trigger for Design Review for walls, fences or gates in front yards from six feet and greater in height to greater than 3.5 feet in height.** Privacy walls in front yards can conflict with these design guidelines:

- Preference for entries to be visible from the street
- Preference for living area windows to be visible from the street to contribute towards a friendlier and safer neighborhood public streetscapes
- Minimize bulky designs/inappropriate apparent home massing

Therefore, Staff recommended Design Review of walls and fences in front yards that are 6 feet or taller as part of the NPO update. However, Staff has seen owners avoid the requirement for Design Review by proposing 5 foot 11 inch walls and fences. The change from six feet to three and a half feet for the Design Review trigger is proposed because a height of three and a half or less clearly maintains an open, friendly neighborhood character, does not contribute to bulk, and does not result in a significant “barrier” between the house and the street. Fences or walls 3.5 feet in height or less usually do not require building permits and are not limited by the Zoning Ordinance in their placement with regard to front lot lines and driveways. This proposal has two advantages: 1. it more closely aligns the trigger for design review with the requirement for a Building Permit, and 2. it captures walls and fences that may conflict with existing design guidelines.



Vales Street Front Yard Privacy Wall Example



North La Cumbre Privacy Fence Example



Alston Road Entry Wall Example



Crestline Privacy fence example



Foothill Road front yard fence example



Riviera Front Yard Fence Example

## **Staff Administrative Approvals**

### **Proposed Change 5: Give Staff the authority to approve retaining walls as well as freestanding walls that meet the existing criteria for staff administrative approvals.**

Small retaining walls that otherwise meet the criteria for staff administrative approval pose no additional issues for design review as compared to freestanding walls. Examples of these would be walls that are retaining a minor amount of earth, walls that are freestanding with only a partial section that is retaining, or replacement of existing retaining walls. Retaining walls tend to be less visible than freestanding walls.

The SFDB Guidelines currently allow staff administrative approvals of walls if they are not retaining walls in the following circumstances. This proposal would allow staff administrative approvals of retaining walls that meet the same criteria and are less than 150' in length and involve less than 100 cubic yards of grading.

### **Proposed Change 5A: Give Staff the authority to approve black chain link fencing outside of front yards.**

Additional item added to the administrative approval list based on discussions with SFDB. Staff to continue to work with SFDB to further refine this proposal to clarify under what specific conditions black chain link fencing can be approved.

## **Single Family Residential Design Guidelines & Single Family Design Board Guidelines**

### **Proposed Change 6: Create new guidelines and provide more detail on selected topics in the Single Family Residential Design Guidelines and Single Family Design Board Guidelines.**

Staff recommends the creation of an SFDB Subcommittee to address the following items:

#### **Single Family Residential Design Guidelines**

##### **Site Planning and Structure Placement**

- Subdivision projects which will go before the PC
- Uncovered parking spaces
- Coastal bluff special considerations, including use of privacy fences and hedges
- Improve references to city guidelines projects alongside creeks and their specific landscaping issues (e.g. riparian and native plant preservation).
- Improve references to the city's landscaping guidelines for water conservation.

##### **Compatibility Guidelines**

- How to implement FAR guidelines, including a list of case by case factors to consider, including how unusable portions of steeply sloped blufftop or

hillside lots might indicate a smaller square footage than allowed by FAR calculations as more appropriate.

- How to use 20 closest homes data (see pages 7-9 for example of data)
- How to determine if a basement design and size is appropriate and compatible with the surrounding neighborhood.
- Address covered elements such as covered loggias and decks:
  - suggest size limit thresholds where excessive amounts of these roof covered elements are being proposed could be considered as adding too much additional mass to a building design
  - include an advisory that future enclosure of roof covered elements could be denied on the basis that the loss of the architectural feature is considered a negative change and/or the increase in the additional square footage may be not be considered compatible with the neighborhood.
- Glass guard rails

#### Good Neighbor Guidelines & Tips

- Update/revise lighting guidelines (Steve Hausz has agreed to provide assistance)

#### **Single Family Residential Design Board Guidelines**

##### Vacant Lot Review

- Consider whether site visits should be required for all new homes, and if not, then consider eliminating vacant lot reviews.

##### Procedures

- Clarify that five supporting votes are required by the SFDB for projects which seek an FAR Modification to be able to proceed to the PC.

When the subcommittee and SFDB complete their review, Staff would present the proposals to the City Council for adoption of guideline amendments.

#### **Uncovered Parking Allowances**

**Proposed Change 7: Disallow uncovered parking encroachments on large lots for single-family residential projects that propose an uncovered parking space and require that the uncovered parking space be screened.** The ordinance currently allows one covered and one uncovered parking space for any lot developed with less than 85% of the maximum FAR. The ordinance also provides for a setback encroachment of the uncovered parking space. One intention was to allow lots that are non-conforming with only one covered parking space to be brought into compliance without the burden of constructing new covered parking structures. Another intention of the provision of the setback encroachment was to facilitate an additional parking space on smaller, constrained lots. Occasionally, these provisions have been implemented on larger lots or for new development on vacant lots. Staff proposes that:

- the setback encroachment only be allowed on lots less than 15,000 square feet
- that uncovered parking spaces be screened from the street
- Uncovered parking spaces may encroach three feet into setbacks, but a minimum of three feet from property lines must be maintained

**Optional Second Proposed Change 7A: Study an option to allow case by case waivers which could be granted by the SFDB for two uncovered parking spaces for homes under 80% of the maximum FAR could be added. Design Review would be required for the uncovered parking spaces.** Two uncovered parking spaces would typically require only 333 square feet (18' by 18.5'), whereas a two-car garage requires 400 square feet (interior 20' by 20'). A subcommittee of the SFDB working with staff would further refine this proposal. Minimum standards would be determined as well as supporting factors for waivers which would be listed in the Single Family Design Guidelines. Standards and guidelines may include specifications such as the following:

- No more than 80% of the maximum FAR
- The uncovered space is not located in any front yard
- The uncovered spaces is screened from public view
- The lot's width is no more than 55'
- The uncovered spaces uses permeable material
- 200 cubic feet of lockable storage detached from occupied space suitable for the storage of hazardous cleaning and maintenance products is provided if no garage is provided
- A bicycle parking area is provided

This change to the ordinance and guidelines could support these goals:

- Minimize the unfriendly/bulky appearance of garages on street facades and allow for more "open" site designs.
- Maximize permeable surfaces on lots.
- Maximize site development flexibility for constrained lots, avoiding the need for demolition of major portions of existing structures to accommodate additions in many cases.
- Reduce overall single-family housing construction costs, as uncovered parking spaces are much less expensive to construct than garages or carports.
- Achieve an overall increase in the amount of off-street parking actually available/in use on a day to day basis in single-family neighborhoods, since a number of garages are illegally converted to storage and uncovered spaces are less likely to be converted to storage.

Potential disadvantages to this second proposal option 7A could include:

- Even with the 200 cubic yards of required storage space, some properties without the incidental storage provided in garages might have aesthetically inferior sheds installed to provide additional storage.
- Temporary plastic canvas shade structures may be erected for people who are concerned about their cars getting hot in the sun if the screening mechanism, buildings or trees nearby don't provide adequate shade. This would constitute aesthetic issues and could lead to more enforcement cases.
- A practice of parking in uncovered spaces may lead some people to also park in undesignated spaces on the property.
- Electronic gates used to screen cars might not be closed all the time, making cars visible, and this issue would be difficult to address through enforcement.
- Screening fences or hedges may not be maintained over time, whereas a garage structure would take longer to degrade than fences and hedges. While enforcement for illegal conversion of garages to storage may lessen, additional enforcement cases regarding screening maintenance may occur.
- Some residences prefer the appearance of garages over screening such as hedges, fences or gates, even if the garage takes up a large portion of a home's street façade.
- Water usage may increase slightly due to the need to wash cars more often if they are not parked inside garages. However, the permeable paving area will allow water to soak into the ground instead of flowing straight to creeks, allowing for some level of pollutant control.

## Green Building Standard for Large Residences

**Proposed Change 8: Update the Ordinance to clarify that programs equivalent to the Santa Barbara Contractor Association's Built Green program are acceptable for homes over 4,000 square feet.** Projects subject to the two-star Santa Barbara Built Green requirements may use alternative programs, to allow applicants flexibility in meeting the requirement; the ordinance language needs to be updated to clearly state this. Acceptable alternative programs include a California Green Builder certification for new homes, Green Point Rated certification, LEED for homes certification, or a National Green Building Certification program rating.

**Proposed Change 8A: Exempt additions of less than 500 square feet from the Built Green requirement.** Additions of less than 500 square feet are proposed to be exempted from the Built Green requirement. Garage, minor accessory structure or bathroom additions have triggered the Built Green requirement since 2007. The expense of the Built Green program can be disproportionate to the incremental change such small additions pose. Also, the complexity of the green building checklist and point options appear better suited for additions larger than 500 square feet.

**Proposed Change 8B:** Clarify that both Historic Landmarks Commission and SFDB single family home projects resulting in over 4,000 square feet are subject to the Built Green requirement.

## Budget Reduction Adjustments

**Proposed Change 9: Study reducing the number and type of Design Review projects and increasing staff administrative approvals.** Given difficult economic conditions, the City has been reducing General Fund expenditures and more significant adjustments must be considered for next fiscal year beginning July 1, 2010. Community Development Department Staff will be considering changes in all programs, including Design Review. Additional discussions will be held with Boards and Commissions, the public, and Council before changes are made. Possible changes affecting the NPO and SFDB include reducing the number and type of projects reviewed by the Board, and increasing staff administrative approvals.

**Proposed Change 9A: Implement two specific proposals to reduce single family residential design review functions.**

Two specific potential draft proposals to reduce review purview or extent of review are as follows

1. **Hillside Exterior Alterations.** The Design Review trigger for review of any proposed alteration on a property with a slope greater than 20% in the Hillside Design District which requires a building permit would be revised. Rather than any exterior alterations requiring a building permit on such sites triggering review, other project aspects, such as project height, size, retaining walls,

significant second story decks, grading, etc. would trigger projects in the Hillside Design District for design review, just as those project aspects are triggered in Infill areas. The goal of this change is to reduce the quantity of minor projects less likely to affect neighborhood character being subject to Design Review. If this item is to be implemented, a few additional triggers for particular types of alteration projects of particular concern may be need to be implemented.

2. **Projects Not Publicly Visible.** Some projects which are triggered for review are situated on a lot in a manner in which they are not visible from immediately surrounding public streets or parks. Such projects are proposed to be eligible for Staff approval to save time in placing such projects on SFDB agendas. Also, administrative waivers of some of the standard administrative review criteria in the SFDB Guidelines should be allowed where projects are not publicly visible.

## PART 3

### **Additional Proposals Communicated to Staff that are Not Recommended for Implementation**

In addition to the topics which Council specifically asked Staff to consider, staff met with a number of neighborhood organizations and that resulted in additional topics. Also staff reviewed a report by Jason Smart, a former city staff-member and recent graduate of the University of British Columbia School of Community and Regional Planning Master's Degree program. Mr. Smart's report summarized interviews he'd conducted of SFDB members and former NPO Steering Committee Members.

As a result, a number of proposals for change have been considered by staff. Those which are considered appropriate for implementing are listed in Part 2 of this report. Items which are not recommended to change are listed here with a brief explanation as to why the change is not advisable.

In general, staffing resources are increasingly limited due to new City budgetary constraints. As a result, only the most important changes are recommended for implementation. Non-essential changes are not recommended for implementation.

#### **Noticing**

##### **A. Require notices for roof decks.**

**Proposal:** Roof decks do not count as floor area and so are not noticed if they are proposed independently of a second story addition. Unenclosed second or higher story work may have greater impacts to neighbors than enclosed square footage. Also, if these unenclosed areas are roofed, they could block views as an addition could.

**Staff Response:** Roof decks are usually proposed with second story additions, which do have noticing requirements. If someone were to "piece-meal" a roof deck, subsequent to the second floor addition, design review would still be required for the roof deck. Interested parties for the property would receive the Full Board or Consent Calendar agenda for the item. The SFDB is very careful in reviewing second floor decks for potential privacy issues. Requiring noticing for all upper story roof deck projects is not necessary.

## **Design Comments**

**B. Proposal:** Minor details like door color should not be reviewed by the SFDB. The Board should be restricted to big issues of size, bulk and scale. (SBAOR)

**Staff Response:** Past development projects have shown that poor choices of color, materials and details can create obviously incompatible developments in a neighborhood. The SFDB is charged with reviewing size, massing and scale issues as well as design details. The projects the Board reviews are those with more potential to have neighborhood visual impacts, such as two-story or hillside homes.

Design Review traditionally consists of two major steps. First, a design review hearing body looks for an overall size, bulk and massing of a project to ensure neighborhood compatibility and site appropriateness. Second, appropriate design details proposals is assured. Both roles are essential to achieving an aesthetically pleasing environment in Santa Barbara. Within reason, commenting on design details to ensure quality and a cohesive look is within the SFDB purview, as supported by the SFRDG. Larger projects are often held to a higher standard in design details as their visual presence is stronger than smaller projects. The quality of design details in the surrounding neighborhood also plays a role in the level of quality of detail required by the SFDB for a particular project.

The SFDB's existing practices regarding reviewing design details should continue.

## **Floor to Lot Area Ratios (FAR)**

**C. Proposal:** Some groups, including the SBAOR, AIA and City-Wide Homeowners Association (CWHO) are asking for larger maximum FARs for small lots and to eliminate the requirement for a zoning modification for projects above 85% of the maximum FAR in conjunction with building height, slope of lot, and quantity of grading. Others, including the Allied Neighborhood Association (ANA), Citizens Planning Association (CPA) and the local chapter of the League of Women Voters (LWV) would like smaller maximum FARs for small lots.

**Staff Response:** Generally, the FAR chart appears to working effectively. The current FAR maximum formulas were the result of a great amount of discussion and compromises that on the whole appears to be functioning appropriately. Adjustments to the FAR chart for lots under 15,000 square feet do not appear to be warranted. On September 14, 2009 the SFDB visited several sites to see projects they have approved. The projects which approached the maximum FAR appeared in reality to be approaching the maximum size that would be appropriate for the site. The current compromise of maximum square footages by lot size appears to be effective.

**D. Proposal:** Provide floor area bonuses for design features such as a detached garage or carport, solar power inclusion or Built Green status. (SBAOR)

**Staff Response:** This concept was considered by the NPO Steering Committee in their discussion of Issue Paper D as part of the NPO Update process. This would overly

complicate the process. Square footage limits are based on design aesthetic and neighborhood compatibility concerns. The items listed as potentially earning bonus square footage, would not necessarily alleviate the design concerns which additional square footage might pose. Choosing logical appropriate amounts of bonus square footage area for given features would be problematic and likely involve a lengthy public review process to implement.

**E. Proposal:** Allow the maximum floor area for single family homes on small lots to be larger than what is allowed for three-bedroom affordable apartments. (CWHO A)

**Staff Response:** There is no upper limit to the size of affordable apartment units, only a minimum size, so this comparison isn't relevant. The City's minimum size requirement for a three-bedroom affordable apartment is 990 square feet. With affordable apartment projects, the City's challenge is commonly to convince developers to make the affordable units larger. The City's maximum size limit for a home on a 6,000 square foot lot is 2,700 square feet. Single family homes on small lots are certainly typically larger than affordable three-bedroom apartments.

**F. Proposal:** Change how the FAR chart for large lots functions. Some groups would like maximum home sizes to be larger for larger lots. (AIA, SBAOR, CWHO A) Others would like the FAR guidelines for large lots to be changed into requirements. (LWV, ANA) Examples of proposals received include:

- Development of multiple smaller buildings should be encouraged via a 20% increase in allowable FAR if lot is > ½ acre, slope is < 10%, main house is < 85% max FAR, and there is a minimum 10 foot separation between buildings.
- 500 sq. ft. of accessory structures should be exempt from FARs on large lots.
- Secondary units should / should not count in FARs

**Staff Response:** Generally, the FAR chart appears to working effectively. The current large lot FAR maximum guideline formulas were the result of a great amount of discussion and compromises that on the whole appears to be functioning appropriately. Adjustments to the FAR chart do not appear to be warranted. The current approach, which was the result of compromises made in the NPO Update, appear to be effective and appropriate.

**G. Proposal:** Do not fully count steeply sloped lot areas, including coastal bluff areas, toward the total lot area when determining maximum FAR for projects. For example, slopes of 10-20% should reduce lot area by one third for the calculation of FAR. 21-30% slope should decrease lot size by one half. Over 30% slope should reduce lot area by two thirds. This would help protect hillsides and public views of hillsides, also helps with erosion issues. (ANA, LWV, CPA)

**Staff Response:** The current FAR regulations reduce the amount of floor area allowed on sloped lots without a PC modification to 85% of the maximum floor to lot area in the following circumstances:

- The average slope of the lot or the building site is 30% or greater.

- The lot is in the Hillside Design District and more than 500 cubic yards of grading is proposed outside the footprint of the main building.

Creating new formulas and calculation methods to further reduce sloped lots FARs would complicate the review process. Additionally, the SFDB has considers lot constraints in reviewing projects for appropriate FARs. The SFRDG feature a chapter on the appropriate design of hillside development. Also, the SFDB must make hillside findings for sloped lot projects that the project protects natural topography and has an appropriate building scale. Given overriding goals for a simple review process and budget/staffing constraints, the current reductions in floor area in the ordinance for sloped lots and discretionary SFDB tools to address this topic are considered adequate.

**H. Proposal:** Use gross rather than net square footage because we view gross size and net can be manipulated and increased later. (CPA and SFDB Member) The SBAOR advocates continued usage of net square footage for FAR measurements.

**Staff Response:** This idea was carefully considered as part of the NPO Update process in Issue Paper D. Although gross square footage better reflects what is seen because it includes the thickness of exterior walls, gross square footage is not used in the Design Review process for these reasons:

- Thicker walls are aesthetically more appealing, not counting wall thickness encourages thicker walls.
- Other Zoning calculations are dependent on net floor area. For example, the two-car garage “trigger” is based on a 50% net floor area addition and Measure E also uses net floor area. It is easier to use consistent calculations during the zoning plan check and design review process.
- Switching to gross square footage measurements at this point in the process would require re-calibration of the FAR chart. Sine the interest in changing to gross floor area calculations does not appear great, the accompanying staff time, public outreach and review of this proposal would not be justified.

**I. Proposal:** Some have requested that basement square footage discount provisions be eliminated and others have requested that basement discount provisions be made broader and greater.

**Staff Response:** It appears that the current basement square footage discount provisions strike an appropriate balance between simplicity and fairness. Additional basement discount provisions would likely need to be more complicated, with detailed calculation provisions, in order for them to be implemented fairly. Alternatively, in many cases, eliminating basement square footage discounts would result in FAR figures less closely reflecting the “visible” square footage of a proposed structure. Rather than update the ordinance regarding basement square footage calculations, Staff proposes to work with a Subcommittee of the SFDB to provide guidelines regarding appropriate basement design.

## **Parking**

**J. Proposal:** Make triggers for the two-car garage requirement more lenient for narrow lots (ex. 50' wide). Some older neighborhood tracts of narrow lots have a large number of homes fully built out across the lot width with an existing legal non-conforming one-car garage. For these lots, the only way to have a two-car garage would be to demolish the one car garage and a portion of the home square footage adjacent to the garage - which often leads to complete demo./rebuild projects. Exceptions should be made for site layouts where a two-car garage would lead to a complete demo-rebuild. Or the 50% addition trigger for a required two-car garage should be changed to a 75% addition trigger, consistent with the new fire sprinklers requirement trigger. The current 50% addition two-car garage compliance trigger unfairly affects smaller homes. For example, a 1,000 square foot home trying to add on 500 square feet may not be allowed to do that without such a substantial amount of demolition that a complete demolition/rebuild becomes more feasible to accommodate a two-car garage. (AIA)

**Staff Response:** The 2007 NPO created a new provision, whereby one uncovered parking space can be provided behind a home, rather than requiring a two-car garage to allow flexibility on small lots (SBMC28.90.100.G.1.b). A project at 2921 Paseo Del Refugio was approved in June 2009 which features not only an uncovered parking space behind the house, but also tandem parking, so that the original home lay out could be preserved. For that project, parking is to be provided in the existing 236 square foot one-car garage and one uncovered space in a tandem parking configuration.

Further changes to the ordinance would be too complicated and time consuming at this time. The current uncovered parking standard provides sufficient flexibility to address this concern.

**K. Proposal:** Allow 19' wide two-car garages on small constrained lots.

**Staff Response:** 20' by 20' is the recommended two-car size to ensure functional use of garages, given space needed to open and close car doors, safely pull in and out, etc. The Public Works, Transportation Planning Division allows garage width waivers on a case by case basis where legal non-conforming issues on constrained sites prevent a full 20 foot wide garage.

## **SFDB Membership**

**L. Proposal:** Some organizations would like the SFDB to have a higher percentage of community at large members in place of architects (LWV, CPA). Other organizations would like the SFDB to have a higher percentage of architects on the Board (AIA, SBAOR).

**Staff Response:** The current make up of the SFDB has generally the same number of professional and community at large positions as does the ABR. Following are the number of members in each category for both the ABR and SFDB with notes where the ABR membership will be reduced:

- Two licensed architects.
- One licensed landscape architect. (ABR currently has two landscape architects, will become one position, as landscape architects are especially difficult to recruit)
- Three persons who possess professional qualifications in fields related to architecture, including, but not limited to, building design, structural design, structural engineering, industrial design, or landscape contracting.
- One representative of the public at large. (ABR currently has two public at large positions, will be reduced to one public at large position.)

At the time the NPO Update was completed, Council felt it was important for the same balance of review board membership types to be copied for the SFDB so that applicants would have a review experience similar to the reviews previously performed by the ABR. Identical SFDB and ABR membership categories helps to provide consistency in the City's design review process. No change in SFDB membership is needed at this time.

**M. Proposal:** There should be no membership overlap between ABR and SFDB. (Citizen's Planning Association)

**Staff Response:** Overlap between the ABR and SFDB does not appear to be an issue to staff. Paul Zink and Gary Mosel have participated in both the ABR and SFDB since the NPO Update. This overlap was viewed as preferable for the beginning stages of the SFDB to ensure that business is conducted in a similar fashion between the ABR and SFDB. Now that the SFDB has been established for two years, overlaps in membership are no longer critical between the two boards, but it also would not appear to be an issue. The two boards have mutually exclusive jurisdictions so a member participating on both boards does not have inordinate influence on any project. The only concern staff might have regarding a future volunteer participating on both boards is the substantial time commitment required and the ability of an individual to devote time to both boards. The City Council can make the decision to allow an individual to participate on both boards when appointing members.

**N. Proposal:** All SFDB members should be able to read plans. If they cannot read plans, then members should be trained in how to read plans. (CPA)

**Staff Response:** City Council makes appointments to the Design Review Boards, and plan review skills could be a Council question topic. Members have traditionally been able to obtain plan reading skills without much staff assistance. Staff and Board members can provide some training assistance as needed to improve plan reading abilities. Public at large members do not have the same level of training as an architect, but can provide a unique perspective in reviewing applications.

## **SFDB Hearings**

**O. Proposal:** Public commenters should be allowed more than two minutes to speak. Also, adjacent neighbors most directly affected by a proposed project should be allowed more time to speak.

**Staff Response:** The SFDB must balance public participation with an efficient review process. The SFDB Chair, as with all hearing body chairs, has the discretion to slightly extend individual public comment time-frames, including potentially adjusting time allowed for immediate neighbors, depending on the number of speakers present and the board's progress on an agenda where possible in keeping an on-time agenda. It is unusual at SFDB hearings to have large numbers of the public wishing to speak. Individuals are usually given adequate time to make their comments. Members of the public are always welcome to submit lengthier written comment in advance which can be reviewed by board members prior to the public hearing.

**P. Proposal:** Council and PC liaisons and City Attorney should attend SFDB meetings. (CPA)

**Staff Response:** Council and PC liaisons receive agendas for the hearing bodies which they serve as liaisons to and choose to attend hearings for items at their discretion. The SFDB or staff occasionally specially request attendance by liaisons for controversial items. SFDB liaisons from Council and PC have many time consuming duties, and it would not be reasonable to expect them to attend every SFDB hearing. Also, liaisons can view an agenda item through video recordings if issues arise with a specific project.

## **Modifications**

**Q. Proposal:** If the SFDB is not in favor of a modification request, the PC should decide on the mod; SFDB should be given authority to refer Modifications to PC instead of the Staff Hearing Officer (SHO). (CPA)

**Staff Response:** The SHO was created to more efficiently review smaller projects, allowing the PC to focus their time on projects which have potentially broader community land use issues, although the PC does have the ability to suspend SHO actions and require a PC hearing. SHO decisions can be appealed to the PC. Single family home modifications do not typically have the breadth of impact which the PC is intended to address. Such a referral process would overly complicate the City's review process and decrease certainty.

## PART 4

### List of Projects Appealed to City Council & Appeal Statistics

SFDB has had five appeals since the NPO Update was adopted in May 2007 and September 2009.

#### **1057 Arbolado Rd.**

Proposal for additions and remodeling for an existing one-story, 2,024 square foot single-family residence, including a 531 square foot attached two-car garage. Proposed additions consist of a new 636 square foot second story, 620 square feet at the first floor, and demolition of 189 square feet on the first floor. The project includes 331 square feet of second-story decks, replacement of all roofing, complete exterior remodel, demolition of 1,070 square feet of patio, 681 square feet of new first-floor patio, repaving the driveway, and 50 cubic yards of fill grading. Zoning modifications were approved for additions and alterations in the front setback, and for part of the required open yard to be provided in the front yard.

**FAR Statistics:** The proposed total of 3,091 square feet is 74% of the maximum allowable Floor-To-Lot-Area-Ratio.

**Appeal Issues:** Upper-level decks impact privacy. Size, bulk, and scale and architectural style are not compatible with the neighborhood. The project does not preserve public views.

**Council Action:** Modified the SFDB decision: Council denied the appeal and directed SFDB to review the project and require a higher deck screening in the direction of the neighbor who appealed the case.

**Current Case Status:** SFDB reviewed and approved the project per Council direction and the project is now under construction.

#### **3455 Marina Drive.**

Construct a 5,390 square foot one-story single-family residence including a 574 square foot three-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, fencing, synthetic putting green, solar panels, and landscaping. The project is located on a 1.2 acre lot in the coastal zone.

**FAR Statistics:** The proposed total of 5,390 square feet is 102% of the maximum guideline FAR.

**Appeal Issues of Planning Commission, City Council, and Coastal Commission Decisions:** FAR is not compatible with the neighborhood, public views preservation. Appeals denied. **Appeal Issues of SFDB Decision:** Public view preservation violated by final landscape plan.

**Council Action:** Upheld SFDB decision: Council denied appeal.

**Current Case Status:**

Building permit application received in July 2009. Plan check corrections printed for applicant in September 2009.

**2105 Anacapa St.**

The project involves the demolition of the existing 1,752 square foot single-family residence and detached 340 square foot garage and construction of a new 4,183 square foot three-story single-family residence and attached 410 square foot two-car garage. Zoning modifications were approved to allow alterations to two facades of the house that are proposed to be replaced within two front yard setbacks. The 9,372 square foot project site is located in the Upper East neighborhood and the Mission Area Special Design.

**FAR Statistics:** The floor to lot area ratio (FAR) calculation includes a 100% deduction for the 783 square foot full basement and a 50% deduction for the 870 square foot partial basement/garage. The FAR total of 3,375 square feet is 95% of the maximum floor to lot area ratio.

**Appeal Issues:** Size, bulk, and scale and the setback of the structure are not compatible with the neighborhood.

**Council Action:** Upheld SFDB decision and denied appeal.

**Current Case Status:** Project will return to the Full Board for Final Approval.

**3750 Meru Ln.**

Proposal to construct a new 3,307 square foot two-story single family residence, including attached 479 square foot two-car garage. The project includes demolition of the existing 2,279 square foot single-family residence with 400 square foot garage on the 15,534 square foot lot.

**FAR Statistics:** The proposed total of 3,786 square feet is 86% of the maximum guideline floor to area ratio.

**Appeal Issues:** Size, bulk, and scale are not compatible with Meru Lane. Privacy impacts to adjacent neighbor.

**Appeal withdrawn:** Neighbors reached a compromise on square footage without an appeal hearing.

**Current Case Status:** Project was continued to Full Board for in-progress review.

**803 Rametto Rd.**

Proposal for 350 square feet of additions to the first floor and a new 691 square foot second-story. The project includes a new deck, entry porch, and remodeling. The existing 1,837 square foot one-story single-family residence and attached 499 square foot two-car garage is located on a 40,678 square foot lot in the Hillside Design District.

**FAR Statistics:** The proposed total of 3,832 square feet is 77% of the maximum guideline floor to lot area ratio.

**Appeal Issues:** New second-story and deck impact privacy and property value of adjacent neighbor.

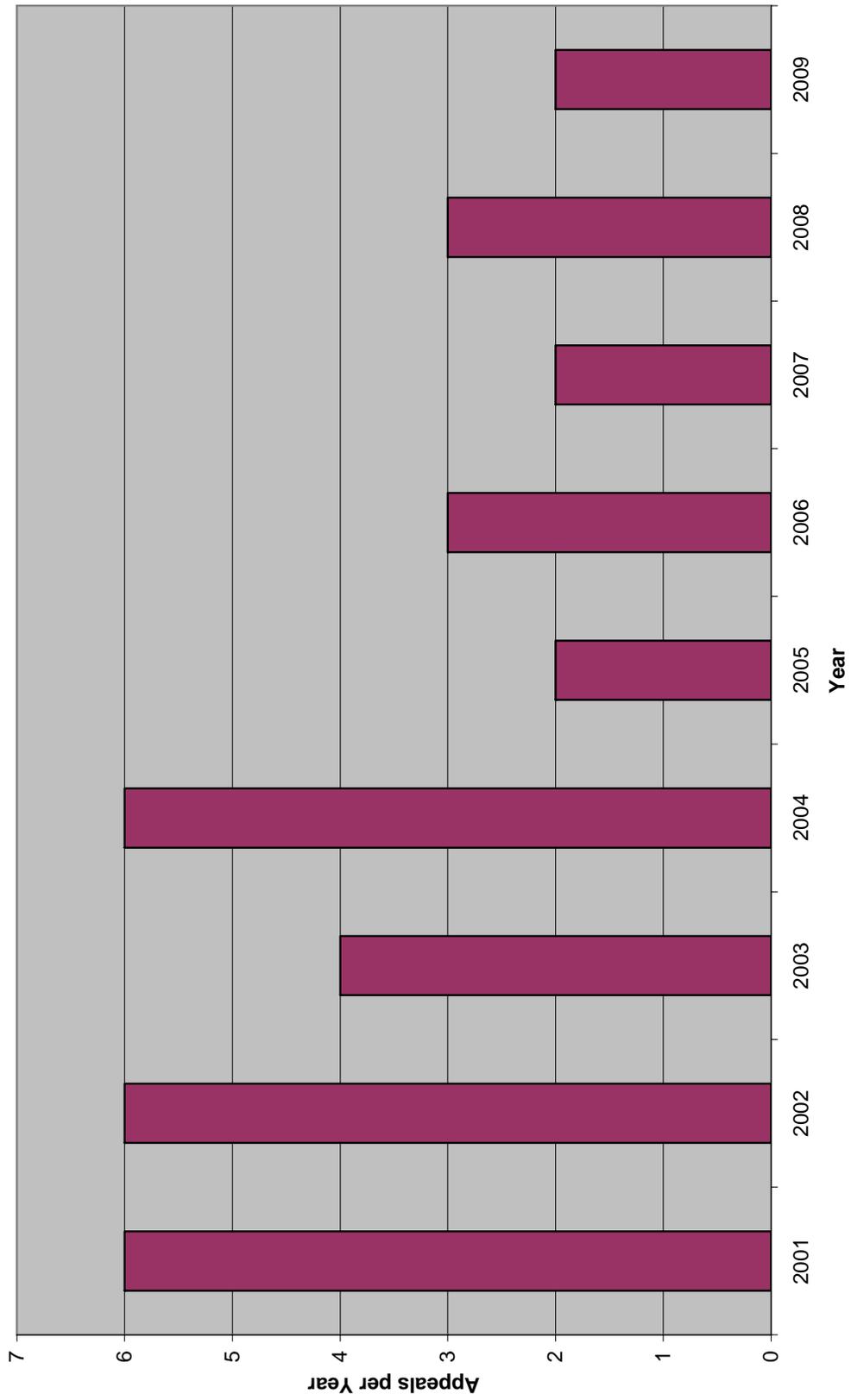
**Current Case Status:** Appeal received of SFDB final approval on September 24, 2009.

**Appeal pending:** Appeal withdrawn.

## Appeal Cases 2001 - 2009

		DATE	STREET #		STREET NAME	BODY
2001	6	3/23/2001	151		La Jolla Drive	ABR
		4/24/2001	1402		Grand Avenue	ABR
		6/26/2001	801	E	Montecito Street	ABR
		7/10/2001			Equestrian	HLC
			212, 214 & 218		Avenue	
		10/2/2001			West Mountain	PC
			121		Drive	
		10/23/2001			De La Vista	ABR
			536		Avenue	
2002	6	1/29/2002	1011		San Carlos Road	PC
		3/19/2002	1825		Stanwood Drive	PC
		5/21/2002	2221		Anacapa Street	ABR
		7/23/2002	334		East Padre Street	PC
		8/20/2002	3731		Amalfi Way	ABR
		10/8/2002	398	W	Mountain Drive	ABR
2003	4	4/29/2003	17		Celine Drive	ABR
		9/16/2003	2540		Clifton Drive	PC
		11/18/2003	3208		Campanil Drive	ABR
					Mission Ridge	
		12/16/2003	1960		Road	ABR
2004	6	1/13/2004	1820		Anacapa Street	ABR
		3/2/2004	3408		Madrona Drive	ABR
		6/24/2004	1535	W	Mountain Drive	ABR
		7/13/2004	3349		Cliff Drive	ABR
					San Clemente	
		7/27/2004	221		Drive	ABR
		8/3/2004	2135		State Street	ABR
2005	2	5/3/2005	2928		Arriba Way	ABR
		5/24/2005	1464		La Cima	ABR
2006	3	3/7/2006	3501		Sea Ledge Lane	ABR/PC
		4/6/2006	1025		Las Alturas	ABR
		7/11/2006	559		Ricardo Ave.	ABR
2007	2	2007	1443		San Miguel	ABR
					La Vista Del	
		2007	1575		Oceano	ABR
2008	3	8/5/2008	3475		Marina Drive	ABR
		2008	3455		Marina Drive	SFDB
		2008	1057		Arbolado	SFDB
2009	2	2009	2105		Anacapa Street	SFDB
		2009	803		Rametto	SFDB
		<del>2009</del>	<del>3750</del>		<del>Meru</del>	<del>SFDB</del> (withdrawn)

Appeals per Year 2001-2009



## PART 5

### 9-14-09 Single Family Design Board Site Visit Photographs

**627 Dolores** MST2007-00417

Proposal for a 909 square foot two-story addition to an existing one-story single-family residence on a 7,300 square foot lot in the Hillside Design District. Included in the proposal is removal of an as-built second-story deck, a new 109 square foot second-story deck, and an as-built gazebo. The proposed total of 2,563 square feet has a FAR of 0.35 and is 85% of the maximum.



### **1418, 1420, and 1422 Santa Rosa Avenue**

1418 Santa Rosa Ave. MST2007-00310

Proposal for a 2,995 square foot one-story residence including an attached 469 square foot two-car garage on a 9,288 square foot lot, which is the front lot of a newly created three lot subdivision. All three lots will be served by a 16 foot wide common driveway along the eastern property line. The project includes approximately 143 cubic yards of grading outside the building footprint. Planning Commission approved the Tentative Subdivision Map, Modifications, Public Street Waiver, and Coastal Development permit for the project under MST2006-00288. The proposal has a FAR of 85% of max.

1420 Santa Rosa Ave. MST2007-00312

Proposal for a 3,060 square foot one-story residence including an attached 541 square foot two-car garage on a 9,262 square foot lot, which is the middle lot of a three lot subdivision. All three lots will be served by a 16 foot wide common driveway along the eastern property line. The project includes approximately 199 cubic yards of grading outside the building footprint. Planning Commission approved the Tentative Subdivision Map, Modifications, Public Street Waiver, and Coastal Development permit for the project under MST2006-00288. The proposal has a FAR of 87% of max.

1422 Santa Rosa Ave. MST2007-00313

Proposal for a 2,413 square foot one-story residence with an attached 628 square foot two-car garage on a 9,239 square foot lot, which is the rear lot of a three lot subdivision. All three lots will be served by a 16 foot wide common driveway along the eastern property line. The project includes approximately 204 cubic yards of grading outside the building footprint. Planning Commission approved the Tentative Subdivision Map, Modifications, Public Street Waiver, and Coastal Development permit for the project under MST2006-00288. The proposal has a FAR of 87% of max.





**1600 Shoreline Drive** MST2007-00123

Proposal to add 458 square feet first- and 470 square feet second-story additions to an existing 1,528 square foot one-story single-family residence and to replace the existing attached 409 square foot two-car garage with a new 410 square foot two-car garage. Also proposed are a 254 square foot roof deck and a 225 square foot veranda. The project is located on a 7,866 square foot parcel located in the non-appealable jurisdiction of the Coastal Zone. The proposed total of 2,875 square feet is 91% of the maximum FAR.



**1394 Shoreline Drive** MST2007-00344

Proposal to construct a new two-story 2,980 square foot single-family residence and attached 500 square foot garage. The existing 1,109 square foot house and attached 400 square foot garage on the 9,781 square foot lot will be demolished. The project is located in the non-appealable jurisdiction of the coastal zone. The proposed total of 3,480 square feet is 95% of the maximum FAR.

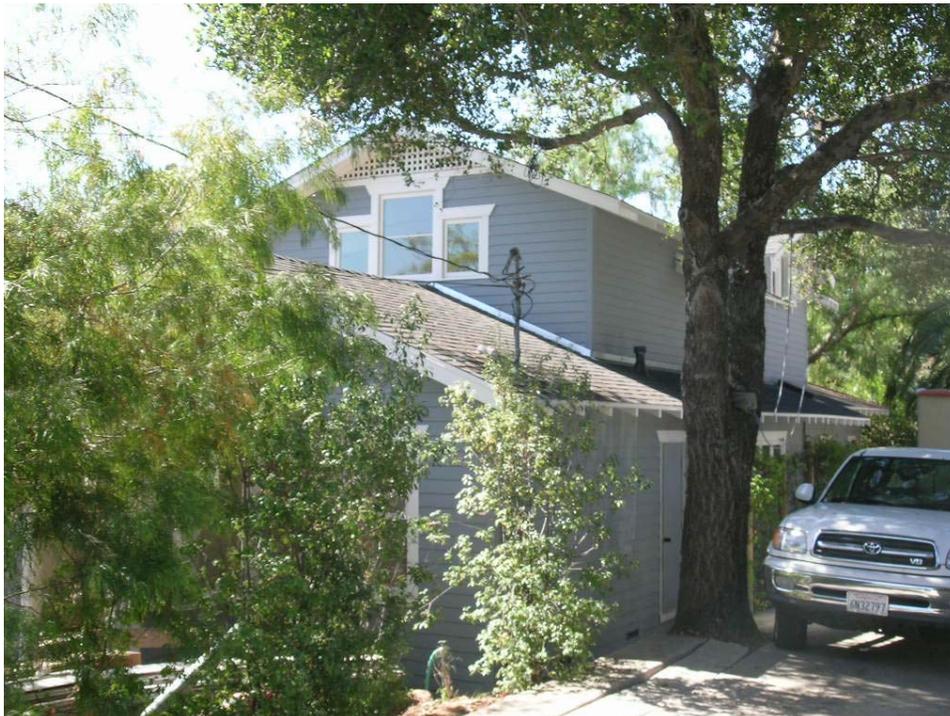


**3035 Hermosa Road** MST2007-00432

Proposal to remodel and add an 828 square foot second-story to an existing 2,007 square foot single-family residence including a 460 square foot two-car garage on a 8,712 square foot lot. The proposal includes demolition of 115 square feet on the first floor, an addition of 94 square feet to an existing first floor deck, and a new 80 square foot deck on the second floor. The project will result in a 2,720 square foot two-story residence which is 80.5% of the maximum FAR.



**2929 Serena Road** Revised proposal for a 566 square foot two-story addition and interior remodeling. The existing 1,954 square foot two-story single-family residence including 374 square foot attached two-car garage is located on a 6,000 square foot lot. Staff Hearing Officer approval for a modification of the solar access ordinance is requested. The total of 2,520 square feet is 93% of the maximum floor to lot area ratio.



**1943 Grand Avenue** MST2007-00015 R-2 zone

Proposal for remodeling and additions to an existing 1,968 square foot two-story single-family residence on a 7,018 square foot lot in the Mission Area Special Design District. The proposal would add 633 square feet of living area, two attached 242 square foot one-car garages, and 284 square feet of roof decks. The proposed total of 3,085 square feet is 104% of the maximum guideline FAR.



**2290 Las Tunas** MST2008-00262

Proposal for a 134 square foot first floor addition, a 580 square foot second story addition, a 704 square foot three-car garage, a 218 square foot deck, and a 348 square foot covered porch, a new pool and spa, 1,550 cubic yards of grading to be balanced on the site, conversion of the existing garage to habitable space, and the demolition of 8 square feet of the garage. Existing development on the site includes a 3,184 square foot single-family residence and attached 693 square foot garage, and a 756 square foot accessory structure. The project is located on a 2 acre lot in the Hillside Design District. The proposed total of 6,043 square feet is 108% of the maximum guideline FAR.



**1121 Quinientos** MST2007-00277

Proposal to construct a 3,458 square foot two-story residence and an attached 500 square foot two-car garage on a 11,275 square foot lot. The proposal includes demolition of the existing 951 square foot single-family residence, detached 551 square foot two-car garage, and existing 117 square foot accessory structure. The proposed total square footage of 3,458 is 88% of the maximum guideline FAR.



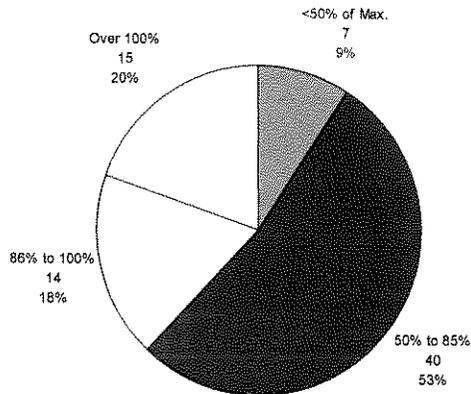
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12-15-09\12-15-09 Council Report 2 Year NPO Update Review.doc

## NPO Two Year Review- Comparison of ABR vs SFDB Projects

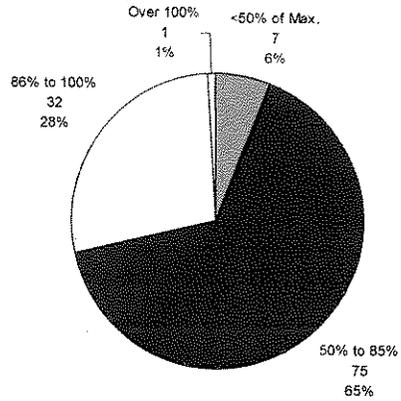
	Pre NPO Update 7/2003-7/2005 (Two years) ABR		Post NPO Update 7/200-7/2009 (Two years) SFDB	
Total number of projects	167		220	
Range of Approvals FAR Ord. Projects Lots 15,000 sf or lower	<50 % of Max = 7 50% to 85% =40 86% to 100% =14 Over 100% =15  Total= 76 projects		<50 % of Max = 7 50% to 85% =75 86% to 100% =32 Over 100% = 1  Total= 115 projects	
Range of Approvals FAR Guideline Projects Lots greater than 15,000 sf	<50 % of Max =10 50% to 85% =47 86% to 100% =21 Over 100% =13  Total= 91 projects		<50 % of Max =16 50% to 85% =64 86% to 100% =14 Over 100% =11  Total= 105 projects	

## Small Lot % Max. of FAR Patterns

Pre NPO Update 7/2003-7/2005 (Two years)  
76 Pending and Approved Applications  
Architectural Board of Review

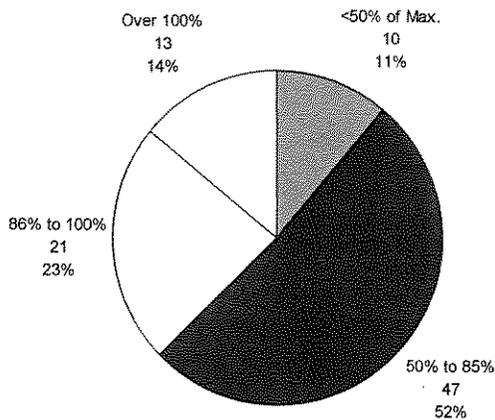


7/2007-7/2009 (Two years)  
115 Pending & Approved Applications  
Single Family Design Board

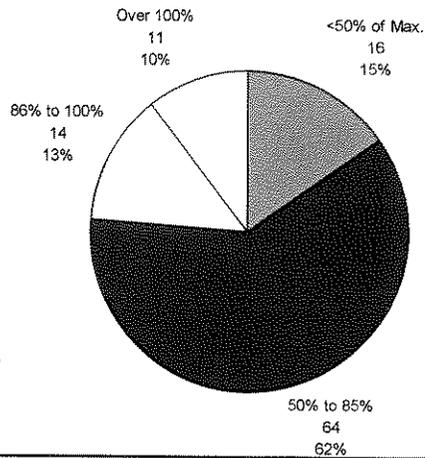


## Large Lot % Max of FAR Patterns

Large Lots  
7/2003-7/2005 (Two years)  
91 Pending and Approved Projects  
Architectural Board of Review



Large Lots  
7/2007-7/2009 (Two years)  
105 Pending & Approved Projects  
Single Family Design Board



**Staff Notes for  
Neighborhood Preservation Ordinance Update  
Two-Year Review  
Public Workshop October 24, 2009**

Attendance

Staff present: Paul Casey, Community Development Director; Bettie Weiss; City Planner; Jaime Limón; Senior Planner; Heather Baker; Project Planner; Tony Boughman; Planning Technician II

Councilmembers present: Mayor Marty Blum, Councilmember Helene Schneider

Planning Commission member present: Bruce Bartlett

Single Family Design Board (SFDB) members present: Bill Mahan, Chair, Paul Zink, Vice-Chair, Bernie Bernstein, Member

Former Neighborhood Preservation Ordinance Update Steering Committee members present: Dianne Channing (Allied Neighborhood Association Representative on the former Steering Committee), Bill Mahan, Bruce Bartlett

Public attendance per sign in sheet: 20

Total attendance (public, council, commission, board and committee members): 32

Staff Presentations

- Heather Baker, Project Planner, called the meeting to order, made staff introductions, went over the workshop agenda and explained the workshop survey handout.
- Jaime Limón, Senior Planner, presented project statistic patterns, appeal patterns, and budget constraints.
- Heather Baker, Project Planner, presented the nine proposed changes covered in the Draft Two-Year Review of the NPO Update, as well as items which the City Council directed staff to review and changes not recommended for implementation by staff and invited public comments.

## Public Comments

Connie Hannah, League of Women Voters (LWV)

- An initial written letter (*attached to these meeting notes*) was submitted, but stated that more formal written public comment from the LWV is forthcoming. The LWV appreciates the solid, early report as well as the analysis and data provided regarding how many projects are over and under 85% of the maximum FAR. The charts comparing the time periods of '03 – '05 and '07 –'09 are very helpful.
- The same membership balance between professional and public at large members is not necessary for both the Architectural Board of Review (ABR) and SFDB because the work is different on the SFDB. Non-professional people can address projects. There should be two or three public members on the SFDB at all times.
- Glad to learn that the one recent project over 100% of the maximum FAR on a small lot was a project that only had a small addition to a non-conforming as to FAR home allowed by ordinance without a modification.

Naomi Kovacs, Citizens Planning Association (CPA)

- The CPA will submit a formal letter at a later date.
- Appreciates getting the report early with enough time to review it and to receive the statistical charts. The lack of recent projects over 100% of the maximum FAR on small lots is good. The charts show that the NPO is working.
- A question to staff is that if projects over 85% of the maximum FAR need to submit 20 closest homes *data*, a 20 closest homes *map* will already be produced by staff, then why not keep the *hand-delivered notice* for the 20 closest rather than the proposed 10 closest homes *hand-delivered notice* for these projects?  
(*Staff Post-Meeting Note:* The reason to keep the 10 closest homes delivery consistent for all projects requiring noticing is for simplicity in administrative practice. The less complex our regulations are, the easier they are for applicants to understand and for staff to consistently verify compliance.)
- Page numbering on the addendum for changes 7 and 7a is not consistent with the page numbering in the full report.
- Commented on administrative reviews, and Change 9 regarding reducing the number and types of projects to be reviewed, would like more information about that and asked about appeals.
- On page 22, CPA would still like to see gross square feet to measure FARs, rather than net square feet.
- Would like to see secondary unit FARs addressed in the report.
- Need clarification regarding piecemealing of loggias and other covered areas.
- Would like the issue of large visible basements to be included in the report
- Public at large membership is important on the SFDB.

Tim Harding, City-wide Homeowners Association member

- There are too many obstacles for projects proposing over 85% of the maximum FAR, additional unnecessary submittal requirements can make it seem like 85% of the maximum FAR is actually the maximum.
- 20 closest homes data is not helpful because it is not accurate and so it should not be required to be submitted.
- Rejects the idea that the 20 closest homes data can appropriately guide the growth of a neighborhood.
- Opposes the idea presented by some members of the public to include covered porches or similar features in FAR calculations.
- Questions why there should be more restrictions on basements because they do not impact neighborhoods. Why put more restrictions on what is underground?
- Feels that an FAR of .50 is a reasonable size limit, so that someone with a 6,000 square foot lot could build a 3,000 square foot home.
- Garages and carports should not be included in the FAR calculations as they are currently.

Toby Bradley, Santa Barbara Association of Realtors (SBAOR)

- Appreciates the meetings which staff held with interested groups, including the SBAOR. Her comment at the workshop is not official on behalf of the SBAOR.
- Appreciates the staff report which shows the ideas presented to staff and staff's analysis of the ideas.
- SBAOR still believes the FARs adopted are too small.
- Would like to know how many single-story versus how many two-story homes are now being built compared to prior to the NPO Update. I.e. the FAR restrictions only apply to two-story homes, so it seems likely that many people have chosen to build larger one-story homes instead, which translates to lower site permeability, undesired aesthetic effects and unintended consequences.
- Would like to see more professionals on the SFDB.
- Have received negative feedback from applicants who have indicated that they have been directed by the SFDB to change things back and forth from one meeting to the next.

David Berry

Can we require SFDB members to visit the sites of Tea Fire projects? A number of hillside designs wedged into the hillside are not going with the topography of the areas and are not appropriate, including in the West Mountain Drive area:

- Eastern/western roof sloping architecture needs more examination.
- Inappropriate two story facades are being approved.
- Site plans being presented at the SFDB for Tea Fire projects are too small and there is not enough architectural or topographical detail visible on the plans.

Richard St. Claire

At the SFDB, neighbors to be most impacted by proposed projects (such as adjacent neighbors) should be allowed more time to speak than other members of the public.

*Bettie Weiss, City Planner*

Clarified that the SFDB membership is not proposed to change, that it is only the ABR membership which is proposed to be changed (from 9 to 7 members).

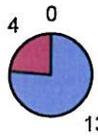
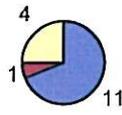
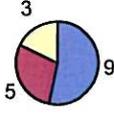
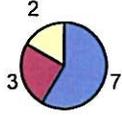
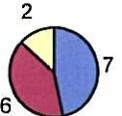
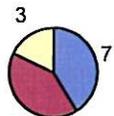
Berni Bernstein, Single Family Design Board member

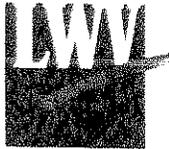
- Appreciated everyone coming early on a Saturday to the workshop.
- Encouraged audience to view the SFDB hearings on television if they haven't been following them.
- Explained that besides being a public at large member on the SFDB, that she is also a long-time local realtor and that the SFDB is very serious about making the right decisions for our community.
- Reported that the SFDB and individual members sometimes visit project sites.
- Addressed site visits and encouraged members of the public to contact the SFDB with concerns.
- Feels that additional public at large members would be appropriate.
- Appreciates the creative solutions common among this community's architectural designs and within the SFDB comments.

#### Workshop Adjournment

- Heather Baker, Project Planner, thanked the public for participating in the workshop, asked members of the audience to turn in surveys, stated that staff would be available to answer questions and ended the workshop.
- 17 surveys were turned in at the meeting by the public, survey results are on the following page.

**Survey Results Regarding NPO Two-Year Review Proposed Changes 1 - 9**  
**Surveys Collected at 10/24/09**  
**Public Workshop**

<p align="center"><b>Change 1</b> No notice for &lt;150 sq.ft. 2nd story addtn.</p>  <p align="center">4 0 13</p> <p>■ Yes ■ No □ Maybe</p> <p>Highest positive response rate of all the changes.</p>	<p align="center"><b>Change 2</b> Reduce hand-delivered notice to 10 closest homes.</p>  <p align="center">2 3 11</p> <p>■ Yes ■ No □ Maybe</p>
<p align="center"><b>Change 3</b> Clarify roof alterations Design Review trigger.</p>  <p align="center">4 1 11</p> <p>■ Yes ■ No □ Maybe</p>	<p align="center"><b>Change 4</b> Design Review for &gt;3.5 ft. tall front yard fence or wall.</p>  <p align="center">3 5 9</p> <p>■ Yes ■ No □ Maybe</p>
<p align="center"><b>Change 5</b> Staff can administratively approve retaining walls in some circumstances.</p>  <p align="center">2 3 10</p> <p>■ Yes ■ No □ Maybe</p>	<p align="center"><b>Change 6</b> Guidelines additions via a subcommittee.</p>  <p align="center">2 3 7</p> <p>■ Yes ■ No □ Maybe</p> <p align="center">Note low response rate, 12 out of 17.</p>
<p align="center"><b>Change 7</b> Disallow yard encroachments for uncovered parking on large lots.</p>  <p align="center">2 6 7</p> <p>■ Yes ■ No □ Maybe</p>	<p align="center"><b>Change 7A</b> Most controversial Allow case by case SFDB waivers to allow two uncovered parking spaces.</p>  <p align="center">3 7 7</p> <p>■ Yes ■ No □ Maybe</p>
<p align="center"><b>Change 8</b> Clarify green building alternatives acceptable for homes over 4,000 sq. ft.</p>  <p align="center">2 3 11</p> <p>■ Yes ■ No □ Maybe</p>	<p align="center"><b>Change 9</b> Reduce projects subject to review per budget constraints.</p>  <p align="center">1 3 8</p> <p>■ Yes ■ No □ Maybe</p> <p align="center">Note low response rate, 12 out of 17.</p>



LEAGUE OF WOMEN VOTERS®  
OF SANTA BARBARA

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Statement to the Single Family Design Board (SFDB) on 10-24-09

Subject: Two Year Review of the NPO Guidelines and SFD Board

I'm Connie Hannah, speaking for the Santa Barbara League of Women Voters. The League thanks you for a solid staff report that came out early for our examination. We were glad that you included some previous history on certain items, and the staff thinking about each item. We agreed with your reasoning on many issues, and don't have further questions about many of your conclusions.

As you know, the League has been particularly interested in how many houses were being built in excess of 85% of the Floor Area Ratios, and how many went over 100%. Your chart showing those comparisons with 2003 to 2005 were helpful. We were reassured that only one home on a smaller lot went over 100%, but we feel that 32 going over 85% means that many very large houses are still being built in smaller neighborhoods.

We should be considering ways to reduce that figure. One way to do so would be to put more public members on the Single Family Design Board. Since our goal was to make remodels and additions more compatible with the nearby housing, we think that public members would make excellent judgements about that. We note that the City has been trying to achieve the same balance of members on the Architectural Board of Review and the Single Family Design Board, but we don't see why you are. Their work is not the same. Obviously architects are needed to study the architectural features of new projects, but the SFDB work deals with a house's affect on its neighborhood, which is a very different subject. We think that non-professional people would be better able to judge how a house would impact its neighbors and understand their concerns.

It is also clear that on lots over 15,000 square feet, 25 out of 105 houses still were built over 85% of FAR. This is much harder to judge, since many of these lots may be huge, and the houses appropriate for the sites. We can support the reduction in the ABR, but we would recommend that the SFDB not be reduced in size when the ABR is, and that it have either 2 or 3 public members on it at all times.

#### Part 1 City Council Review Topics

The League has been concerned about the protection of private views, because we know that the public is always anxious for protection of their views. However, you have done a good review of previous efforts to solve this problem, and we can understand how difficult it may be to deal with this. We accept the current decision not to deal with private views, but we would ask all City representatives to remain alert to ways that other jurisdictions handle this. We know that every coastal city must have similar problems, and perhaps some of them have found ways to protect private views better.

### Proposed Changes to the NPO Guidelines

Change 4 on Fences. We strongly support reducing front yard fences to 3.5 feet. All over the South Coast there are examples of neighborhoods damaged by 6 or 8 foot high front yard fences.

Change 6 on Needed Guidelines. We think it is a good idea to consider what other guidelines may be needed. We think that special attention should be given to new guidelines regarding coastal bluffs and creek areas.

Change 7 on Uncovered Parking . We support the present recommendation in cases of need. We agree that the staff should establish a trigger for Design Review and create guidelines for such review. However, we think that Second Proposal 7A is very questionable and should not be approved. Many of the arguments that you list opposing it are sound: in particular the peculiar devices that people use to shade their cars from the sun, which are often unsightly.

Proposed Change 9. We are opposed to removing any eligible projects from SFDB hearings. We think that they need to be heard by that board. Perhaps the slower economy will slow the number of projects being introduced and make that possible.

### Additional Proposals

The League can support several of these proposals. We especially want to endorse keeping the current FARs and regulations for small lots. As staff points out, these were crafted after months of work, and represent the best the community could agree on. We originally wanted them to be more limiting, but we surely do not want to see them weakened at all now.

SFDB Hearings: Having had years of testifying in public meetings, the League would recommend a three minute limit on public comments, unless there are a very large number of people planning to speak, in which case it can logically be reduced to two minutes. This is the normal procedure in many jurisdictions, and widely accepted. If an argument is fairly complicated, it can be very hard to explain in two minutes, even for very experienced speakers.

Modifications: We would like to recommend a trial period of two years, during which time any rejected modifications can be appealed to the Planning Commission. During these years the Commission caseload will not be as heavy as usual because of the downturn in the economy, and it would give them a chance to see what modifications are being sought, and whether they have a broader or precedent setting effect.



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE REPORT

**AGENDA DATE:** March 16, 2010  
**TO:** Ordinance Committee  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Medical Marijuana Dispensary Ordinance Revisions

**RECOMMENDATION:** That the Ordinance Committee:

- A. Review allowable areas for dispensaries with protection for the highest priority substance abuse recovery facilities; and
- B. Discuss the concept of Medical Marijuana collectives and cooperatives, and consider possible Municipal Code regulations to ensure compliance with the State Health and Safety Code regarding the distribution of Medical Marijuana to "qualified patients" by "primary care givers."

### **DISCUSSION:**

At the February 23, 2010, City Council meeting, the City Council directed the Ordinance Committee to consider all of the following:

1. possible revisions to the latest draft version of the Ordinance regulating Medical Marijuana Dispensaries in order to reduce the maximum number of dispensaries within the City to five (5),
2. providing that major alcohol and drug rehabilitation facilities would be protected uses and adjusting the allowed areas for dispensaries appropriately,
3. allowing dispensaries in the Cottage Hospital area, and
4. further defining the operational parameters of storefront collective/cooperatives in order to ensure compliance with Proposition 215 and SB 420.

The Council asked that the proposed ordinance be returned to Council within 60 days. There also seemed to be consensus on the Council to eliminate the Mesa and the area around the Salvation Army Hospitality House on the 500 block of Chapala Street as allowed areas for dispensaries.

### **Allowable Areas for Dispensaries with Protection for Recovery Facilities**

Staff requested input from the Council on Alcoholism and Drug Abuse (CADA) for locations of recovery facilities. CADA provided a list of 41 known recovery facilities, including treatment centers, detoxification centers, support centers, sober living houses, and related uses, and indicated the 17 of highest priority for protection:

- ❖ Alano Club
- ❖ Bethel House
- ❖ Casa Esperanza
- ❖ Casa Serena
- ❖ Cottage Residential Center
- ❖ Daniel Bryant Youth & Family Treatment Center
- ❖ Graduate House (Casa Serena)
- ❖ Hotel de Riviera
- ❖ Oliver House (Casa Serena)
- ❖ Phoenix House
- ❖ Project Recovery Detox Center
- ❖ Project Recovery Outpatient Services
- ❖ Rescue Mission
- ❖ Salvation Army Hospitality House
- ❖ Sanctuary Psychiatric Center/House
- ❖ Sobering Center
- ❖ Zona Seca

The main criteria for determining the highest priorities were: 1. the use as a treatment facility; 2. the volume of people who live in a facility; 3. the volume of people to go to a facility daily, and 4. the sensitivity of people at a particular facility.

The locations of these 17 uses are not shown on the maps, to maintain anonymity. However, these locations were used to modify the allowable areas for medical marijuana dispensaries. A buffer of 500 feet was drawn around parcels containing the highest priority recovery facilities, and the allowable areas were reduced using the same criteria as was used for parks and schools. Only full blocks where dispensaries would be allowed on both sides of the street were included.

Following the Council's request that the ordinance should attempt to find a balance between protecting those in recovery, and providing a reasonable area for dispensaries to locate, staff determined that a 500-foot buffer around the highest priority recovery facilities provides an appropriate balance. A buffer of 1000 feet, as was used around Casa Esperanza, would almost fully eliminate the Mission, Downtown East and Downtown West areas. A buffer of 750 feet would allow a few more block faces in these areas, but would also have a very limited area in which dispensaries could be located.

The 500' buffer around the highest priority recovery facilities affected the following areas:

1. Mission. Removed the following blocks from consideration for dispensaries:
  - o 1700 block of State Street

2. Downtown East. Removed the following two blocks:
  - o 300 block of East Cota
  - o 500-600 block of Laguna
3. Downtown West. Removed the following 21 blocks:
  - o 0-200 block of Carrillo
  - o 800-1000 blocks of Chapala
  - o 800-1000 blocks of De la Vina
  - o 900 block of St. Vincent
  - o 00-100 blocks of W. Canon Perdido
  - o 00 block of W. Figueroa
  - o 00 block of W. Haley
  - o 00-200 blocks of W. Gutierrez
  - o 300-400 blocks of Chapala
  - o 300-400 blocks of De la Vina
  - o 00 block of East Gutierrez
  - o 00 block of Parker Way

Additionally, the entire Mesa area was removed from the allowable locations, as discussed at the Council meeting on February 23, 2010. See Attachments 1-7 for detailed information on areas where dispensaries would be allowed.

**Possible Ordinance Regulations to Ensure Collective or Cooperative Distribution of Medical Marijuana:**

At the request of the City Council, the City Attorney's office will brief the Committee on the requirements of the state Health & Safety Code (the "SB 420 statutes") which allow the distribution of medical marijuana under certain limited circumstances. In particular, the City Attorney's office will review the August 2008 Guidelines for the use of Medical Marijuana written by the state Attorney General's office which explain in detail how medical marijuana may be cultivated by "primary caregivers" (a term specifically defined in the SB 420 statutes) and provided to "qualified patients" under certain expressly narrow circumstances which allow the "primary caregivers" to recoup their cultivation expenses only. For the most part, as the Attorney General's guidelines point out that, where medical marijuana is cultivated and distributed on a group basis (i.e., other than on a person to person basis), the SB 420 statutes only allow such cultivation and distribution to occur through the legal form of a group collective or a cooperative.

The City Attorney's office will also discuss how some other cities (such as Los Angeles and Long Beach) have attempted to enact medical marijuana ordinances which impose detailed recordkeeping and inspection requirements on storefront "dispensaries" in

order to verify that the medical marijuana being provided is only cultivated and distributed in a manner fully consistent with the SB 420 statutes and only being given to documented members of a clearly established collective or cooperative and, most importantly, that this is occurring only on a cost reimbursement basis.

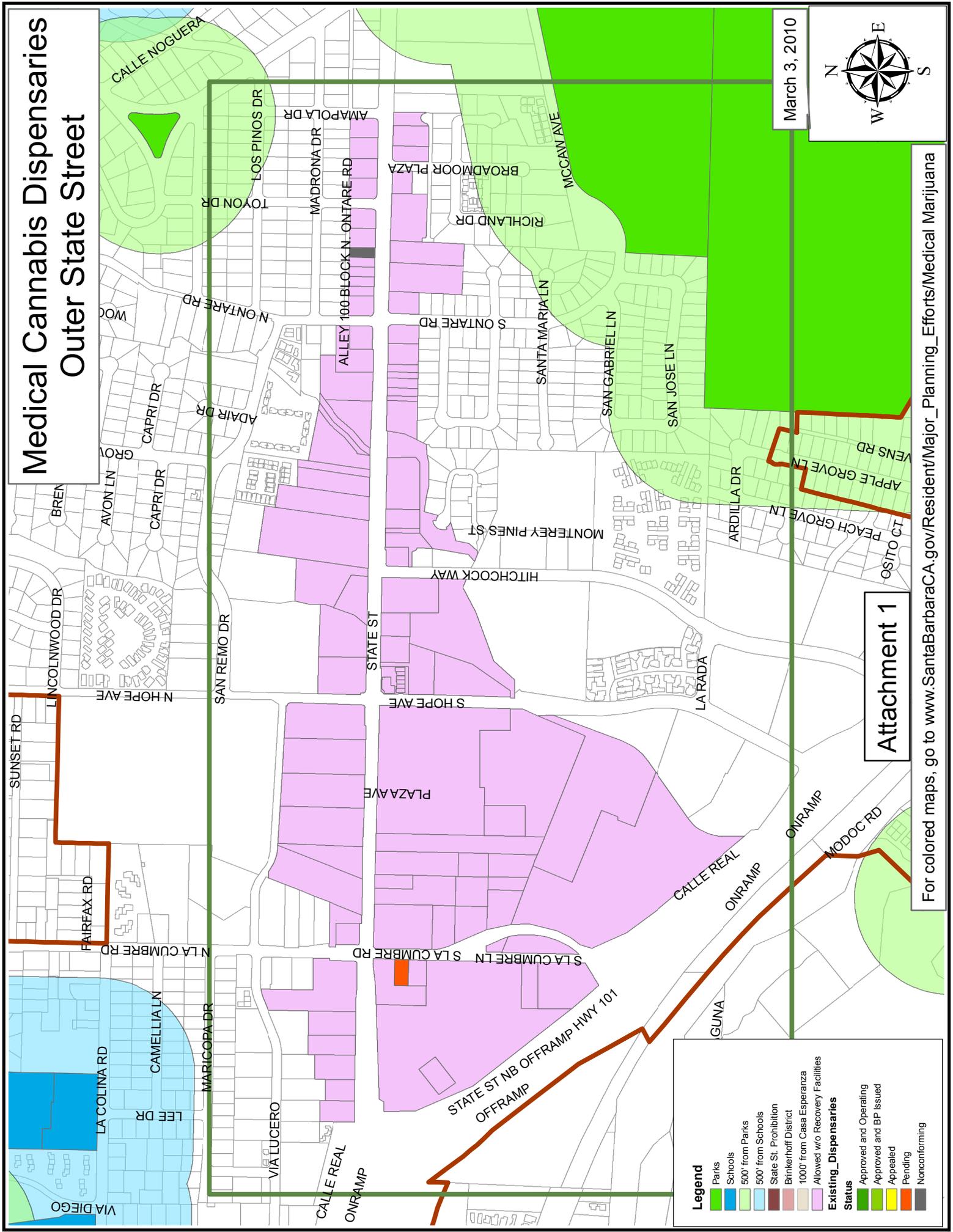
- ATTACHMENTS:**
1. Outer State Street Area Map
  2. Upper De la Vina Area Map
  3. Mission Area Map
  4. Downtown East and West Area Map
  5. Milpas Area Map
  6. Cottage Hospital Area Map
  7. Revised List of Allowable Areas for Dispensaries

**PREPARED BY:** Danny Kato, Senior Planner

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

# Medical Cannabis Dispensaries Outer State Street



March 3, 2010



## Attachment 1

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major\\_Planning\\_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

**Legend**

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- State St. Prohibition
- Brinkerhoff District
- 1000' from Casa Esperanza
- Allowed w/o Recovery Facilities

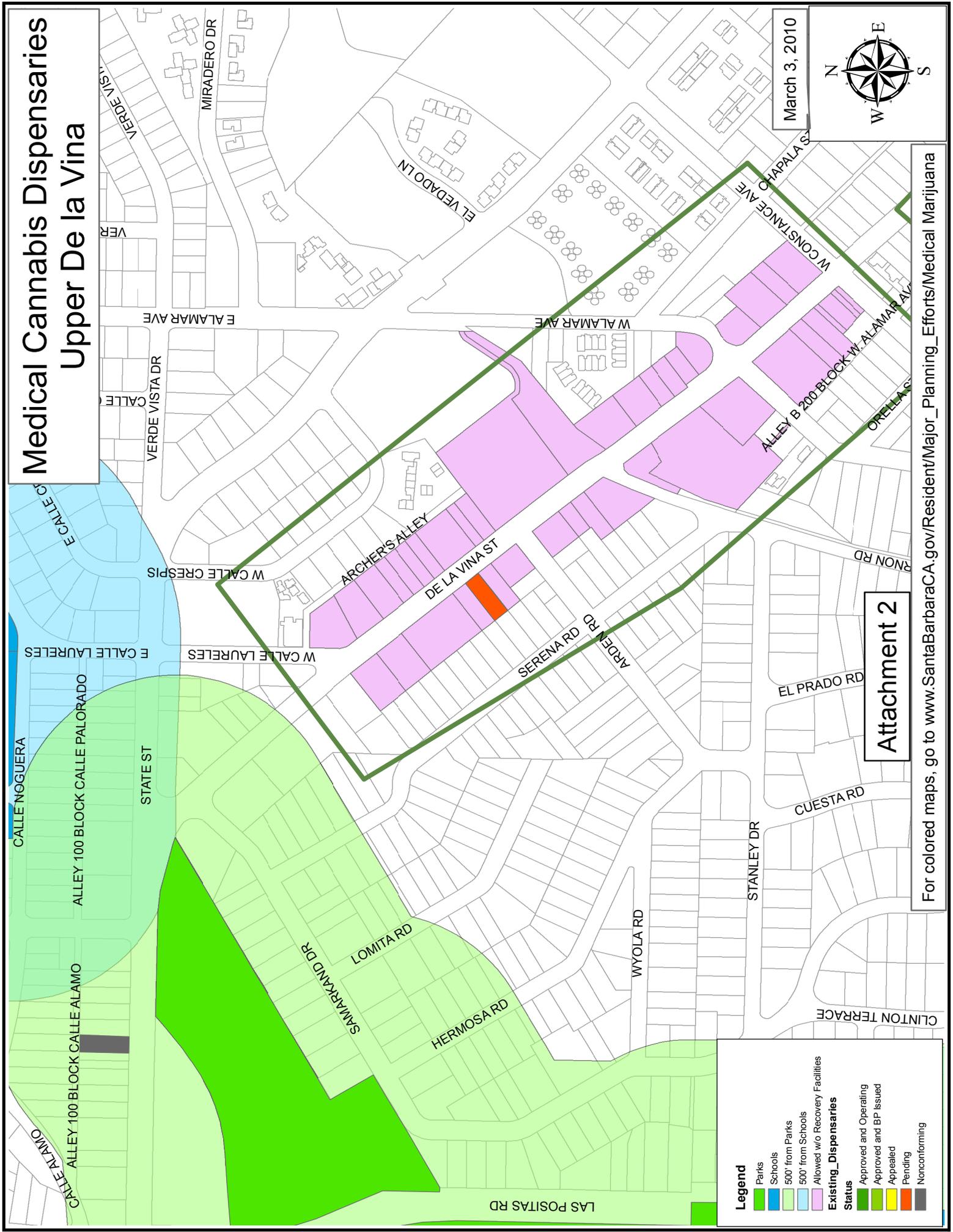
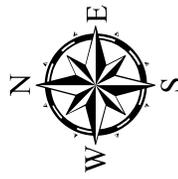
**Existing\_Dispensaries**

**Status**

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

# Medical Cannabis Dispensaries Upper De la Vina

March 3, 2010



## Attachment 2

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major\\_Planning\\_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

**Legend**

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- Allowed w/o Recovery Facilities

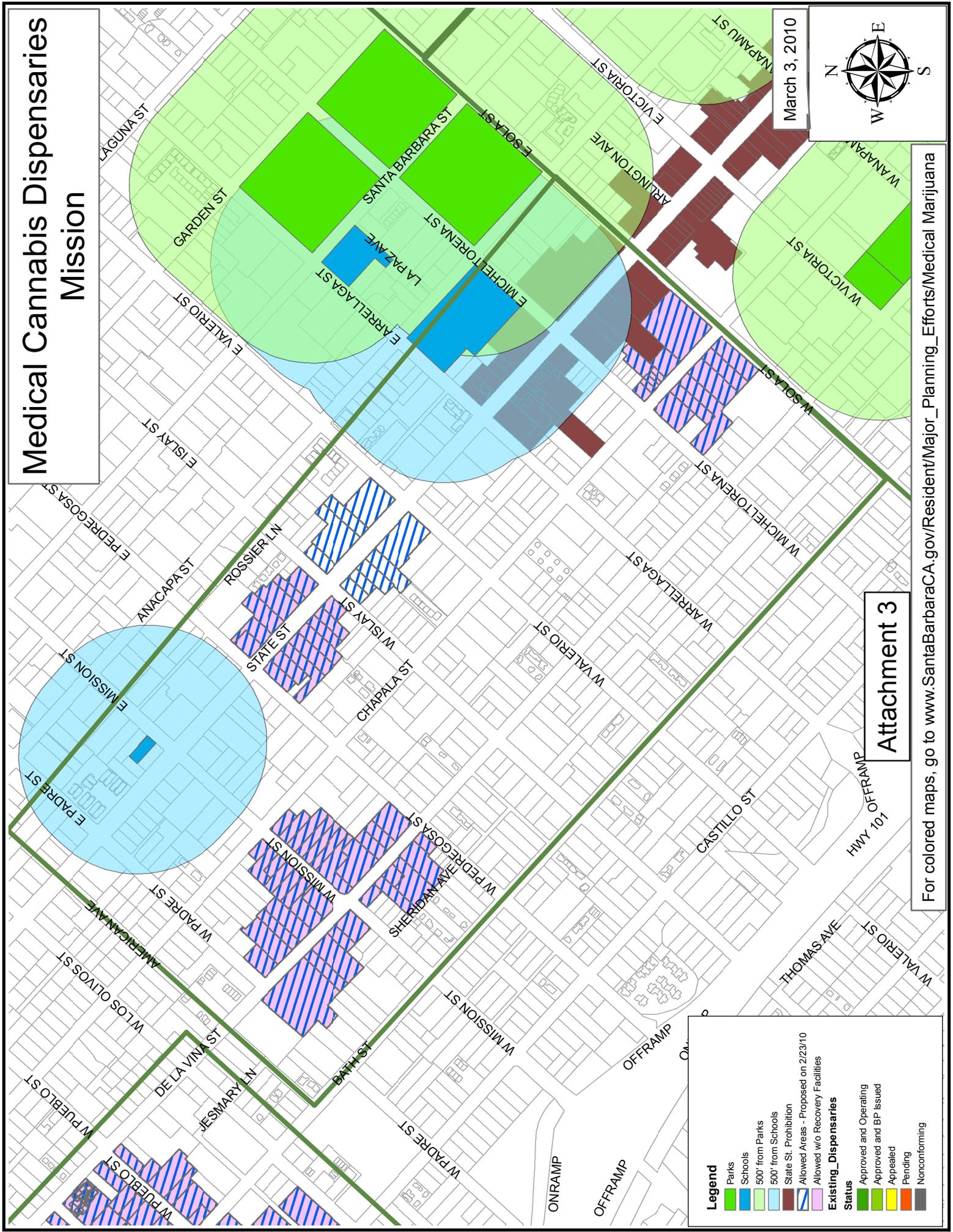
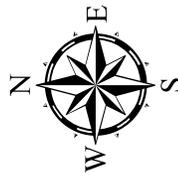
**Existing\_Dispensaries**

**Status**

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

# Medical Cannabis Dispensaries Mission

March 3, 2010



## Attachment 3

**Legend**

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- State St. Prohibition
- Allowed Areas - Proposed on 2/23/10
- Allowed w/o Recovery Facilities

**Existing\_Dispensaries**

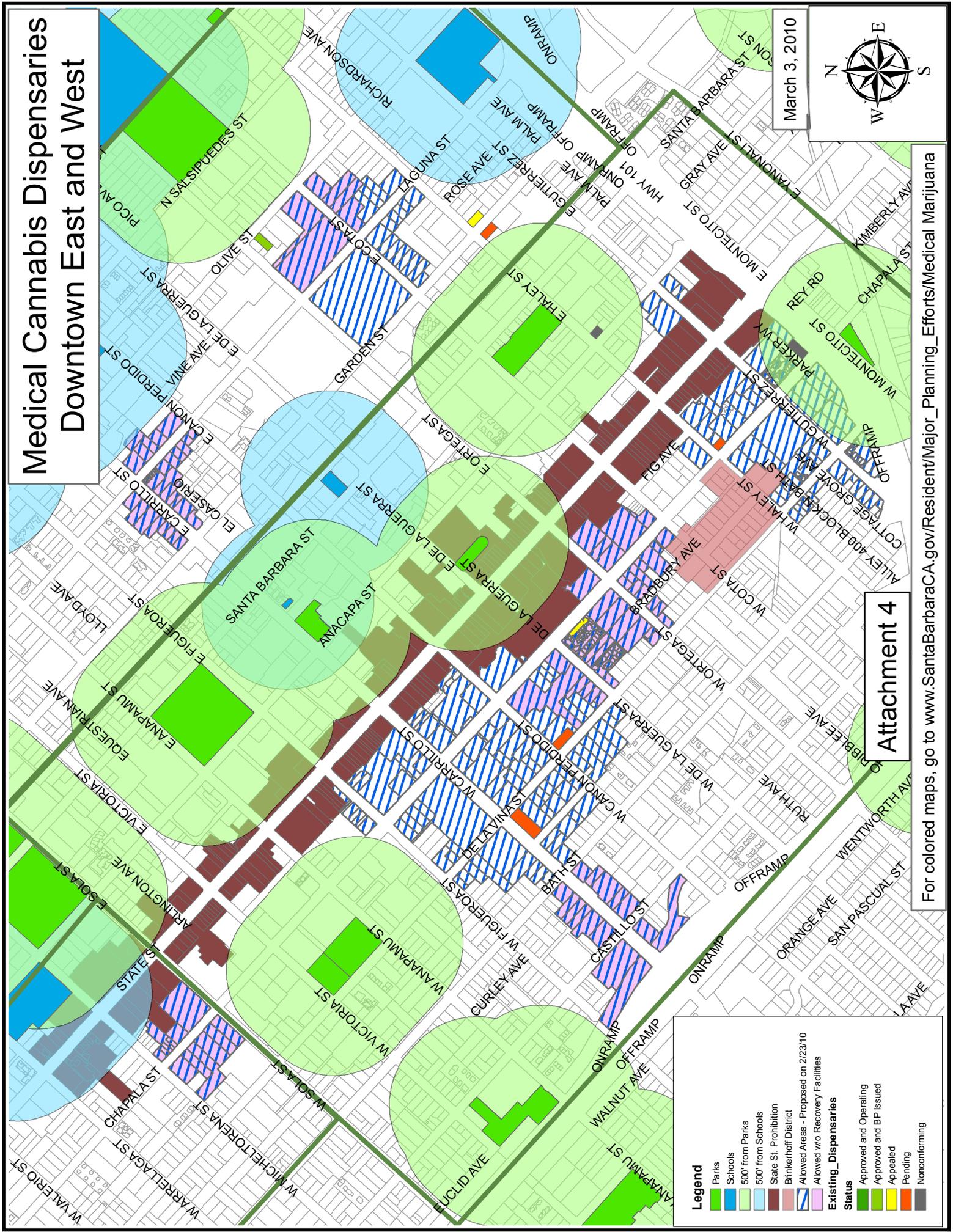
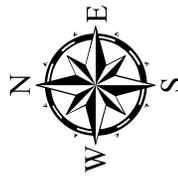
**Status**

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major\\_Planning\\_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

# Medical Cannabis Dispensaries Downtown East and West

March 3, 2010



**Legend**

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- State St. Prohibition
- Brinkerhoff District
- Allowed Areas - Proposed on 2/23/10
- Allowed w/o Recovery Facilities

**Existing\_Dispensaries**

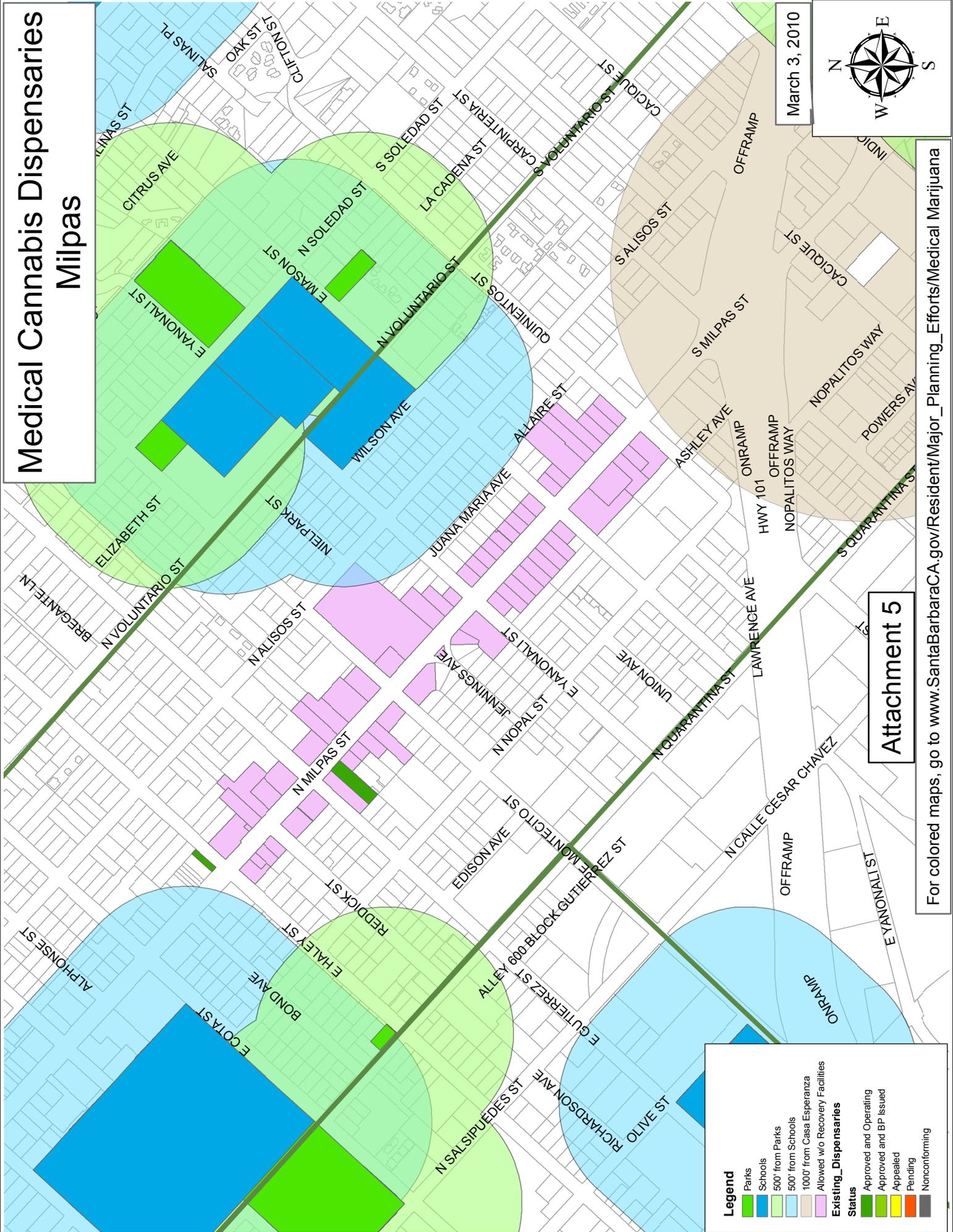
**Status**

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

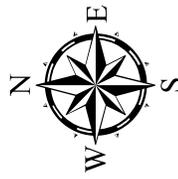
### Attachment 4

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major\\_Planning/Major\\_Resident\\_Efforts/Medical\\_Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning/Major_Resident_Efforts/Medical_Marijuana)

# Medical Cannabis Dispensaries Milpas



March 3, 2010



## Attachment 5

**Legend**

- Parks
- Schools
- 500' from Parks
- 500' from Schools
- 1000' from Casa Esperanza
- Allowed w/o Recovery Facilities

**Existing\_Dispensaries**

**Status**

- Approved and Operating
- Approved and BP Issued
- Appealed
- Pending
- Nonconforming

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major\\_Planning\\_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)



**EXHIBIT A TO ORDINANCE NO. \_\_\_\_**  
**MEDICAL MARIJUANA DISPENSARIES**  
**SANTA BARBARA MUNICIPAL CODE CHAPTER 28.80**  
**ALLOWED LOCATION EXHIBIT**  
**REVISED 3/3/10**

**1. Outer State Street Area:**

- a. 3400 - 3900 blocks of State Street
- b. All parcels on south La Cumbre Road
- c. All parcels on south La Cumbre Lane
- d. All parcels on La Cumbre Plaza Lane
- e. 00-100 blocks of south Hope Avenue

**2. Upper De la Vina Area:**

- a. 2600 – 2900 blocks of De la Vina Street

**3. Mission Street Area:**

- a. 1900-2000 blocks of De la Vina Street
- b. 100 block of west Mission Street
- c. 1800 block of State Street
- d. 1400 block of Chapala Street

**4. Downtown West Area:**

- a. 600-700 blocks of Chapala
- b. 300-400 blocks of west Carrillo
- c. 100 blocks of west De la Guerra
- d. 00-100 blocks of west Ortega

**5. Downtown East Area:**

- a. 900 block of Laguna Street
- b. 400 block of east Cota
- c. 300 block of east Carrillo

**6. Milpas Street:**

- a. 00–400 blocks of north Milpas Street

**7. Cottage Hospital Area:**

- a. 200 block of Nogales
- b. 200-400 blocks of west Pueblo
- c. 2400-2500 blocks of Bath
- d. 2300 block of Castillo
- e. 300 block of West Junipero

CITY OF SANTA BARBARA  
**FINANCE COMMITTEE**  
SPECIAL MEETING AGENDA

DATE: March 30, 2010

Das Williams, Chair

TIME: 12:00 p.m.

Dale Francisco

PLACE: David Gebhard Public Meeting Room  
630 Garden Street

Michael Self

James L. Armstrong  
City Administrator

Robert Samario  
Interim Finance Director

**ITEMS TO BE CONSIDERED:**

**1. Subject: Six-Year Capital Improvement Program For Fiscal Years 2011 Through 2016**

Recommendation: That the Finance Committee review the Six-Year Capital Improvement Program (CIP) for Fiscal Years 2011 through 2016.

**2. Subject: Fiscal Year 2010 Budget Balancing And Adjustments**

Recommendation: That the Finance Committee recommend:

- A. That Council hear a report from staff, as a follow up to the special budget work session held on February 25, 2010, to continue the discussion of recommended measures to help offset projected General Fund revenue shortfalls in Fiscal Year 2010;
- B. That Council approve the transfer of \$480,000 from the Self-Insurance Fund to the General Fund representing charges allocated to the General Fund above amounts needed to fund the General Fund's portion of the Fiscal Year 2010 workers' compensation and liability programs based on an analysis of claims paid to date;
- C. That Council approve the transfer of \$440,000 from the Solid Waste Fund to the General Fund representing unrestricted funds intended to reimburse the City's General Fund for the use of the City's public right-of-way; and
- D. That the Redevelopment Agency Board allocate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease costs of the Fire Department's Administrative Staff due to the Agency-funded Fire Station No. 1 Annex Renovation Project.

(See Council/Redevelopment Agency Agenda Item No. 15)



# CITY OF SANTA BARBARA

## FINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Finance Committee

**FROM:** Administration Division, Public Works Department

**SUBJECT:** Six-Year Capital Improvement Program For Fiscal Years 2011 Through 2016

### **RECOMMENDATION:**

That the Finance Committee review the Six-Year Capital Improvement Program (CIP) for Fiscal Years 2011 through 2016.

### **DISCUSSION:**

Over the past several years the City has adopted a biennial six-year CIP that is consistent with City Charter provisions. Given the volatile funding climate for city budgeting, staff has updated the CIP annually to coincide with annual operating budgets for Fiscal Years 2010 and 2011.

The capital projects listed in the CIP document, along with the currently funded Capital Program, will form the foundation to determine the capital projects proposed for Council approval in the Fiscal Year 2011 Budget.

The value of capital improvement projects in the Enterprise and Special Funds totals over \$532 million and over \$75 million of that total will originate from non-City sources, predominately Federal Aviation Administration and Highway Bridge Replacement and Rehabilitation Funds. Each department is prepared to discuss their capital program and, specifically, the projects that will be submitted as part of the recommended budget for Fiscal Year 2011. Discussion will also address unfunded major capital project needs.

### **SUSTAINABILITY IMPACT:**

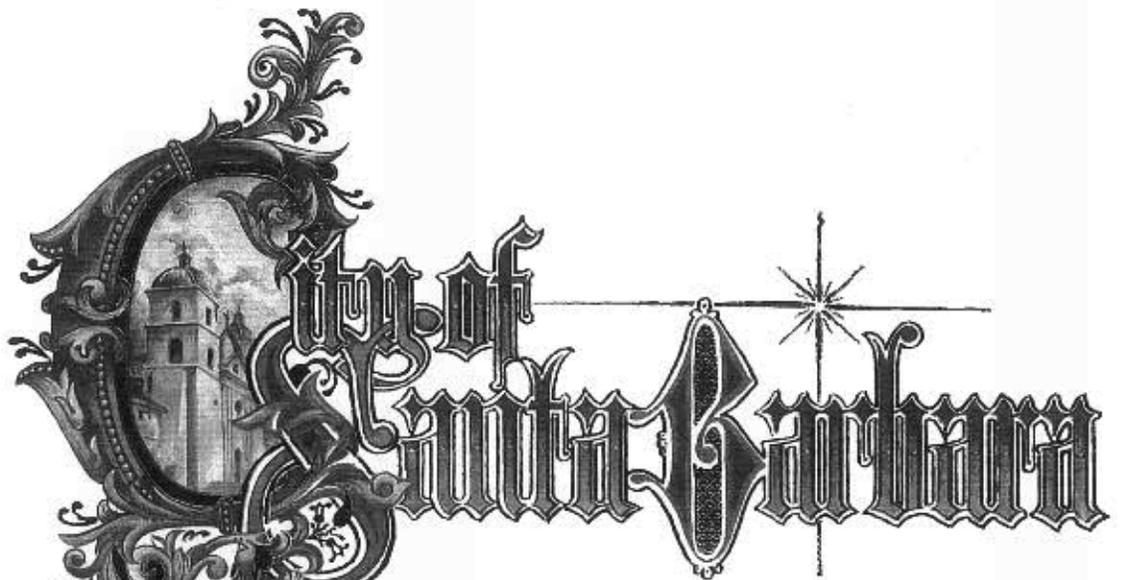
The CIP includes projects that promote the goals of the City's Sustainability Program. Many of the upgrades and maintenance projects for City facilities will enhance energy efficiency, use recyclable materials and promote a longer maintenance cycle.

The City of Santa Barbara CIP for Fiscal Years 2011-2016 is available for review in the City Clerk's Office.

**PREPARED BY:** Kathleen Kefauver, Analyst III, Public Works/KSK

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office



**PROCLAMATION**

**NATIONAL POETRY MONTH**

**APRIL 2010**

*WHEREAS, the County of Santa Barbara is widely recognized as an arts center, providing a spiritual home for creative activity, and for writers, in particular; and*

*WHEREAS, since 1996 the Academy of American Poets has designated April as National Poetry Month to highlight the extraordinary achievements and ongoing legacy of American Poets and increase visibility, presence, and accessibility of poetry in our communities and culture; and*

*WHEREAS, the City of Santa Barbara recognizing of the value of poetry established a Poet Laureate position in order to direct proper attention and honor to the spoken word by utilizing poetry to celebrate and elevate community events; and*

*WHEREAS, current City Poet Laureate David Starkey will be leading the community through poetry-focused events and programs throughout the month of April; and*

*AND WHEREAS, the City of Santa Barbara recognizes the value of the Arts Commission's participation in the Poetry Out Loud National Recitation Competition through a partnership with the California Arts Council, National Endowment for the Arts & National Poetry Foundation; A program that helps high school students master public speaking, build self-confidence, and learn about their literary heritage.*

*NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby declare April as National Poetry Month in Santa Barbara.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 30th day of March 2010.*

**HELENE SCHNEIDER**

**Mayor**





# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING March 16, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:07 p.m. (The Ordinance Committee met at 12:00 noon, and the Finance Committee met at 1:00 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: Dale Francisco.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### PUBLIC COMMENT

Speakers: Bill, Health Care for All; Kenneth Loch; Mike McGrew, Santa Barbara Police Officers Association; Ruth Wilson; Alexa Singleton; k8longstory (Kate Smith); Jim Cadenhead.

### CONSENT CALENDAR (Item Nos. 1 - 9)

The titles of the ordinance and resolution related to Consent Calendar items were read.

Motion:

Councilmembers Hotchkiss/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of February 25, 2010, and the regular meeting of March 2, 2010.

Action: Approved the recommendation.

2. Subject: Contract For Construction Of Parking Lots 4 And 5 Circulation And Accessibility Improvements Project (550.05)

Recommendation: That Council:

- A. Award a contract to Lash Construction (Lash) in their low bid amount of \$192,645 for construction of the Parking Lots 4 and 5 Circulation and Accessibility Improvements Project (Project), Bid No. 3592;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$19,265 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to negotiate and execute a City Professional Services Agreement with Watry Design (Watry) in the amount of \$7,950 for construction support services and expenditures of up to \$1,000 for extra services of Watry that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to negotiate and execute a City Professional Services Agreement with Fugro West (Fugro) in the amount of \$7,500 for material testing services during construction.

Speakers:

Staff: Parking/TMP Superintendent Victor Garza.

Action: Approved the recommendations; Contract No. 23,318; Agreement Nos. 23,319 and 23,320 (March 16, 2010, report from the Public Works Director).

3. Subject: Contract For Construction Of American Recovery And Reinvestment Act Road Overlay Project (530.04)

Recommendation: That Council:

- A. Award a contract with Nye & Nelson in the amount of \$1,045,276 for construction of the American Recovery and Reinvestment Act (Recovery Act) Road Overlay Project (Project), Bid No. 3583;

(Cont'd)

3. (Cont'd)

- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$120,878 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Flowers and Associates (Flowers) in the amount of \$68,000 for construction support services, and approve expenditures of up to \$6,800 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Fugro West, Inc. (Fugro), in the amount of \$18,853 for construction testing services, and approve expenditures of up to \$1,885 for extra services of Fugro that may result from necessary changes in the scope of work.

Speakers:

Staff: Principal Civil Engineer Joshua Haggmark.

Action: Approved the recommendations; Contract Nos. 23,321 - 23,323 (March 16, 2010, report from the Public Works Director).

4. Subject: Introduction Of Ordinance For Lease With Chuck's Waterfront Grill (330.04)

Recommendation: That Council approve a lease with Richones, Inc., doing business as Chuck's Waterfront Grill, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease with Richones, Inc., Doing Business as Chuck's Waterfront Grill, Located at 113 Harbor Way, Effective April 22, 2010.

Action: Approved the recommendation (March 16, 2010, report from the Waterfront Director; proposed ordinance).

5. Subject: Resolution To Record A Notice Terminating An Agreement Dated February 7, 1952, And Rescinding Title Covenants At 721-791 Chapala Street (640.08)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Record a Notice Terminating an Agreement Dated February 7, 1952, and Rescinding Title Covenants at 721-791 Chapala Street.

Action: Approved the recommendation; Resolution No. 10-013 (March 16, 2010, report from the Public Works Director; proposed resolution).

6. Subject: Five-Year Lease Agreement With Santa Barbara Chamber Of Commerce (330.04)

Recommendation: That Council approve a five-year lease agreement with the Santa Barbara Chamber of Commerce for the 400 square-foot Visitor Center site at One Garden Street.

Action: Approved the recommendation; Agreement No. 23,324 (March 16, 2010, report from the Waterfront Director).

## NOTICES

7. The City Clerk has on Thursday, March 11, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
8. Cancellation of the regular Redevelopment Agency meeting of March 16, 2010.
9. A City Council site visit is scheduled for Monday, March 22, 2010, at 1:30 p.m. to the property located at 803 N. Milpas Street, which is the subject of an appeal hearing set for March 23, 2010, at 2:00 p.m.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Bendy White reported that the Committee met to discuss issues related to the proposed revision of the Medical Marijuana Dispensary Ordinance. The discussion was continued to the Committee's March 30, 2010, meeting.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Das Williams reported that the Committee met to review Staff recommendations for increased funding to a Transition House affordable housing project located at 421 E. Cota Street. The Committee approved the recommendations, which will be submitted to the full Council on March 23, 2010.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### CITY ADMINISTRATOR

10. Subject: Annual Report - Access Advisory Committee (640.03)

Recommendation: That Council receive an annual report from the Americans with Disabilities Act Coordinator on the activities and achievements of the Access Advisory Committee.

(Cont'd)

10. (Cont'd)

Documents:

- March 16, 2010, report from the Assistant City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: ADA Coordinator Kristy Schmidt, Supervising Engineer Brian D'Amour.
- Access Advisory Committee: Member Brian Barnwell.

The Council received the report, and their questions were answered.

PARKS AND RECREATION DEPARTMENT

11. Subject: Introduction Of Ordinance Establishing Procedures For Appointment And Service Of Youth Member To Parks And Recreation Commission (570.08)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 2.08.020 of the Santa Barbara Municipal Code and Establishing Procedures for the Appointment and Service of a Youth Member to the Parks and Recreation Commission.

Documents:

- March 16, 2010, report from the Parks and Recreation Director.
- Proposed Ordinance.

The title of the ordinance was read.

Speakers:

Staff: Recreation Programs Manager Sarah Hanna, Parks and Recreation Director Nancy Rapp.

Motion:

Councilmembers White/Williams to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmember Hotchkiss; Absent: Councilmember Francisco).

## PUBLIC WORKS DEPARTMENT

12. Subject: Contract For Construction Of American Recovery And Reinvestment Act Road Maintenance Project (530.04)

Recommendation: That Council:

- A. Reject the bid protest filed by Valley Slurry Seal and award a contract to Bond Blacktop, Inc. (Bond), in the amount of \$1,150,148 for construction of the American Recovery and Reinvestment Act (Recovery Act) Road Maintenance Project (Project), Bid No. 3586;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$88,100 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Flowers and Associates (Flowers), in the amount of \$114,416 for construction support services, and approve expenditures of up to \$11,440 for extra services of Flowers that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Fugro West, Inc. (Fugro), in the amount of \$44,550 for construction testing services, and approve expenditures of up to \$4,450 for extra services of Fugro that may result from necessary changes in the scope of work.

Documents:

- March 16, 2010, report from the Public Works Director.
- Additional materials regarding this project, submitted by the City Attorney's Office.
- PowerPoint presentation prepared and made by Staff.
- Photographs submitted by Eric Flavell, representing Flowers and Associates.

Speakers:

- Staff: Public Works Director Christine Andersen, Principal Civil Engineer John Ewasiuk, City Attorney Stephen Wiley.
- Members of the Public: Eric Flavell, Flowers and Associates; Tim Robertson, Bond Blacktop, Inc.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations;  
Contract Nos. 23,325 - 23,327.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Williams reported on his attendance at recent meetings of the Cachuma Operation and Maintenance Board and the Cachuma Conservation Release Board.
- Councilmember Hotchkiss discussed his recent meeting with the Westside Center Advisory Committee.
- Mayor Schneider thanked the Santa Barbara Chamber of Commerce and City Staff for support provided for her initial State of the City address given this morning; she also announced the open house to be held on March 18, 2010, for the release of Plan Santa Barbara documents.

## **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 3:54 p.m. to Monday, March 22, 2010, at 1:30 p.m. at 803 N. Milpas Street. The meeting was also adjourned in memory of Richard Thomas, who served as the City's Administrator from 1977 - 1993.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST:

\_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** Treasury Division, Finance Department  
**SUBJECT:** February 2010 Investment Report

**RECOMMENDATION:**

That Council accept the February 2010 Investment Report.

**DISCUSSION:**

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of February 28, 2010.

**ATTACHMENT:** February 2010 Investment Report  
**PREPARED BY:** Jill Taura, Treasury Manager  
**SUBMITTED BY:** Robert Samario, Interim Finance Director  
**APPROVED BY:** City Administrator's Office

**CITY OF SANTA BARBARA  
Activity and Interest Report  
February 28, 2010**

**INVESTMENT ACTIVITY**

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**PURCHASES OR DEPOSITS**

2/1 LAIF Deposit - City	\$ 3,000,000
2/3 LAIF Deposit - City	1,000,000
2/12 Federal Home Loan Bank (FHLB)	2,000,000
2/22 Federal Home Loan Bank (FHLB)	2,000,000
2/24 LAIF Deposit - City	2,000,000
2/26 LAIF Deposit - City	2,000,000
<b>Total</b>	<b>\$ 12,000,000</b>

**SALES, MATURITIES, CALLS OR WITHDRAWALS**

2/1 Federal Farm Credit Bank (FFCB) - Call	\$ (2,000,000)
2/4 LAIF Withdrawal - City	(1,000,000)
2/11 LAIF Withdrawal - City	(5,000,000)
2/12 Federal Home Loan Bank (FHLB) - Maturity	(1,000,000)
2/24 Federal Home Loan Bank (FHLB) - Call	(2,000,000)
2/25 LAIF Withdrawal - RDA	(6,600,000)
2/26 Federal Home Loan Mortgage Corp (FHLMC) - Call	(2,000,000)
<b>Total</b>	<b>\$ (19,600,000)</b>

**ACTIVITY TOTAL**

**\$ (7,600,000)**

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**INTEREST REVENUE**

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**POOLED INVESTMENTS**

Interest Earned on Investments	\$ 338,955
Amortization	2,811
SBB&T Sweep Account Interest	102
<b>Total</b>	<b>\$ 341,868</b>

**RDA INVESTMENTS**

Interest Earned on Investments (LAIF)	<b>\$ 11,651</b>
---------------------------------------	------------------

**TOTAL INTEREST EARNED**

**\$ 353,519**

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**CITY OF SANTA BARBARA**  
**Summary of Cash and Investments**  
**February 28, 2010**

**ENDING BALANCE AS OF JANUARY 31, 2010**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 52,600,000	0.558%	30.81%	1
Certificates of Deposit	4,000,000	1.500%	2.34%	473
Federal Agency Issues - Coupon	98,886,319	3.187%	57.93%	940
Corporate/Medium Term Notes	8,007,199	5.125%	4.69%	241
	<u>163,493,519</u>	<u>2.395%</u>	<u>95.77%</u>	<u>592</u>
SB Airport Promissory Note	7,213,661	7.000%	4.23%	7,089
Totals and Averages	<u>\$ 170,707,180</u>	<u>2.590%</u>	<u>100.00%</u>	<u>867</u>
SBB&T Money Market Account	2,869,929			
<b>Total Cash and Investments</b>	<b><u>\$ 173,577,109</u></b>			

**NET CASH AND INVESTMENT ACTIVITY FOR FEBRUARY 2010**      **\$ (8,187,056)**

**ENDING BALANCE AS OF FEBRUARY 28, 2010**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 48,000,000	0.530%	29.42%	1 (1)
Certificates of Deposit	4,000,000	1.500%	2.45%	445
Federal Agency Issues - Coupon	95,958,539	3.164%	58.81%	921
Corporate/Medium Term Notes	8,008,171	5.125%	4.91%	213
	<u>155,966,710</u>	<u>2.411%</u>	<u>95.59%</u>	<u>589</u>
SB Airport Promissory Note	7,213,661	7.000%	4.42%	7,061
Totals and Averages	<u>\$ 163,180,371</u>	<u>2.614%</u>	<u>100.00%</u>	<u>875</u>
SBB&T Money Market Account	2,209,682			
<b>Total Cash and Investments</b>	<b><u>\$ 165,390,053</u></b>			

Note:

(1) The average life of the LAIF portfolio as of February 28, 2010 is 200 days .

**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**February 28, 2010**

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
<b>LOCAL AGENCY INVESTMENT FUNDS</b>											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.530	0.530	25,000,000.00	25,000,000.00	25,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.530	0.530	23,000,000.00	23,000,000.00	23,000,000.00	0.00	
<b>Subtotal, LAIF</b>							48,000,000.00	48,000,000.00	48,000,000.00	0.00	
<b>CERTIFICATES OF DEPOSIT</b>											
MONTECITO BANK & TRUST	11/18/09	11/18/10	-	-	1.250	1.250	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
MONTECITO BANK & TRUST	11/18/09	11/18/11	-	-	1.750	1.750	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
<b>Subtotal, Certificates of deposit</b>							4,000,000.00	4,000,000.00	4,000,000.00	0.00	
<b>FEDERAL AGENCY ISSUES - COUPON</b>											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,005,386.33	2,050,010.00	44,623.67	
FEDERAL FARM CREDIT BANK	10/14/09	10/14/14	Aaa	AAA	2.875	2.875	2,000,000.00	2,000,000.00	2,015,940.00	15,940.00	Callable 10/14/10, then cont.
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,011,744.32	2,095,000.00	83,255.68	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,996,836.61	2,044,380.00	47,543.39	
FEDERAL FARM CREDIT BANK	03/04/09	03/02/12	Aaa	AAA	2.370	2.370	2,000,000.00	2,000,000.00	2,000,000.00	0.00	Callable 3/02/10, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,039,690.00	39,690.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,066,560.00	66,560.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,040,320.00	40,320.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,044,370.00	44,370.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	2,008,130.00	8,130.00	
FEDERAL FARM CREDIT BANK	12/01/09	12/01/14	Aaa	AAA	2.840	2.840	2,000,000.00	2,000,000.00	2,011,570.00	11,570.00	Callable 12/01/10, then cont.
FEDERAL FARM CREDIT BANK	01/13/10	01/13/15	Aaa	AAA	3.180	3.180	2,000,000.00	2,000,000.00	2,028,440.00	28,440.00	Callable 1/13/11, then cont.
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,005,572.22	2,114,380.00	108,807.78	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,977,491.36	2,068,440.00	90,948.64	
FEDERAL HOME LOAN BANK	07/09/07	03/12/10	Aaa	AAA	5.000	5.268	1,000,000.00	999,923.13	1,001,560.00	1,636.87	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,783,984.68	1,808,910.50	24,925.82	
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	3.733	2,000,000.00	2,000,000.00	2,037,500.00	37,500.00	StrNt, Callable 6/30/11, once
FEDERAL HOME LOAN BANK	09/30/09	09/30/14	Aaa	AAA	2.000	3.448	2,000,000.00	2,000,000.00	2,002,810.00	2,810.00	StrNt, Callable 12/30/09, qtrly
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,048,916.19	2,077,500.00	28,583.81	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AAA	1.700	1.700	2,000,000.00	2,000,000.00	2,018,750.00	18,750.00	
FEDERAL HOME LOAN BANK	02/12/10	02/12/15	Aaa	AAA	3.000	3.022	2,000,000.00	1,998,422.22	2,007,190.00	8,767.78	Callable 5/12/10, then cont.
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,268.76	1,027,345.00	27,076.24	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,990,485.27	2,058,130.00	67,644.73	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,906.74	2,040,310.00	40,403.26	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,998,175.17	2,027,190.00	29,014.83	
FEDERAL HOME LOAN BANK	06/18/07	03/12/10	Aaa	AAA	4.875	5.382	2,000,000.00	1,999,713.82	2,003,120.00	3,406.18	
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,991,910.87	2,044,070.00	52,159.13	

**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**February 28, 2010**

DESCRIPTION	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	COMMENTS
	DATE	DATE	MOODY'S	S & P							
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AAA	4.375	2.272	2,000,000.00	2,141,301.84	2,172,500.00	31,198.16	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AAA	3.125	2.130	2,000,000.00	2,071,904.86	2,077,500.00	5,595.14	
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,998,897.22	2,019,040.00	20,142.78	Callable 4/08/11, once
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,031,540.00	31,540.00	Callable 5/19/11, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,021,114.75	2,041,870.00	20,755.25	
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,037,740.00	37,740.00	Callable 5/13/11, once
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,996,367.50	2,029,480.00	33,112.50	
FEDERAL HOME LOAN MTG CORP	07/30/09	01/30/13	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,014,020.00	14,020.00	Callable 7/30/10, once
FEDERAL HOME LOAN MTG CORP	10/28/09	10/28/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	2,014,540.00	14,540.00	Callable 10/28/10, then qtrly
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,933,102.37	1,986,900.00	53,797.63	
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,988,725.49	2,038,480.00	49,754.51	
FEDERAL HOME LOAN MTG CORP	04/29/09	10/29/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,023,920.00	23,920.00	Callable 10/29/10, once
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,040,000.00	40,000.00	Callable 3/18/11, once
FEDERAL NATL MORTGAGE ASSN	03/23/09	03/23/12	Aaa	AAA	2.000	2.491	2,000,000.00	2,000,000.00	2,014,690.00	14,690.00	StrNt, Callable 9/23/10, once
FEDERAL NATL MORTGAGE ASSN	05/04/09	05/04/12	Aaa	AAA	2.150	2.185	2,000,000.00	1,999,650.00	2,005,940.00	6,290.00	Callable 5/04/10, once
FEDERAL NATL MORTGAGE ASSN	09/09/09	09/09/14	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,027,810.00	27,810.00	Callable 9/09/10, once
FEDERAL NATL MORTGAGE ASSN	12/30/09	12/30/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	2,008,760.00	8,760.00	Callable 6/30/10, then qtrly
FEDERAL NATL MORTGAGE ASSN	04/27/06	04/20/10	Aaa	AAA	4.750	5.270	2,000,000.00	1,998,736.87	2,012,190.00	13,453.13	
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,033,750.00	33,750.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	05/20/09	11/20/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,006,880.00	6,880.00	Callable 5/20/10, once
FEDERAL NATL MORTGAGE ASSN	10/29/09	10/29/14	Aaa	AAA	2.250	3.304	2,000,000.00	2,000,000.00	2,006,880.00	6,880.00	StrNt, Callable 4/29/10 cont.
FEDERAL NATL MORTGAGE ASSN	03/05/08	03/05/13	Aaa	AAA	4.100	4.100	2,000,000.00	2,000,000.00	2,000,620.00	620.00	Callable 3/05/10, once
<b>Subtotal, Federal Agencies</b>							<u>95,700,000.00</u>	<u>95,958,538.59</u>	<u>97,426,665.50</u>	<u>1,468,126.91</u>	
<b>CORPORATE/MEDIUM TERM NOTES</b>											
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,017,791.58	2,104,200.00	86,408.42	
TOYOTA MOTOR CREDIT	10/19/06	03/15/10	Aa1	AA	4.250	5.140	2,000,000.00	1,999,371.26	2,002,660.00	3,288.74	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA-	4.875	5.260	2,000,000.00	1,993,985.42	2,079,500.00	85,514.58	
WELLS FARGO & CO.	10/10/06	08/09/10	A1	AA-	4.625	5.000	2,000,000.00	1,997,023.18	2,036,600.00	39,576.82	
<b>Subtotal, Corporate Securities</b>							<u>8,000,000.00</u>	<u>8,008,171.44</u>	<u>8,222,960.00</u>	<u>214,788.56</u>	
<b>SB AIRPORT PROMISSORY NOTE (LT)</b>											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	<u>7,213,660.84</u>	<u>7,213,660.84</u>	<u>7,213,660.84</u>	<u>0.00</u>	
<b>Subtotal, SBA Note</b>							<u>7,213,660.84</u>	<u>7,213,660.84</u>	<u>7,213,660.84</u>	<u>0.00</u>	
<b>TOTALS</b>							<u>162,913,660.84</u>	<u>163,180,370.87</u>	<u>164,863,286.34</u>	<u>1,682,915.47</u>	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.



Agenda Item No. \_\_\_\_\_

File Code No. 610.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** Housing and Redevelopment Division, Community Development Department  
**SUBJECT:** Human Services Contract Assignment For Homemaker Program

### **RECOMMENDATION:**

That Council authorize the assignment of Family Service Agency Human Services Contract No. 23,042 in the remaining amount of \$3,750 for the period of October 1, 2009, to June 30, 2010, to Visiting Nurse & Hospice Care of Santa Barbara for operation of the Homemaker Program.

### **DISCUSSION:**

Family Service Agency (FSA) has operated the Homemaker program for over 20 years, providing elderly individuals and disabled adults with care and companionship to allow them to remain living at home, maintaining their dignity and independence. Due to recent economic conditions and decreased funding opportunities, FSA determined it needed to discontinue the Homemaker program. The City of Santa Barbara has supported this program through its Human Services funds continuously since 1996.

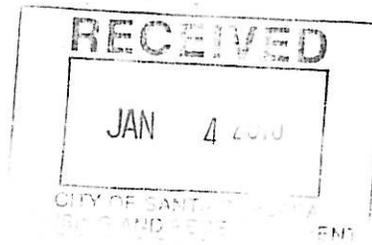
Visiting Care and Companions, a program of Visiting Nurse and Hospice Care of Santa Barbara (VNHC), agreed to assume operation of the Homemaker program from FSA and continue service to clients in Santa Barbara and Lompoc. The transition of current Homemaker clients from FSA to VNHC was completed on October 15, 2009.

The Community Development and Human Services Committee made a recommendation at their February 23, 2010 meeting that City Council authorize the assignment of the Family Service Agency's Human Services contract and the remaining \$3,750 to Visiting Nurse and Hospice Care of Santa Barbara. The contract is for the operation of the Homemaker Program through June 30, 2010.

**ATTACHMENT:** Letter from Family Service Agency and Visiting Nurse and Hospice Care  
**PREPARED BY:** Brian Bosse, Housing and Redevelopment Manager/RLB  
**SUBMITTED BY:** Paul Casey, Community Development Director/Assistant City Administrator  
**APPROVED BY:** City Administrator's Office



**FAMILY SERVICE AGENCY**  
Since 1899



**ATTACHMENT**

Santa Barbara  
123 West Gutierrez Street  
Santa Barbara, CA 93101  
**(805) 965-1001**

Santa Maria  
120 East Jones Street,  
Suite 123  
Santa Maria, CA 93454  
**(805) 925-1100**

Lompoc  
110 South C Street,  
Suite A  
Lompoc, CA 93436  
**(805) 735-4376**

December 14, 2009

Sue Gray  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102

Dear Ms. Gray:

It is with pleasure that we inform you of the successful transition of the Homemaker program from Family Service Agency to Visiting Nurse & Hospice Care of Santa Barbara. As you are aware, FSA operated the Homemaker program for over 20 years, but current economic conditions and decreased funding opportunities necessitated that the agency discontinue its operation of the program. Fortunately, Visiting Care & Companions, a program of Visiting Nurse & Hospice Care of Santa Barbara, agreed to acquire the program and continue service to clients in Santa Barbara and Lompoc. VNHC's assumption of the program will allow the Homemaker program to continue its very important and successful services to seniors, allowing them to stay independent and in their homes for as long as possible. This transition is also an example of how similar services by non-profit organizations in this community can in many cases be successfully consolidated. This transition was clearly the way to go in this case and will allow this program to continue to provide its important and much needed services.

Beginning the end of September 2009, FSA began to inform current Homemaker clients that the program would be transitioned to VNHC. Clients were assured that they would continue to receive the same level and amount of services that they were currently receiving. They were also informed of our hope that their current Homemaker would also consider making the transition from being an employee of FSA to being employed through VNHC. With the switch of the staff member to VNHC, the client would likely be able to continue to receive services after the transition from the Homemaker they have come to know and trust. As it turned out, all of the Lompoc Homemaker staff and all but two of the Santa Barbara Homemaker staff were hired by VNHC. The two employees who did not move to VNHC were offered employment, but declined in order to pursue other opportunities.

Clients started to transition beginning October 1, 2009, and the transition was completed on October 15, 2009. All clients who had indicated an interest in continuing services under the auspices of VNHC signed a release of information in order for their records to be transferred from FSA to VNHC. During this transition period, clients received a visit from one of VNHC's staff members who familiarized the clients with VNHC and conducted a brief clinical and needs assessment. Of the 140 open Homemaker clients at the time of program transition, only two declined to

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William E.G. Batty III, MSW



[www.fsacares.org](http://www.fsacares.org)

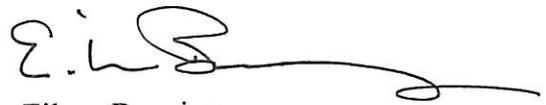
continue with services provided through VNHC. In both cases it was because their Homemaker did not transition, therefore they decided not to be assigned another Homemaker and consequently made other arrangements for services. Since October 15 all Homemaker services have been provided by VNHC staff.

Family Service Agency will invoice for all Homemaker services provided from July 1, 2009, through September 30, 2009. Visiting Nurse & Hospice Care will be invoicing for all services provided subsequent to October 1, 2009. Please feel free to contact either of us directly if you have any questions, or require any additional information regarding this program transition. Thank you for your continued support of this program and for supporting all of the other human-service programs in this community.

Sincerely,



William E.G. Batty, III  
Executive Director  
Family Service Agency  
[bill@fsacares.org](mailto:bill@fsacares.org)  
(805) 965-1001



Eileen Bunning  
President & CEO  
Visiting Nurse & Hospice Care



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Increase In Change Order Authority For The Marilla Avenue Sidewalk Infill Project

### RECOMMENDATION:

That Council approve an increase in the change order authority for Contract No. 23,174 with Aguilera Brothers Construction, Inc. (Aguilera), for extra work for the Marilla Avenue Sidewalk Infill Project (Project), in the amount of \$7,000, for a total change order authority of \$17,500.

### DISCUSSION:

#### BACKGROUND

This Project consists of constructing new sidewalk, access ramps, curbs and gutters, and landscaping on the northeasterly side of Marilla Avenue between West Canon Perdido and West De La Guerra Streets. The Project also includes installation of three new access ramps at the adjacent intersection of West Canon Perdido and San Andres Streets. Once constructed, this Project will provide a continuous link to the upcoming Loma Alta Hill Sidewalk Project and the neighborhoods in the vicinity of Marilla Avenue.

On August 18, 2009, Council awarded the construction contract to Aguilera in the amount of \$105,045, for construction of the Project, Bid No. 3572. The original Project change order authority was 10% of the base contract amount or \$10,500.

#### CURRENT STATUS

The existing change order authority is currently insufficient to cover the extra work items and differences between estimated bid quantities and actual quantities measured for payment. These items include over-excavation to remove unsuitable soil material, placement of extra road base, and quantity changes; therefore, it is necessary to increase the existing change order authority to complete the Project.

FUNDING

The following summarizes the additional expenditures recommended in this report:

**CONSTRUCTION CONTRACT FUNDING SUMMARY**

	<b>Total</b>
<b>Base Contract Amount</b>	<b>\$105,405</b>
Initial Change Order	\$10,500
Additional Authorization Requested	\$7,000
<b>Change Order Subtotal</b>	<b>\$17,500</b>
<b>Total Construction Contract Expenditure</b>	<b>\$122,905</b>

It is recommended that the change order authority be increased by \$7,000, from \$10,500 to \$17,500, to cover the extra work identified in this report. The total Construction Contract expenditure authority will be increased to \$122,905. There are sufficient appropriations in the Streets Fund to cover the additional costs.

**PREPARED BY:** Joshua Haggmark, Principal Civil Engineer/MK/mj

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Cultural Resources Studies For The Chapala, Cota, And Mason Street Bridge Replacement Projects

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a City professional services contract with Applied EarthWorks, Inc. (Applied EarthWorks), in the amount of \$218,585, for mandated cultural resource studies and analyses services during design of the Chapala, Cota, and Mason Street Bridge Replacement Projects (Bridge Projects), and authorize the Public Works Director to approve expenditures of up to \$21,858 for extra services of Applied EarthWorks that may result from necessary changes in the scope of work.

### **DISCUSSION:**

#### **BACKGROUND**

On January 26, 2010, City Council approved design funding for the replacement of the Chapala, Cota, and Mason Street Bridges. The Bridge Projects have qualified for replacement under the Federal Highway Bridge Program (HBP) and therefore, contain HBP funds to be administered by Caltrans. Federal Highway Administration (FHWA) generally pays 88.53% of the total project costs for HBP projects. The City has received authorization to proceed with Preliminary Engineering Phase services from the FHWA. Consequently, these Bridge Projects are required to complete cultural studies, in accordance with the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and the Lower Mission Creek Flood Control Environmental Impact Report. These studies will be used to preserve historic resources and provide potential historic district information for these and future projects in the vicinity.

## PROJECT DESCRIPTION

Applied EarthWorks will provide the required “area of potential effect” maps, perform historic property surveys, produce archaeological reports, and provide historical resources evaluation reports.

It is anticipated that the process will require several months to complete. This work is on the design schedule’s critical path for the Bridge Projects. If needed, additional environmental reporting requirements will return to Council under separate contract at a later date.

The Lower Mission Creek Flood Control Project Final Environmental Impact Study/Environmental Impact Report includes a mitigation measure for historic resource impacts, requiring study of several properties around Mission Creek and the Lower West Side to see if the surrounding area qualifies for designation as a Historic District. Applied EarthWorks will provide a “City Level” potential Historic District Study of 120 properties in the vicinity of the Cota Street Bridge, supplementing completed property research for the Ortega Bridge Project. A report will be prepared, analyzing whether there is a potential Historic District; if so, the report will define the District’s boundaries. The City funded Historic District Study fulfills a Lower Mission Creek Environmental Impact Report requirement. It is not required for bridge work; therefore, costs associated with this item will be solely the City’s responsibility. A breakdown of the City costs is identified in the table below.

## DESIGN PHASE SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Applied EarthWorks in the amount of \$240,443 for cultural resources technical studies. After reviewing proposals from two firms in response to a Request for Proposal, Applied EarthWorks was selected to perform the contract work. In addition, Applied EarthWorks is listed on the City’s Approved Historical and Archeological Consultant Lists and is experienced in this type of work.

## PUBLIC OUTREACH

Research and studies will require contact with local property owners at various phases of the work. Staff will work with Applied EarthWorks to notify property owners of impending studies and to seek rights of entry onto properties as required. The public can also obtain Lower Mission Creek and associated Bridge Projects related information at: [www.lowermissioncreek.org](http://www.lowermissioncreek.org).

FUNDING

The following table summarizes costs associated with contract items, with the City share generally being 11.47%:

<b>CULTURAL RESOURCE CONTRACT</b>			
<b>Task</b>	<b>City Share</b>	<b>Federal Share</b>	<b>Total Costs</b>
Chapala	\$6,276	\$48,441	\$54,717
Cota	\$6,276	\$48,441	\$54,717
Mason	\$6,545	\$50,518	\$57,063
<b>Subtotal</b>	<b>\$19,097</b>	<b>\$147,400</b>	<b>\$166,497</b>
City Level Historical Study	\$52,088	0	\$52,088
<b>Total Contract</b>	<b>\$71,185</b>	<b>\$147,400</b>	<b>\$218,585</b>
Extra Services	\$2,507	\$19,351	\$21,858
<b>Grand Total Contract</b>	<b>\$73,692</b>	<b>\$166,751</b>	<b>\$240,443</b>

Estimated total bridge replacement costs of approximately \$18,000,000 are detailed in the attachment. This contract equals approximately 1.3% of the total project costs.

From previous HBP grant fund appropriations and current year budgeted appropriations, there are sufficient funds in the Streets Capital Fund to cover the cost of these services.

**ATTACHMENT:** Table of Estimated Bridge Replacement Costs

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/JC/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

**TABLE OF ESTIMATED TOTAL BRIDGE PROJECT COSTS**

The following summarizes estimated total Project costs for the three bridge projects, with the City's share being 11.47%. The Highway Bridge Program will pay 88.53% of design, right of way, and construction costs. Proposition 1B funding will provide the local match (11.47%) for the right of way and construction phases of the Chapala Street Bridge project only.

**ESTIMATED TOTAL BRIDGE PROJECT COSTS**

<b>CHAPALA STREET BRIDGE SEISMIC RETROFIT</b>				
Task	City Share	Federal Share	Prop 1B Share	Total Estimated Costs
Design	\$60,103	463,897	\$0	\$524,000
Right of Way	\$0	\$314,282	\$40,718	\$355,000
Construction	\$0	\$1,593,540	\$206,460	\$1,800,000
<b>Subtotal</b>	<b>\$60,103</b>	<b>\$2,371,719</b>	<b>\$247,178</b>	<b>\$2,679,000</b>

<b>COTA STREET BRIDGE REPLACEMENT</b>			
Task	City Share	Federal Share	Total Estimated Costs
Design	\$65,953	\$509,047	\$575,000
Right of Way	\$114,700	\$885,300	\$1,000,000
Construction	\$328,042	\$2,531,958	2,860,000
<b>Subtotal</b>	<b>\$508,695</b>	<b>\$3,926,305</b>	<b>\$4,435,000</b>

<b>MASON STREET BRIDGE REPLACEMENT</b>			
Task	City Share	Federal Share	Total Estimated Costs
Design	\$112,062	\$864,938	\$977,000
Right of Way	\$573,500	\$4,426,500	\$5,000,000
Construction	\$562,030	\$4,337,970	\$4,900,000
<b>Subtotal</b>	<b>\$1,247,592</b>	<b>\$9,629,408</b>	<b>\$10,877,000</b>

<b>GRAND TOTAL THREE BRIDGES</b>				
	City Share	Federal Share	Prop 1B Share	Total Estimated Costs
<b>Grand Total</b>	<b>\$1,816,390</b>	<b>\$15,927,432</b>	<b>\$247,178</b>	<b>\$17,991,000</b>



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Mayor and Councilmembers

**FROM:** Facilities Division, Waterfront Department

**SUBJECT:** West Beach Dredging Project

**RECOMMENDATION:** That Council:

- A. Appropriate \$175,000 out of the Waterfront Department's Harbor Preservation Fund unappropriated reserves for the West Beach maintenance dredging project; and
- B. Authorize the General Services Manager to issue a purchase order in an amount not to exceed \$175,000 to AIS Construction Company to dredge approximately 20,000 cubic yards of sand off West Beach.

### EXECUTIVE SUMMARY:

The Waterfront Department periodically dredges West Beach to improve boating for small craft within the protected waters of the harbor breakwater. The Waterfront Department Capital Improvement Plan for Fiscal Year 2011 includes \$350,000 for West Beach dredging. A portion of West Beach was recently dredged as part of the Federal Emergency Management Agency (FEMA) funded County Parks Department project, which moved sand to Goleta Beach. By "piggy-backing" on the recent County dredge project, the Waterfront Department can potentially reduce capital expenditures by utilizing the existing equipment and current dredge company to perform this work now rather than next year. The most significant savings involves eliminating the mobilization project costs and utilizing existing contract unit prices. Staff believes the West Beach dredging project can be completed in this fiscal year for approximately \$175,000 by the dredge operator currently under contract with the Corps of Engineers. This will reduce the Waterfront Department Capital Improvement Project costs by almost half of the expected \$350,000 budgeted for Fiscal Year 2011.

## **DISCUSSION:**

West Beach is highly used by beachgoers, but also provides a large water area sheltered by the harbor breakwater for small craft associated with youth sailing programs, kayakers, and outriggers canoes. Annual dredging by the Corps of Engineers (Corps) is limited to the designated Federal Navigation Channel. Areas outside the Federal Channel such as West Beach accumulate sand creating shallow water and restricting use by small craft. The Waterfront Department conducted dredging operations of West Beach in 2003 to enlarge the safe boating area for small craft as part of the Harbor Master Plan implementation. This improvement benefited Sea Shells, a youth sailing program, and other ocean dependent organizations, which boat or recreate within the sheltered waters. Since 2003, additional shoaling has occurred once again restricting use by small craft off West Beach. The Waterfront Department's Capital Improvement Program (CIP) for Fiscal Years 2010 through 2015 includes a West Beach Dredging Project for \$350,000 in Fiscal Year 2011.

The County Parks Department received \$1.6 million from FEMA for a beach nourishment project at the highly eroded Goleta Beach County Park. Approximately 40,000 cubic yards of sand was recently moved from West Beach by trucks and scows to Goleta Beach creating a restored beach at no cost to the Waterfront Department. This project partially completed the dredging proposed for Fiscal Year 2011.

The Corps has contracted with AIS Construction Company (AIS) for dredging the Federal Channel in Santa Barbara Harbor. The Corps entered a three-year contract with AIS that concludes in April 2010. While the dredge contractor is still mobilized and operating in Santa Barbara Harbor, the Waterfront Department can contract separately with AIS upon completion of the Corps dredging in order to complete the West Beach dredging project.

AIS has offered to remove an additional 20,000 cubic yards of sand off West Beach for a unit price of \$7.00/cubic yard complementing the recently completed County Parks project. Removal of an additional 20,000 cubic yards of sand will preclude the need to conduct additional dredging in Fiscal Year 2011 as currently included in the Waterfront Department's 2010 – 2015 CIP. The unit price of \$7.00/cubic yard is based on the low bid for the most recent competitively bid dredging project in our region at Morro Bay which is very similar to the proposed dredging at West Beach. Municipal Code Section 4.52.140, Cooperative Purchasing, allows the General Services Manager to issue a purchase order to a contractor where the City purchases equipment, supplies, or services at the same price as a contract awarded by another local, state, or federal government following a competitive bidding process that substantially conforms to the City's purchasing procedures. The total cost of approximately \$175,000 to dredge an estimated 20,000 cubic yards of sand from West Beach is very competitive since the contractor is already on site and there will be no mobilization costs. The project has the potential to save approximately \$175,000 in the Waterfront Department's CIP in Fiscal Year 2011.

**BUDGET INFORMATION:**

The proposed project is included in the Waterfront Department's 2010-2015 CIP in the amount of \$350,000 for Fiscal Year 2011. These funds would normally be appropriated from the Harbor Preservation Fund reserves during the budget approval process for those CIP projects scheduled for construction in that year. There are adequate funds in the Harbor Preservation Fund reserves to appropriate \$175,000 for use in the current fiscal year for this project.

**PREPARED BY:** Karl Treiberg, Waterfront Facilities Manager

**SUBMITTED BY:** John Bridley, Waterfront Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** Administration Division, Finance Department  
**SUBJECT:** Property Tax Exchange Agreements For Las Canoas Reorganization  
**RECOMMENDATION:** That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, an Annexation of Property Referred to as Parcel A Located at 2030 Las Canoas Road (APN 021-010-061) to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District and Detachment from County Service Areas 32 and 12; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, a Concurrent Annexation of a Narrow Strip of Land Underlying Calle Real near Old Mill Road Referred to as Parcel B to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Detachment from the Goleta Water District and Detachment from County Service Areas 3 and 32.

### DISCUSSION:

The resolutions recommended for adoption relate to the annexation of two small parcels of land from the County to the City, the second of which is part of a minor clean-up of a previous annexation effort. The County and City must adopt a resolution for any negotiated exchange of property taxes assessed to the parcels before the proposed annexations can be approved by the Local Agency Formation Commission (LAFCO). Both resolutions are needed to complete annexations of two properties, also referred to as the "Las Canoas Reorganization Parcels A and B (LAFCO 09-8)."

In 1989 the owners of 2030 Las Canoas Road granted a landscape and use easement for a 1.7 acre property (APN 021-010-061) in the unincorporated area of Santa Barbara County to the owners of 730 Las Canoas Place (APN 021-030-039), a parcel located in the City.

On November of 2006, the Planning Commission approved a lot line adjustment between the two properties that would result in the easement area becoming part of the 730 Las Canoas Place parcel, contingent upon the easement area being annexed to the City. Accordingly, the City has submitted an application to the LAFCO to annex this parcel to the City.

This resolution approves a property tax exchange agreement for the affected parcel, which has an assessed value of \$590,459, with assessed property taxes of \$5,905 (1%). The resolution provides that the City will receive a total of 11.96253638% of the total assessment, equating to \$706 per year. The allocation rate was based on the allocation of property taxes of an adjacent parcel.

The second resolution relates to a small strip of land underlying a portion of Calle Real roadway near Old Mill Road, fronting the St. Vincent's property, referred to as Parcel B of Las Canoas Reorganization. This narrow portion of the roadway along the Highway 101 soundwall was inadvertently not surveyed and excluded when the adjacent main portion of Calle Real was annexed to the City as part of the St. Vincent's Reorganization in October 2002. This final shoulder portion of Calle Real should be annexed because it is presently maintained by the City, and it contains an existing bus shelter located partially within City limits. While this parcel is an untaxed public road right-of-way and has no revenue implications, staff is required to submit a resolution on tax revenue sharing to LAFCO to correct the previous omission of this annexation.

**SUBMITTED BY:** Robert Samario, Interim Finance Director

**APPROVED BY:** City Administrator's Office

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA IN THE MATTER OF PROVIDING FOR A NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES PERTAINING TO THE LAS CANOAS REORGANIZATION, AN ANNEXATION OF PROPERTY REFERRED TO AS PARCEL A LOCATED AT 2030 LAS CANOAS ROAD (APN 021-010-061) TO THE CITY OF SANTA BARBARA, DETACHMENT FROM THE SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT AND DETACHMENT FROM COUNTY SERVICE AREAS 32 AND 12

WHEREAS, Section 99 of the Revenue and Taxation Code of the State of California provides that no change of jurisdictional boundaries shall become effective until each city and county whose service areas or service responsibilities would be altered by such change agree by resolution to a negotiated exchange of property tax revenue; and

WHEREAS, the City of Santa Barbara (CITY) and the County of Santa Barbara (COUNTY) have negotiated and reached a mutually acceptable agreement for an exchange of property tax revenue for the proposed reorganization which is commonly referred to as the Las Canoas Reorganization.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Barbara approves and adopts the following formula for the exchange of property tax revenue from the subject property:

1. Definitions:

a. "Reorganization" shall mean the recordation by LAFCO of a certificate of completion and the filing by LAFCO with the State Board of Equalization and the Santa Barbara County Assessor of a statement of boundary change pursuant to Government Code Section 54900 et seq., annexing the area to the City of Santa Barbara.

b. "Property tax revenue" shall include the base property tax revenue and the property tax increment.

2. The Auditor-Controller of Santa Barbara County shall allocate and pay directly to the CITY and the COUNTY General Fund those portions of the property tax revenue generated from the parcels making up the Las Canoas Reorganization area as expressed in LAFCO Proposal 09-8, which otherwise would be allocated to the Santa Barbara County Fire Protection District. The CITY's future share of the allocation shall be that equal to 11.96253638 percent of taxes generated by these parcels with any shortfall or overage being allocated from/to the COUNTY General Fund.

3. Payment to CITY and COUNTY General Fund will commence the first full fiscal year for which the change in property tax allocation specified by this resolution and the corresponding adjustments to affected tax rate allocation system becomes effective as specified by the State Board of Equalization in accordance with Government Code Section 54902. At the time of adoption of this resolution, that is anticipated to be Fiscal Year 2011-12.

4. CITY and COUNTY agree that those portions of the property tax revenue generated from the parcels making up the Las Canoas Annexation area as expressed in LAFCO Proposal 09-8, which otherwise would be allocated to County Service Area (CSA) No. 12 shall cease to be collected the first full fiscal year for which the change in property tax allocation specified by this resolution and the corresponding adjustments to affected tax rate allocation system becomes effective as specified by the State Board of Equalization in accordance with Government Code Section 54902. At the time of adoption of this resolution, that is anticipated to be Fiscal Year 2011-12.

5. CITY and COUNTY agree that those portions of the property tax revenue generated from the parcels making up the Las Canoas Annexation area as expressed in LAFCO Proposal 09-8, which otherwise would be allocated to County Service Area (CSA) No. 32 shall cease to be collected the first full fiscal year for which the change in property tax allocation specified by this resolution and the corresponding adjustments to affected tax rate allocation system becomes effective as specified by the State Board of Equalization in accordance with Government Code Section 54902. At the time of adoption of this resolution, that is anticipated to be Fiscal Year 2011-12.

6. Should LAFCO include any additional parcels to this proposal prior its recordation, the same allocated percentage as set forth in paragraph 2 above shall apply.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA IN THE MATTER OF PROVIDING FOR A NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES PERTAINING TO THE LAS CANOAS REORGANIZATION, A CONCURRENT ANNEXATION OF A NARROW STRIP OF LAND UNDERLYING CALLE REAL NEAR OLD MILL ROAD REFERRED TO AS PARCEL B TO THE CITY OF SANTA BARBARA, DETACHMENT FROM THE SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT, DETACHMENT FROM THE GOLETA WATER DISTRICT AND DETACHMENT FROM COUNTY SERVICE AREAS 3 AND 32

WHEREAS, Section 99 of the Revenue and Taxation Code of the State of California provides that no change of jurisdictional boundaries shall become effective until each city and county whose service areas or service responsibilities would be altered by such change agree by resolution to a negotiated exchange of property tax revenue; and

WHEREAS, the City of Santa Barbara (CITY) and the County of Santa Barbara (COUNTY) have negotiated and reached a mutually acceptable agreement for an exchange of property tax revenue for the proposed reorganization which is commonly referred to as the Las Canoas Reorganization.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Barbara approves and adopts the following formula for the exchange of property tax revenue from the subject property:

1. Definitions:

a. "Reorganization" shall mean the recordation by LAFCO of a certificate of completion and the filing by LAFCO with the State Board of Equalization and the Santa Barbara County Assessor of a statement of boundary change pursuant to Government Code Section 54900 et seq., annexing the area to the City of Santa Barbara.

b. "Property tax revenue" shall include the base property tax revenue and the property tax increment.

2. The Auditor-Controller of Santa Barbara County shall allocate and pay directly to the CITY and the COUNTY General Fund those portions of the property tax revenue generated from the parcels making up the Las Canoas Reorganization area as expressed in LAFCO Proposal 09-8, which otherwise would be allocated to the Santa Barbara County Fire Protection District. The CITY's future share of the allocation shall be that equal to 15.26104418 percent of taxes generated by these parcels with any shortfall or overage being allocated from/to the COUNTY General Fund.

3. Payment to CITY and COUNTY General Fund will commence the first full fiscal year for which the change in property tax allocation specified by this resolution and the corresponding adjustments to affected tax rate allocation system becomes effective as specified by the State Board of Equalization in accordance with Government Code Section 54902. At the time of adoption of this resolution, that is anticipated to be Fiscal Year 2011-12.
4. CITY and COUNTY agree that those portions of the property tax revenue generated from the parcels making up the Las Canoas Annexation area as expressed in LAFCO Proposal 09-8, which otherwise would be allocated to the Goleta Water District shall cease to be collected the first full fiscal year for which the change in property tax allocation specified by this resolution and the corresponding adjustments to affected tax rate allocation system becomes effective as specified by the State Board of Equalization in accordance with Government Code Section 54902. At the time of adoption of this resolution, that is anticipated to be Fiscal Year 2011-12.
5. CITY and COUNTY agree that those portions of the property tax revenue generated from the parcels making up the Las Canoas Annexation area as expressed in LAFCO Proposal 09-8, which otherwise would be allocated to County Service Area (CSA) No.3 shall cease to be collected the first full fiscal year for which the change in property tax allocation specified by this resolution and the corresponding adjustments to affected tax rate allocation system becomes effective as specified by the State Board of Equalization in accordance with Government Code Section 54902. At the time of adoption of this resolution, that is anticipated to be Fiscal Year 2011-12.
6. CITY and COUNTY agree that those portions of the property tax revenue generated from the parcels making up the Las Canoas Annexation area as expressed in LAFCO Proposal 09-8, which otherwise would be allocated to County Service Area (CSA) No. 32 shall cease to be collected the first full fiscal year for which the change in property tax allocation specified by this resolution and the corresponding adjustments to affected tax rate allocation system becomes effective as specified by the State Board of Equalization in accordance with Government Code Section 54902. At the time of adoption of this resolution, that is anticipated to be Fiscal Year 2011-12.
7. Should LAFCO include any additional parcels to this proposal prior its recordation, the same allocated percentage as set forth in paragraph 2 above shall apply.



# CITY OF SANTA BARBARA

## REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Chair and Board Members

**FROM:** Housing and Redevelopment Division, Community Development Department

**SUBJECT:** License Agreement Regarding Public Art In Jardin de las Granadas

### **RECOMMENDATION:**

That the Redevelopment Agency Board approve and authorize the Executive Director to execute, subject to approval by Agency Counsel, a License Agreement with the Santa Barbara County Arts Commission Regarding Installation, Use, Maintenance and Removal of Art on Redevelopment Agency (RDA)-owned property at 21 East Anapamu Street commonly known as Jardin de las Granadas.

### **BACKGROUND:**

The Agency has long recognized the important role the arts play in establishing and maintaining a successful downtown. To that end, the Agency has provided over \$13 million dollars in grant funds to community organizations, many of whom support the development of public art. Included on a number of occasions was funding to the County Arts Commission to conduct the very successful State of the Art Gallery Exhibition (SOAG). SOAG utilizes 8 sculpture pads along State Street and has successfully contributed to the economic and cultural vitality of the Redevelopment Project Area through the display of public art.

To facilitate the SOAG program, City of Santa Barbara and County Arts Commission have established a license agreement regarding installation, use, maintenance and removal of public art for the exhibit. This license agreement was last approved by Council June 26, 2008 for a term to expire June 30, 2013.

In fall 2009, the Agency completed installation of Jardin de las Granadas (Jardin), a public green space at 21 East Anapamu, as part of the Granada Garage/Casas las Granadas housing project. Integral to the Jardin's plan was the inclusion of four sculpture pads for the display of public art. Since that time, the Jardin has hosted two inaugural art exhibits sponsored by Sullivan Goss – An American Gallery. At this time, the Arts Commission is prepared to manage a recurring, temporary art program at the Jardin based upon the SOAG model.

**DISCUSSION:**

Staff is recommending that the Board approve a license agreement with a five-year term regarding installation, use, maintenance and removal of art on Redevelopment Agency-owned property at 21 East Anapamu Street commonly known as Jardin de las Granadas.

The license agreement will allow the County Arts Commission to temporarily display art in the Jardin. The agreement also defines installation, maintenance, and removal responsibilities, as well as permitting and insurance requirements. There is no cost associated with the license agreement to the Redevelopment Agency.

The new agreement will require approval by the County Board of Supervisors.

A copy of the license agreement is available for public review in the City Clerk's Office and the Housing and Redevelopment Division Offices at 630 Garden Street, 2nd floor.

**PREPARED BY:** Brian Bosse, Housing and Redevelopment Manager/ JTC

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** Finance Department, Environmental Services Division  
**SUBJECT:** Professional Services Contract For Survey On Single-Use Bag Tax

### **RECOMMENDATION:**

That Council consider entering into a professional services agreement with Fairbank, Maslin, Maullin, Metz & Associates for an amount not to exceed \$23,319 to develop and conduct a voter survey regarding a possible tax on single-use bags.

### **EXECUTIVE SUMMARY:**

On December 15, 2009, Council directed staff to issue a request for proposals (RFP) to develop and conduct a voter survey about a possible tax on single-use paper and plastic bags, and the amount of tax that voters would be willing to pay. Council indicated an expectation that the survey should be significantly less than the \$50,000 cost estimate contained in the December 15, 2009 Council Agenda Report and directed staff to reduce the proposed square footage of retail establishments affected by such a tax from 30,000 to 10,000 square feet.

Environmental Services and Purchasing staff developed and issued an RFP, and received eight proposals in early March 2010. Staff found that the proposal from Fairbank, Maslin, Maullin, Metz & Associates (FM3) to develop and conduct the survey for an amount not to exceed \$23,319 best fit the City's needs. Not only did FM3's proposal come in significantly lower than the estimated cost, but the quality of the proposal stood out significantly on many levels. FM3 was also the only firm that had direct experience conducting surveys on single-use and reusable bag issues.

### **DISCUSSION:**

A full discussion of the issues surrounding single use bags was included in the December 15, 2010, Council Agenda Report, and is therefore not repeated in this report.

### Vendor Selection Process

Environmental Services and Purchasing staff identified approximately thirty firms that could provide the required services. Eight firms responded to the Request for Proposals and were evaluated and ranked by two separate staff panels based on several pre-determined screening parameters.

Fairbank, Maslin, Maullin, Metz & Associates (FM3) stood out among the proposals submitted in a number of ways, but the primary factors in selecting FM3 were:

- Experience conducting surveys on single-use and reusable bags issues (the only firm which responded to the RFP and had single-use bags experience);
- Knowledge, expertise, and extensive handling of ballot propositions, including local and state special tax measures;
- History developing and initiating surveys and studies in regards to environmental and local political issues;
- Extensive experience with municipalities;
- Expertise in regards to statistical analysis and research design; and
- Proposed cost and level of service (lower price than many of the proposals and a larger sample size than most).

Other City divisions have had positive experiences working with the firm in the past. FM3 has conducted voter phone surveys for the City regarding the Utility User's Tax and regarding the General Plan update.

### Scope and Work and Cost

The proposed scope of services to be provided by FM3 includes:

- Drafting a survey instrument with Environmental Services staff and pre-testing;
- Surveying a random sample of voters (500 voters, 20 minute survey);
- Producing survey "topline" results and a cross-tabulation report; and
- Preparing a written report and Power Point presentation;

### **BUDGET/FINANCIAL INFORMATION:**

The proposed services to be provided by FM3 are not to exceed \$23,319, and would be funded by solid waste funds designated for public education and outreach.

A tax on single-use bags has the potential to generate income for the City, the amount of which would depend upon the level of the tax and any increases in consumer use of reusable bags. Whether a tax would be a general tax or a special tax, used for a particular purpose, would need to be part of the decision making process. A general tax would require a simple majority approval of voters; while a tax that is designated for a specific purpose would require a two-thirds approval.

**SUSTAINABILITY IMPACT:**

A single-use bag tax has the potential to reduce the environmental impacts related to the manufacture and disposal of single-use bags by increasing consumer use of reusable bags.

**PREPARED BY:** Stephen MacIntosh, Environmental Services Supervisor

**SUBMITTED BY:** Robert Samario, Interim Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** March 30, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** Administration Division, Finance Department  
**SUBJECT:** Fiscal Year 2010 Budget Balancing And Adjustments

### RECOMMENDATION:

- A. That Council hear a report from staff, as a follow up to the special budget work session held on February 25, 2010, to continue the discussion of recommended measures to help offset projected General Fund revenue shortfalls in Fiscal Year 2010;
- B. That Council approve the transfer of \$480,000 from the Self-Insurance Fund to the General Fund representing charges allocated to the General Fund above amounts needed to fund the General Fund's portion of the Fiscal Year 2010 workers' compensation and liability programs based on an analysis of claims paid to date;
- C. That Council approve the transfer of \$440,000 from the Solid Waste Fund to the General Fund representing unrestricted funds intended to reimburse the City's General Fund for the use of the City's public right-of-way; and
- D. That the Redevelopment Agency Board allocate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease costs of the Fire Department's Administrative Staff due to the Agency-funded Fire Station No. 1 Annex Renovation Project.

### EXECUTIVE SUMMARY:

At a special budget work session held on February 25, 2010, staff presented a list of measures to address the projected Fiscal Year 2010 budget shortfall of \$3.7 million. The measures totaled \$2.7 million, leaving a balance of almost \$1 million unresolved.

Included in the list of measures was the suspension of overtime in the Fire Department, which Council asked staff to bring back within 30 days to allow staff to work with the Firefighters Association on alternative proposals. However, in light of other measures identified for balancing the General Fund, as discussed below, staff recommends we not implement this measure this fiscal year. However, staff will continue to evaluate this option for Fiscal Year 2011.

Since the February meeting, staff has identified other measures that we recommend be implemented to further reduce the outstanding budget shortfall. In addition, we have identified other potential measures that we recommend Council consider and implemented to the extent necessary to close the remaining gap. However, we recommend waiting to implement these other options until the end of the fiscal year when we will know the actual remaining gap, at which time we would return to Council with final recommendations for balancing the General Fund.

In addition to the newly identified measures, staff has refined its revenue projections for Fiscal Year 2010 based on new data received. As a result, staff anticipates certain tax and other non-departmental revenues will do better than what was presented at the February meeting by approximately \$300,000, reducing the scope of current year projected shortfall.

The table below summarizes the scope of the problem for Fiscal Year 2010, as adjusted for the removal of the Fire overtime option and additional revenue projections, as well as the newly identified recommendations and other potential options for reducing the shortfall.

<b>Originally Projected FY 2010 Shortfall</b>	<b>\$ 3,712,357</b>
Measures Presented February 25, 2010	(2,770,466)
Add Back Fire Overtime Measure	489,300
Refinements to Revenue Projections	<u>(300,000)</u>
Remaining Shortfall, As Adjusted	1,131,191
<b>Newly Identified Recommendations:</b>	
Additional Use of Self-Insurance Fund Surpluses	(480,000)
Shifting Solid Waste Franchise Fees to General Fund	<u>(440,000)</u>
Remaining Projected Shortfall	<u>\$ 211,191</u>
<b>Other Potential Measures:</b>	
Use of RDA Funds for Downtown Parking Capital	\$ 312,621
Use of Unrestricted UUT from Streets Fund	<u>150,000</u>
Total Other Potential Options	<u>\$ 462,621</u>

**DISCUSSION:**

On Thursday, February 25, 2010, a special meeting of the City Council was held to hear a report from staff on the projected budget gaps for both Fiscal Years 2010 and 2011. For Fiscal Year 2010, the projected deficit presented at that meeting was approximately \$3.7 million, caused by projected revenue shortfalls of approximately \$2.3 million and budgeted year-end expenditure savings of approximately \$1.4 million that are not expected to be realized.

At the February 25 meeting, staff identified a number of recommended measures totaling approximately \$2.7 million that would offset all but almost \$1 million of the projected year-end shortfall. These measures included:

Keeping Additional Positions Vacant Through June	\$ 609,648
Additional Savings from Police Vacancies through June	435,561
Reducing Overtime in the Fire Department	489,300
Reducing Parks & Recreation Capital Projects	268,722
Rebate from Workers' Compensation Program	600,000
Lease Costs on Fire Station Annex Paid by RDA	171,379
Other Departmental Reductions	<u>195,856</u>
 Total Measures Proposed	 <u>\$2,770,466</u>

As shown above, one of these measures was the reduction in overtime costs by not backfilling up to three fire engine personnel in the Fire Department that would have saved an estimated \$489,300. At the February meeting, Council asked staff to work with the Firefighter's Association to develop alternative proposals to reduce costs, and then to report back to Council within 30 days. However, given the other measures identified, staff now recommends taking this item off the list of measures for this year, but keeping it open as a potential measure for Fiscal Year 2011.

Another proposed measure presented in February is the payment of lease costs by the Redevelopment Agency in connection with the renovation of Fire Station No. 1 and the Fire Station Annex. However, this item was not called out separately in the report and requires Council and Agency Board to appropriate the funds to cover the costs. Therefore, it is discussed in detail in the following paragraphs.

One of the projects approved by the Agency Board on September 29, 2009 was the Fire Station No. 1 Annex Renovation Project (Project). The Project will renovate the former muffler shop at 925 Chapala Street into the headquarters for Fire Department Administration and house approximately 16 full-time staff. This Agency-sponsored project and its predecessor, the Fire Station No. 1 Renovation Project, have required Fire Department administrative staff to be relocated and lease space at 925 De La Vina at a cost of approximately \$20,000 per month. The lease is a Project cost and, as such, is the Agency's financial responsibility for the duration of approximately 24 months (October 2009 to September 2011). The total lease costs of approximately \$480,000 were not considered as part of the Project's design contract approved on December 8, 2009 and would have been paid by the General Fund. The lease costs in Fiscal Year 2010 total \$171,379.

Agency staff recommends that the Agency Board appropriate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease rate. The lease costs will be accounted for separately from the Fire Station No. 1 Annex Renovation Project's construction costs. The current

balance in the Agency's Project Contingency Account is approximately \$1,600,000 and as such, adequate funds exist to fund the request.

### **Recommended Measures for Addressing Fiscal Year 2010 Revenue Shortfall**

Staff has identified, and recommends Council approval of, two new measures representing \$920,000 in additional revenues to the General Fund. The two measures are the transfer of \$480,000 in funds from the Self-Insurance Fund and the transfer of \$440,000 in franchise fees collected in the Solid Waste Fund to the General Fund. Each is discussed below.

#### ***Additional Use of Self-Insurance Fund Projected Year-End Surplus***

In the list of proposed measures presented to Council in February, staff identified the use of \$600,000 from the Self-Insurance Fund reserves. The reserves represent accumulated surpluses through June 30, 2009 generated as a result of better than projected claims results in the workers' compensation and liability program.

More recently, we have completed an analysis of the current fiscal year and determined that we will likely end the year with an additional surplus of approximately \$736,000. Of this portion, approximately \$480,000 is attributable to the General Fund, with the balance attributable to enterprise funds. The \$480,000 could be used this year.

#### ***Shifting Solid Waste Franchise Fees to the General Fund***

The Solid Waste Fund currently receives a 2% franchise fee charged to the City's two contract haulers, Allied Waste and MarBorg Industries. In general, franchise fees are designed to compensate/reimburse the local government for the franchisee's use of the public right-of-way. As such, the revenues are unrestricted.

However, since the City's creation of a separate Solid Waste Fund, the franchise fees have gone into that fund to support recycling and other waste diversion efforts. For the current fiscal year, revenues from solid waste franchise fees are projected to reach approximately \$440,000 by year-end. These revenues could be shifted to the General Fund both this year as well as on an ongoing basis.

The loss of \$440,000 would have an impact on the Solid Waste Fund. However, the Solid Waste Fund has accumulated approximately \$1.7 million in undesignated reserves, more than staff would recommend for this type of fund. In addition, over the next several years, commodity values of recyclables are expected to recover and generate an increasing amount of revenues relative to the Fiscal Year 2011 projections.

If Council approves shifting solid waste franchise fees to the General Fund, staff will manage the loss of these revenues through the use of Solid Waste Fund reserves until they reach a more appropriate level. By then, we expect recycling revenues will have grown to offset most if not all of the loss of franchise fee revenues.

## **Other Potential Options**

### ***Use of Unrestricted Utility Users' Tax Revenues***

Staff was asked by Council to determine whether any savings could be realized from the portion of the Streets Capital Program funded from unrestricted utility users' tax revenues. Any savings could then be used, if approved by Council, to help offset any remaining deficit in Fiscal Year 2010.

Unfortunately, the revenues used to finance the Streets Capital Program have also been impacted by current economic conditions and, accordingly, are projected to fall approximately \$1 million short of budget. The affected revenues primarily include Transportation Sales Tax (Measure D), UUT and Gas Tax. Staff has identified expenditure savings in the Streets operating budget to offset a portion of the revenue shortfall; however, the balance will have to be addressed by holding back on projects currently budgeted in the capital program.

As a result, it may require further reductions to capital spending, such as terminating projects that have already begun the planning and design phases, in order to free up any UUT revenues that could be transferred to the General Fund. At this point, we estimate only approximately \$150,000 in UUT revenues could be freed up this fiscal year. However, staff will continue to evaluate this option and will determine to what extent this measure could be used to balance the projected deficits in Fiscal Year 2011.

### ***Allocating Remaining Costs for State Street Sidewalk Maintenance to Downtown Parking***

Another possible measure for Council's consideration involves utilizing Redevelopment Agency funds to pay for a portion of the Downtown Parking Fund's Fiscal Year 2010 capital program. This would then allow for the Downtown Parking Fund to pay the full cost of the contract with the Downtown Organization for the maintenance of State Street Sidewalks.

The Downtown Parking Fund currently pays \$312,621 (50%) of the total \$625,242 contract for the maintenance of State Street sidewalks coordinated by the Downtown Organization. The other half of the cost is paid by the General Fund, Parks & Recreation Department. By utilizing Agency funds to pay for up to \$312,621 of the Downtown Parking Fund's capital program, this would generate savings that could then be used by Downtown Parking to cover the General Fund's portion of the State Street sidewalk maintenance contract, thereby generating an equal amount of savings to the General Fund. There would be no financial impact to the Downtown Parking Fund.

The projects that could be funded from the Agency are:

Revenue Control Equipment and Kiosk	\$ 271,324
Lots 4 & 5 Circulation and ADA Improvements	<u>41,297</u>
Total	<u>\$ 312,621</u>

**Increased Revenue Projections**

Staff is continually evaluating revenue projections as new data comes in. While these are just projections and could change by year-end, we have revised our year-end projections from those developed in January and presented to Council in February. Specifically, we have revised the following revenue projections, which in total reduce the latest projected shortfall by over \$300,000.

	<u>January Projections</u>	<u>March Projections</u>	<u>Increase (Decrease)</u>
Transient Occupancy Taxes	\$ 10,896,464	\$ 11,157,000	\$ 260,536
Utility Users' Taxes	6,710,407	6,857,000	146,593
Franchise Fees	2,907,583	2,916,800	9,217
Business License Taxes	<u>2,273,300</u>	<u>2,168,000</u>	<u>(105,300)</u>
Totals	<u>\$ 22,787,754</u>	<u>\$ 23,098,800</u>	<u>\$ 311,046</u>

Staff does not recommend revising the budget for these updated projections at this point. These projections will continue to be monitored over the next several months. Certainly, if these latest projections are accurate, the \$311,046 would help reduce any remaining shortfalls by year end.

**SUBMITTED BY:** Robert Samario, Interim Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Mayor and Councilmembers

**FROM:** Housing and Redevelopment Division, Community Development Department

**SUBJECT:** Update On Strategies To Address Community Issues Related To Homelessness In The City Of Santa Barbara

### **RECOMMENDATION:**

That Council receive an update on the twelve recommended strategies outlined in *Strategies to Address Community Issues Related to Homelessness in the City of Santa Barbara*.

### **EXECUTIVE SUMMARY:**

In February 2009, Council approved the *Strategies to Address Community Issues Related to Homelessness in the City of Santa Barbara (Strategies)* and directed staff to implement the recommended strategies and return to the Council in 12 months with a status report. Each of the 12 recommended strategies, associated assessment protocol, and to-date progress made towards their implementation, are discussed in this report.

### **BACKGROUND:**

On June 17, 2008, the City Council established a Council Subcommittee, made up of three Council members (Chair Iya Falcone, Dale Francisco and Helene Schneider), to study a range of issues related to homeless services and neighborhood impacts. This committee was charged with making recommendations to the full Council, with input from community members, on strategies to address five identified issues:

- 1) Need for increased coordination between City Police and homeless street outreach staff from various agencies to reduce calls for service to City Police;
- 2) Recommendation from the Milpas Action Task Force to consider establishing a Recovery Zone or Alcohol Impact Zone in the Lower Milpas Street area;
- 3) Aggressive panhandling, primarily in the Downtown area;
- 4) Gaining the support of the courts, District Attorney and County Probation to curb negative behavior (e.g., through injunctions and increased penalties) and requiring offenders to receive services/treatment to get on the track to recovery; and,
- 5) Utilization of existing shelter services to more effectively assist the most vulnerable homeless persons.

A total of nine community meetings were held from July 2008 to January 2009 to address the above issues. The subcommittee members gathered input from City staff, local businesses, homeless service providers, community members, and homeless persons on each of the topic areas. Two working task groups were formed to deal specifically with increased coordination of outreach workers and panhandling. These task groups met on three occasions and reported back to the subcommittee with their recommendations.

On February 24, 2009, Council approved the *Strategies* and directed staff to implement the recommended strategies and return to the Council in 12 months with a status report. City Council also authorized the Council Subcommittee on Homelessness and Community Relations to reconvene to review and approve assessment protocol, which would define a process for measuring the effectiveness of the recommended strategies.

#### **DISCUSSION:**

The *Strategies* include 12 recommendations organized into three interrelated categories (enforcement, intervention, and prevention) and are intended to be implemented as a package. The assessment protocols define outcome measurements to be used to evaluate the effectiveness of the recommendations. Each of the 12 recommended strategies, associated assessment protocol, and to-date progress made towards their implementation, are discussed below.

***Recommendation #1:*** *Adoption of a City ordinance that is more restrictive on solicitation.*

In August 2009, Council amended SBMC Chapter 9.50 to prohibit "abusive panhandling" (e.g., blocking, following, threatening, and/or touching the person being panhandled) entirely within the City, with the provision that the effective date of the ordinance be delayed until the Panhandling Education and Alternative Giving Campaign was established. The amended ordinance also prohibits "active panhandling" while on a public bench or other public seating area in the 400-1200 blocks of State Street, lower Milpas Street, or Cabrillo Boulevard between Castillo Street and Milpas Street, and actively panhandling in areas where the person being panhandled is less able to move away, such as while waiting at a bus stop or sitting at an outdoor dining establishment. Passive panhandling (e.g., holding a sign without a verbal request) is allowed under this ordinance. With Redevelopment Agency Board approval of funding in November 2009 to support the Panhandling Education and Alternative Giving Campaign, the aggressive panhandling ordinance went into effect on December 1, 2009.

***Recommendation #2:*** *Continue and expand intergovernmental cooperation to curb negative behavior.*

The Police Department, City Attorney's Office and the courts have coordinated to prosecute chronic offenders of an open container and other Municipal Code violations, such as aggressive panhandling, as misdemeanors instead of infractions. Similarly, those same violations will be prosecuted as misdemeanors if they occur within certain areas of the City.

The officers assigned to the restorative policing unit have divided their attention between those persons who have significant mental health/homeless issues and those who have alcoholism/homeless issues. This bifurcated approach has led to successes in assisting the worst chronic inebriates in seeking treatment. Working in cooperation with the City Attorney, District Attorney, Superior Court, County Jail Staff and Defense Attorneys, the officers have begun to better utilize incarceration time to advance detox efforts. Fostering those relationships with the homeless, the officers have arranged for and transported volunteer clients directly to area non-profit treatment centers.

Since June 2009, the officers have arranged for treatment for the five individuals who alone accounted for 311 separate arrests and 1,516 separate misdemeanor citations and a number of Emergency Room visits. Two of these individuals were on the Top Ten Offender List.

***Recommendation #3:*** *Continue to utilize Police Department deployment strategies to best meet the immediate demands of the community.*

The Tactical Patrol Force officers routinely patrol the downtown corridor and the Main Library, the Waterfront area, lower Milpas Street, and the labor line. In Fiscal Year 2010, a retired part-time patrol officer was hired to patrol State Street. That part-time position is funded by the City's Downtown Parking Division and the Downtown Organization.

***Recommendation #4:*** *Implement principles of a Recovery Zone for the Milpas Area to the extent legally permissible.*

In April 2009, City Police protested an enhanced liquor license application for the store at 134 S. Milpas Street, which would have allowed them to sell hard liquor. The applicant eventually withdrew their application and was told by ABC that they would need to gain the support of the community if they wanted the license upgrade.

Based on the Subcommittee's recommendation, the City Council's Legislative Platform will be revised to express the City's support for state legislation to allow cities and counties to designate "Alcohol Impacted Areas" and to impose strict local review and controls on the issuance of new ABC permits within such areas.

As mentioned in #2, the Police Department and the City Attorney's office have coordinated to prosecute chronic offenders of an open container and other Municipal Code violations, such as open container violations, as misdemeanors instead of infractions.

***Recommendation #5:*** *Encourage coordination and cooperation of street outreach teams and the Police Department to work with those on the Top 100 open container offender list.*

City Police and homeless street outreach workers have met regularly since June 2009 under the coordination of the Santa Barbara County-wide 10-Year Plan to End Chronic Homelessness. They have collaborated on issues such as camp cleanups, release of information forms for Health Insurance Portability and Accountability Act of 1996 (HIPAA) requirements, emergency parking issues and jail discharge planning. City Police now notify street outreach workers once a 72-hour clean-up notice has been

posted, which allows the outreach workers time to work with people involved to offer them shelter/housing and ensure that important documents and possessions are not lost.

The group has begun to meet twice a month to coordinate in helping those most in need and costly to the system (jail, hospital, etc.). Instead of focusing exclusively on the Top 100 offender list, they have decided to focus their collaborative efforts to assist any homeless individual by having the outreach workers; police and discharge planner develop a coordinated case management plan, including who might best serve as the lead for each case. In addition, they are setting up a system of care for homeless people being released from jail.

***Recommendation #6:*** *If shelter service providers wish to amend conditional use permits to allow for an increase in their year round beds for vulnerable populations (e.g. women with children, elderly, youth aging out of the foster care system, persons with medical conditions and persons on the Top 100 offender list who are ready to get off the street and into recovery), work with them and their neighbors in the amendment process to assess the potential impact on the neighborhood and identify mitigation strategies.*

On March 26, 2009, the Planning Commission approved amendments to Casa Esperanza's Conditional Use Permit to temporarily increase the year-round shelter by 40 beds (for a total of 140 beds) from April 1, 2009 through June 30, 2009, to house vulnerable populations. The Commission also allowed Casa Esperanza, with the approval of the Police Chief, the ability to increase the number of beds (up to 10%), when warranted and at the request of the Police, in order to respond to critical weather or public safety needs.

***Recommendation #7:*** *Consider using Community Development Block Grant (CDBG) and Redevelopment Agency funds for capital improvements in the lower Milpas Street area to mitigate the impact of homelessness.*

The Community Development and Human Services Committee recommended allocating \$25,000 of the City's Fiscal Year 2011 CDBG funds to construct a six-foot high chain link fence around the bleachers and restrooms at the Cabrillo Ball Field to discourage illegal camping, drug activity and loitering. The City's Capital Improvement Program anticipates construction of pedestrian lighting and sidewalk infill on lower Milpas Street in Fiscal Year 2014, following completion of the U.S. Highway 101 improvements. This improvement project is not yet funded, but may be considered as a future Redevelopment Agency project.

***Recommendation #8:*** *The significant need for additional detox beds is recognized and staff is directed to work with relevant agencies to help them with securing locations and funding for more detox beds and recovery beds for homeless individuals with substance abuse issues.*

The Project Recovery Detox Program, operated by the Council on Alcoholism and Drug Abuse (CADA) at Casa Esperanza, has 12 beds for their 14-day residential detox program. Due to demand, since December 1, 2009, both dorms (six beds each) have been used for men; women needing detox are being sent to North County through a collaboration of County Alcohol, Drug, and Mental Health Services, Casa Esperanza, Council on Alcoholism and Drug Abuse (CADA), Good Samaritan Shelter, and Clergy and Laity United for Economic Justice (CLUE).

A working subcommittee of the South Coast Homeless Advisory Committee was formed to develop a plan to move the detox program from its current location at Casa Esperanza and expand the number of available beds.

The Community Development and Human Services Committee recommended allocating \$20,000 of the City's Fiscal Year 2011 Human Services funds to CADA to support their detox program and \$15,000 to Casa Serena to support their recovery program for women.

***Recommendation #9:*** *Continue and expand the Restorative Policing Program to work with homeless persons with mental illness.*

Although the number of restorative police officers has not expanded since February 2009, Tactical Patrol Force officers are trained in the restorative policing process. In February 2010, the Police Department hosted a Crisis Intervention class for police City officers and surrounding organizations.

***Recommendation #10:*** *Work with service providers to secure funding for relocation funds and emergency hotel vouchers and programs to help reconnect people with their families.*

In June 2009, Council approved a \$45,000 grant to Transition House for a pilot project to fund a Hotel Voucher Project (HVP) to provide safe accommodations for homeless families with children who wish to enter Transition House and participate in services but are denied entrance due lack of bed space. At the same time, due to the increased need for shelter, Transition House began a waiting list and offered those on the waiting list case management services and/or referrals as needed.

Since July 2009, 161 families have been placed on Transition House's waiting list, 79% from the City of Santa Barbara and 90% from the County of Santa Barbara. Of the 161 families, only 8 needed to utilize hotel vouchers. Many families were able to find ways to stay off the street thanks to the waiting list. People found that they were often able to stay with a friend or continue on for a few days or more in their apartment because they have a plan—the landlord, the friend, or the family member was more willing to keep them on a little longer knowing that they would soon leave to join Transition House.

All eight families served by the HVP were very low income; three were single females (one was disabled, two were elderly) and one was a couple in their early 60s. The remaining households were single mothers. All eight households entered housing after using the HVP. Prior to contacting Transition house, six of the eight clients were living in apartments; one was staying at Casa Esperanza, and one was living on the street.

***Recommendation #11:*** *Develop a panhandling and alternate giving campaign in collaboration with the Downtown Organization, the Conference and Visitors Bureau, the Chamber of Commerce, the Greater Santa Barbara Lodging and Restaurant Association, homeless service providers, the faith-based community and homeless advocates.*

In November 2009, the Redevelopment Agency Board allocated \$75,000 for the Panhandling Education and Alternative Giving Campaign (Campaign). The Downtown Organization is implementing the Campaign and managing Surfmedia's contract to provide branding, messaging, and media relations services. The Campaign is currently being developed and is expected to launch in April 2010. The Campaign's focus to date has been to educate residents and visitors about the negative cycle of giving to panhandlers, and urging them to seek alternative forms of giving that facilitate real, positive change for very low-income individuals. As part of the launch, businesses in the Campaign area are being encouraged to host countertop change receptacles provided by the Campaign. All donations collected will go directly to street outreach. Beginning in summer 2010, the implementation team will focus on developing additional mechanisms for the community to give donations in an alternative manner, specifically a street-side donation box, with the goal of launching that component of the campaign in January 2011.

***Recommendation #12:*** *Continue looking for opportunities to assist with affordable housing projects, especially those involving permanent supportive housing for homeless individuals.*

The City is assisting three affordable housing projects that include units for permanent supportive housing for homeless persons. The Housing Authority is currently constructing Artisan Court (416–424 East Cota Street), a below market-rate rental development comprised of 56 studio units serving a mixed population of special needs individuals, homeless youth aging out of foster care, and low-income downtown workers. Construction is expected to be complete in December 2010. The Housing Authority is also developing plans to build a below market-rate development at 512 Bath Street (also known as the Bradley property) with a mix of approximately 54 studio and one-bedroom apartment units, largely serving special needs populations, including chronic homeless, with wrap-around services.

Transition House has plans to construct a new two-story mixed-use building at 421 East Cota Street that will include eight new apartments for client families who have been in their shelter/transitional housing programs and a 2,000 square foot infant care center. The units will be targeted exclusively to low and very-low income households.

## **Assessment Protocol**

The subcommittee recognized that homelessness is a complex social problem that cannot be solved by the City of Santa Barbara alone. The state of the current economy, California's state budget crisis and Santa Barbara County's Alcohol Drug and Mental Health Services budget crisis all affect the most vulnerable persons in our community and the agencies and programs that respond to their needs. The 12 recommendations that were approved by Council were intended to provide concrete strategies to address specific issues in the City.

The Council Subcommittee met on June 11, 2009, to discuss appropriate assessment protocol for three of the 12 Strategies. They decided, with public input, that the following measurements should be tracked to evaluate the effectiveness of the recommendations.

### ***Recommendation #2: Intergovernmental Cooperation***

- 694 Citations issued in all 6 Enforcement Zones
- Ten individuals accounted for 33% of all Zone citations issued.
- Three Aggressive Panhandling Citations were issued since the ordinance was approved.
- ABC Licenses Denied in Recovery Zone
  - New licenses - None
  - Enhanced licenses - One denied
- ABC Licenses Approved in Recovery Zone
  - New licenses- None
  - Enhanced licenses - None
- Drug Arrests – 18 drug sales arrests were made in reporting districts associated with the Recovery Zone
- "Stay Away" Orders – No orders were made due to them being legally difficult to defend.
- "Stay Away" Order Violations - None

### ***Recommendation #5: Street Outreach Coordination***

- 1,877 Street Outreach Contacts
  - 168 People Entering Shelter or Housing
- 134 Jail Inmate Discharge Planner Contacts
  - 10 from Chronic Offender List
  - 63% from City of Santa Barbara

***Recommendation #10: Hotel Voucher Pilot Project***

- Hotel Vouchers Given
  - # Given = 8 (23 total nights)
  - # of Families Served = 8 (14 total people)
  - # of times Family Served = 1 time each household
- Demographics
  - Race = 2 households African-American and 6 households Caucasian
  - Income Level = 8 households very low-income
  - Sex = Unknown
  - Prior Address = Unknown
  - Prior Living Situation = 6 from apartments; 1 from Casa Esperanza; 1 from street
- Outcome
  - Entered Program = 8
  - Left Town
  - Found Housing = 8 households
  - Other

**CONCLUSION:**

Much has been accomplished in the past year and early indications show increased cooperation between the stakeholders, including the Police Department, street outreach workers, the Court, businesses, providers and faith-based organizations. City staff will continue to collaborate with participating organizations in implementing and assessing these important strategies.

**PREPARED BY:** Brian J. Bosse, Housing & Redevelopment Manager/RLB

**SUBMITTED BY:** Paul Casey, Assistant City Administrator/Community Development

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Introduction Of Ordinance For Cancellation Of Management Salary Increase And Suspension Of Salary Increase For Supervisors

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5485, the 2008-2010 Salary Plan for Unrepresented Managers and Professional Attorneys.

### **DISCUSSION:**

Staff is working to address a \$9 million deficit facing the General Fund budget in Fiscal Year 2011, as well as budget pressure in other City funds. Salary and benefit costs make up approximately 76% of the General Fund operating budget, so there is no reasonable way to close the \$9 million budget deficit without reducing these costs.

The City has actively engaged all of the City's labor unions and employee groups in discussions over the past few months and has asked them to make significant wage and benefit concessions. Reductions in wages and benefits are necessary to avoid layoffs and unacceptable reductions to critical public services. These talks are ongoing.

This action will cancel a 1.5% salary increase that non-sworn management employees were scheduled to receive, and a 3% salary increase that the Police and Fire Chief and the Deputy Police and Deputy Fire Chief were scheduled to receive, on April 10, 2010. Additional adjustments to management compensation will be proposed in the next few months consistent with agreements reached with the bargaining units.

The Supervisors Bargaining Unit has agreed to temporarily postpone the 1.5% salary increase they were scheduled to receive on April 10, 2010, pending formal agreement to an overall package of labor concessions which may also include a permanent relinquishment of the increase. This action also authorizes the City Administrator to temporarily postpone that increase, pending agreement from the Supervisor's Bargaining Unit.

**BUDGET/FINANCIAL INFORMATION:**

Cancellation of the management salary increase will generate approximately \$34,662 in savings in the Fiscal Year 2010 operating budget, and \$26,150 of this savings will be in the General Fund.

**PREPARED BY:** Kristine Schmidt, Employee Relations Manager

**SUBMITTED BY:** Marcelo Lopez, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING ORDINANCE NO. 5485,  
THE 2008-2010 SALARY PLAN FOR UNREPRESENTED  
MANAGERS AND PROFESSIONAL ATTORNEYS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS  
FOLLOWS:

SECTION 1. The Salary Plan for July 1, 2008, through December 31, 2010, applicable to Unrepresented Managers and Professional Attorneys ("Management Salary Plan 1"), adopted by Ordinance No. 5485, is hereby amended as follows:

"The 1.5% cost-of-living salary increase that was scheduled to be effective April 10, 2010 is cancelled."

SECTION 2. The Salary Plan for July 1, 2008, through June 30, 2010, applicable to Sworn Fire Managers, and Unrepresented Sworn Police Managers ("Management Salary Plan 2") adopted by Ordinance No. 5485, is hereby amended as follows:

"The 3% cost-of-living salary increase that was scheduled to be effective April 10, 2010, for the Deputy Fire Chief, Fire Chief, Deputy Police Chief, and Police Chief is cancelled."

SECTION 3. The City Administrator is authorized to agree to temporarily delay the 1.5% salary increase scheduled for April 10, 2010, under the Memorandum of Understanding between the City and the Santa Barbara City Supervisory Employees Association, adopted by Ordinance No. 5484, pending the outcome of informal discussions with the bargaining unit.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With Legal Counsel - Pending Litigation

### **RECOMMENDATION:**

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of Section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Landslide Repair Foundation v. City Of Santa Barbara*, SBSC Number 1304297.

### **SCHEDULING:**

Duration: 15 minutes; anytime

### **REPORT:**

None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Mayor and Councilmembers

**FROM:** Risk Management Division, Finance Department

**SUBJECT:** Conference With Legal Counsel – Pending Litigation

**RECOMMENDATION:**

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: *Juanita Doyle v. City of Santa Barbara*, WCAB, Case Number ADJ142497.

**SCHEDULING:** Duration, 10 minutes; anytime

**REPORT:** None anticipated

**PREPARED BY:** Mark W. Howard, Risk Analyst

**SUBMITTED BY:** Robert Samario, Interim Finance Director

**APPROVED BY:** City Administrator's Office



Agenda Item No. \_\_\_\_\_

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 30, 2010

**TO:** Mayor and Councilmembers

**FROM:** Employee Relations, Administrative Services

**SUBJECT:** Conference With Labor Negotiator

**RECOMMENDATION:**

That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, the Hourly Bargaining Unit, and the Supervisory Employees Association, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

**SCHEDULING:**

Duration, 15 minutes; anytime

**REPORT:**

None anticipated

**PREPARED BY:** Kristy Schmidt, Employee Relations Manager

**SUBMITTED BY:** Marcelo Lopez, Assistant City Administrator

**APPROVED BY:** City Administrator's Office