

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

**Helene Schneider**  
*Mayor/Chair*  
**Frank Hotchkiss**  
*Mayor Pro Tempore/Vice Chair*  
**Grant House**  
*Ordinance Committee Chair*  
**Dale Francisco**  
*Finance Committee Chair*  
**Cathy Murillo**  
**Randy Rowse**  
**Bendy White**



**James L. Armstrong**  
*City Administrator/  
Executive Director*

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

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

**JANUARY 31, 2012  
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**

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Special Redevelopment Agency Meeting

### **FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)**

**Subject: December 31, 2011, Investment Report And December 31, 2011, Fiscal Agent Report**

Recommendation: That the Finance Committee recommend that Council:

- A. Accept the December 31, 2011, Investment Report; and
- B. Accept the December 31, 2011, Fiscal Agent Report.

(See Council/Redevelopment Agency Agenda Item No. 2)

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CHANGES TO THE AGENDA**

**PUBLIC COMMENT**

**CONSENT CALENDAR**

CITY COUNCIL

**1. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of December 6, 2011, December 20, 2011 (cancelled), December 27, 2011 (cancelled), and January 3, 2012 (cancelled).

**2. Subject: December 31, 2011, Investment Report And December 31, 2011, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the December 31, 2011, Investment Report; and
- B. Accept the December 31, 2011, Fiscal Agent Report.

**3. Subject: Emergency Purchase Orders For Tierra Contracting, Inc., And Lash Construction For Sewer Main Repair (530.04)**

Recommendation: That Council approve after-the-fact Emergency Purchase Orders to Tierra Contracting, Inc., for multiple emergency repairs made to damaged public sewer mains, in an amount of \$55,000; and to Lash Construction for various emergency repairs to damaged public sewer mains in an amount of \$35,000.

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

### CITY COUNCIL (CONT'D)

**4. Subject: Contract For Professional Services For El Estero Drain Project (540.13)**

Recommendation: That Council authorize the Public Works Director to execute a Standard City Professional Services contract (in a form acceptable to the City Attorney) with Arcadis U.S., Inc., in the amount of \$73,935 to prepare a Biological Assessment/Survey Report, Remedial Action Plan and Restoration Plan for the El Estero Drain Project at the El Estero Wastewater Treatment Plant.

### REDEVELOPMENT AGENCY

**5. Subject: Minutes**

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of December 6, 2011.

### NOTICES

6. The City Clerk has on Thursday, January 26, 2012, 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.

**This concludes the Consent Calendar.**

## **REPORT FROM THE FINANCE COMMITTEE**

### **REDEVELOPMENT AGENCY REPORTS**

**7. Subject: Redevelopment Agency Of The City Of Santa Barbara Enforceable Obligation Payment Schedule**

Recommendation: That Agency Board:

- A. Adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Adopting an Enforceable Obligation Payment Schedule ("EOPS"); and
- B. Adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Declaring that the Agency Has Not Forgiven the Repayment, Wholly or Partially, of Any Loan, Advance, or Indebtedness that Has Been Owed By a Public Body to the Agency or By the Agency to a Public Body From January 1, 2010, Through December 31, 2011.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### COMMUNITY DEVELOPMENT DEPARTMENT

#### 8. **Subject: Concept Review Of Santa Barbara Bowl Box Office Plaza Project And Abandonment Of Lowena Drive (530.04)**

Recommendation: That Council review the proposed Santa Barbara Bowl Box Office Plaza Project and provide comments specific to the proposed abandonment of a portion of Lowena Drive.

### PUBLIC HEARINGS

#### 9. **Subject: Appeal Of Planning Commission Decision For 415 Alan Road (640.07)**

Recommendation: That Council:

- A. Hear the appeal of Steven Amerikaner, agent for Mr. and Mrs. Andrew Seybold, of the Planning Commission's denial of the proposed Lot Area Modification, Tentative Subdivision Map, and Coastal Development Permit, and the Planning Commission's recommendation on the requested adoption of the General Plan, Zoning, and Coastal Program Amendments for the property located at 415 Alan Road; and
- B. Take one of the following actions:
  1. Deny the appeal, thereby upholding the Planning Commission's denial of the project, and direct staff to return with findings and decisions; or
  2. Uphold the appeal, and:
    - a. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property at 415 Alan Road - Parcel B;
    - b. At time of ordinance adoption, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Local Coastal Program Amendment for the Property at 415 Alan Road - Parcel B; and
    - c. Approve the following applications contingent upon final adoption of the ordinance and resolutions, making Findings of Approval, subject to the Conditions of Approval.
      - i. A Lot Area Modification to allow proposed Parcel A to be less than the required lot size of 1.5 acres that is required for lots with slopes of 10%-20% (SBMC §28.92.026.A);
      - ii. A Tentative Subdivision Map to allow the division of one (1) lot into two (2) parcels (SBMC §27.07); and
      - iii. A Coastal Development Permit for the development within the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

## **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

#### **CLOSED SESSIONS**

**10. 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 General bargaining unit, the Supervisory bargaining unit, and the Police Management bargaining unit, and regarding discussions with confidential employees and unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

**11. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)**

Recommendation: That Council hold a closed session to consider initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

**12. 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 Santa Barbara Channelkeeper v. City of Santa Barbara, USDC Case No. CV-1103624 JHN (AGRx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

#### **ADJOURNMENT**

CITY OF SANTA BARBARA

**FINANCE COMMITTEE**

MEETING AGENDA

DATE: January 31, 2012

Dale Francisco, Chair

TIME: 12:30 P.M.

Bendy White

PLACE: David Gebhard Public Meeting Room  
630 Garden Street

Cathy Murillo

James L. Armstrong  
City Administrator

Robert Samario  
Finance Director

**ITEM TO BE CONSIDERED:**

**Subject: December 31, 2011, Investment Report And December 31, 2011, Fiscal Agent Report**

Recommendation: That Finance Committee recommend that the Council:

- A. Accept the December 31, 2011, Investment Report; and
- B. Accept the December 31, 2011, Fiscal Agent Report.

(See Council/Redevelopment Agency Agenda Item No. 2)



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING December 6, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the City Council and Redevelopment Agency to order at 2:02 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: Randy Rowse.

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

### CEREMONIAL ITEMS

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through December 31, 2011.

#### Documents:

December 6, 2011, report from the Assistant City Administrator/Administrative Services Director.

#### Speakers:

Staff: City Administrator James Armstrong, Award Recipients James Scott and Philip Walker.

(Cont'd)

1. (Cont'd)

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Melissa Serrano, Administrative Specialist, Community Development Department  
Thomas Oretsky, Environmental Services Specialist I, Finance Department  
Carolina Camacho, Administrative Specialist, Public Works Department  
Amanda Flesse, Project Engineer II, Public Works Department  
Sarah Grant, Associate Transportation Planner, Public Works Department  
Chris Olvera, Water Distribution Operator II, Public Works Department

10-Year Pin

Michael Mudgett, Firefighter, Fire Department  
Cynthia Collinge, Administrative Supervisor, Public Works Department

15-Year Pin

Dorine Villalpando, Accounting Technician, Finance Department

20-Year Pin

Jason Bryan, Senior Recreation Supervisor, Parks and Recreation Department

30-Year Pin

James Scott, Wastewater Collection Systems Operator, Public Works Department  
Philip Walker, Wastewater Treatment Plant Operator III, Public Works Department

**CHANGES TO THE AGENDA**

City Administrator James Armstrong suggested a change in the order of Agenda Items to be presented, as follows: Item Nos. 19, 21, and 20. By consensus, the Council approved the change.

**PUBLIC COMMENT**

Speakers: Kenneth Loch; Caitlin Carlson, COAST (Coalition for Sustainable Transportation); Steve Price.

**RECESS**

2:18 p.m. - 2:21 p.m.

**PUBLIC COMMENT (CONT'D)**

Speakers (Cont'd): Shirley Force; Rasta Mom; Kate Smith; Peter Lance; Judith Evered; John Hunter; Lee Moldaver; Bryan Rosen; Patricia Rosen.

## **ITEM REMOVED FROM CONSENT CALENDAR**

5. Subject: Adoption Of An Ordinance Amending Municipal Code Title 28 For Veronica Meadows Specific Plan (680.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Municipal Code Title 28 by Amending Chapter 28.50 the "Veronica Meadows Specific Plan."

The title of the ordinance was read.

Speakers:

Staff: City Attorney Stephen Wiley.

Motion:

Councilmembers House/Francisco to adopt the ordinance.

Vote:

Failed to carry by roll call vote (supermajority of five affirmative votes required) (Ayes: Councilmembers Francisco, Hotchkiss, House, Self; Noes: Councilmember White and Mayor Schneider; Absent: Councilmember Rowse).

Motion:

Councilmembers House/Francisco to continue this item to a future meeting when all seven Councilmembers will be present.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee heard a report on the Fiscal Year 2012 Capital Improvement Program Funding for the Andree Clark Bird Refuge Vegetation Maintenance and Restoration Project, and the Shoreline Park Safety Improvement Project. The Committee did not make a recommendation and requested that Staff present the report to the full Council (Council Agenda Item No. 14).

## **ITEM REMOVED FROM CONSENT CALENDAR**

14. Subject: Fiscal Year 2012 Capital Improvement Program Funding For The Andree Clark Bird Refuge Vegetation Maintenance And Restoration Project And The Shoreline Park Safety Improvement Project (570.05)

Recommendation: That Council:

- A. Allocate \$236,900 from the Park Restroom Renovation Capital Improvement Program (CIP) Project to the Andrée Clark Bird Refuge Vegetation Maintenance and Restoration Project in the Capital Outlay Fund; and

(Cont'd)

14. (Cont'd)

- B. Transfer \$146,452 from the General Fund to the Capital Outlay Fund, funded from an increase in estimated revenues, and appropriate \$49,452 to the Andrée Clark Bird Refuge Vegetation Maintenance and Restoration Project and \$97,000 to the Shoreline Park Safety Improvement Project.

Documents:

- December 6, 2011, report from the Parks and Recreation Director.
- December 6, 2011, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant Parks and Recreation Director Jill Zachary, City Administrator James Armstrong.

Motion:

Councilmembers House/Francisco to approve the recommendations but direct Staff to meet with the Creeks Committee and Finance Committee, and then return to the Council for consideration of restoring funding from the General Fund for the Bird Refuge Project with Measure B funds.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

**CONSENT CALENDAR (Item Nos. 2 - 4, 6 - 13, 15, 17 and 18)**

The titles of the ordinances and resolutions related to the Consent Calendar were read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Rowse).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of October 10, 2011, the special meeting of October 17, 2011, the regular meetings of October 18, 2011, and October 25, 2011, the adjourned regular meeting of October 31, 2011, the regular meetings of November 1, 2011, and November 8, 2011 (cancelled), and the special meeting of November 14, 2011.

Action: Approved the recommendation.

3. Subject: Fiscal Year 2012 Interim Financial Statements For The Four Months Ended October 31, 2011 (250.02)

Recommendation: That Council accept the Fiscal Year 2012 Interim Financial Statements for the Four Months Ended October 31, 2011.

Action: Approved the recommendation (December 6, 2011, report from the Finance Director).

4. Subject: Adoption Of Ordinance Amending Municipal Code Title 14, Chapter 20 - Metering Requirements (540.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Repealing Section 14.20.160 Pertaining to Separate Water Meters.

Action: Approved the recommendation; Ordinance No. 5576 (December 6, 2011, email communication from Tony Fischer).

6. Subject: Approval Of An Amendment To The Metropolitan Transit District Agreement (150.05)

Recommendation: That Council:

- A. Approve an amendment to the Agreement with the Metropolitan Transit District (MTD), in the amount of \$205,000 for transit assistance for the Coastal Express Limited commuter bus; and
- B. Increase appropriations and estimated revenues in the Streets Fund by \$205,000 to fund a pass-through payment to the MTD from mitigation funds paid to the City by Caltrans.

Speakers:

Staff: Principal Transportation Planner Rob Dayton.

Action: Approved the recommendations; Agreement No. 23,794.1 (December 6, 2011, report from the Public Works Director).

7. Subject: Introduction Of An Ordinance And Resolutions For The Annexation Of 455 And 457 North Hope Avenue (680.04)

Recommendation: That Council:

- A. Consider the Planning Commission's recommendation to initiate the annexation of properties located at 455 and 457 North Hope Avenue;
- B. Make the environmental findings contained in the Council Agenda Report;

(Cont'd)

7. (Cont'd)

- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning Upon Annexation of Assessor's Parcel Numbers 057-191-011 and 057-191-014 Located at 455 North Hope Avenue and Assessor's Parcel Number 057-170-012 Located at 457 North Hope Avenue in the Hope Neighborhood;
- D. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Santa Barbara Sheriff's Office (CSA 32) and Goleta Water District for Certain Real Property Presently Located at 455 North Hope Avenue (Assessor's Parcel Numbers 057-191-011 and 057-191-014) and Located at 457 North Hope Avenue (Assessor's Parcel Number 057-170-012); and
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 057-191-011 and 057-191-014 Located at 455 North Hope Avenue and Assessor's Parcel Number 057-170-012 Located at 457 North Hope Avenue, Which will be Annexed to the City of Santa Barbara.

Action: Approved the recommendations; Resolution Nos. 11-072 and 11-073 (December 6, 2011, report from the Assistant City Administrator/Community Development Director; proposed ordinance; proposed resolutions).

8. Subject: Introduction Of Ordinance For A Lease Agreement With Sushi Go Go (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with One Five-Year Option with Kyung and Sarah Wang, Doing Business as Sushi Go Go, for the Restaurant Located at 119-B Harbor Way, Effective January 13, 2012.

Action: Approved the recommendation (December 6, 2011, report from the Waterfront Director; proposed ordinance).

9. Subject: Lease Agreement With Stearns Wharf, Inc., Doing Business As Old Wharf Trading Company (330.04)

Recommendation: That Council approve a five-year lease agreement with Stearns Wharf, Inc., doing business as Old Wharf Trading Company, at an average base rent of \$12,463 per month or 10% of gross sales, whichever is greater, for a 2,369 square foot retail space located at 217-A, B and D Stearns Wharf.

Action: Approved the recommendation; Agreement No. 23,958 (December 6, 2011, report from the Waterfront Director).

10. Subject: Contract For Final Design For The Punta Gorda Street Bridge (530.04)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$120,000 for final design services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$12,000 for extra services that may result from necessary changes in the scope of work;
- B. Reprogram \$25,000 of existing appropriations in the Measure D Fund for drainage improvements to this Project; and
- C. Reprogram \$75,000 of existing surplus appropriations in the Measure D Fund for the Haley/De la Vina Street Bridge Project to this Project.

Action: Approved the recommendations; Contract No. 23,959 (December 6, 2011, report from the Public Works Director).

11. Subject: Contract For Construction For The Westside Community Development Block Grant Sidewalk Infill And Access Ramp Project (530.04)

Recommendation: That Council:

- A. Award a contract with Mendez Concrete, Inc., waiving minor irregularities, in their low bid amount of \$190,280.50 for construction of the Westside Community Development Block Grant Sidewalk Infill and Access Ramp Project, Bid No. 3642; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$30,000 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.

Action: Approved the recommendations; Contract No. 23,960 (December 6, 2011, report from the Public Works Director).

12. Subject: Contract For Construction For The Launch Ramp Boating Trails Project (570.03)

Recommendation: That Council:

- A. Award a contract with Shaw Contracting, Inc., in their low bid amount of \$375,625 for construction of the Launch Ramp Boating Trails Project, Bid No. 3633;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$38,000 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 contract with Moffatt & Nichol Engineers, Inc., in the amount of \$12,000 for construction support services, and approve expenditures of up to \$1,200 for extra services of Moffatt & Nichol Engineers, Inc., that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a contract with Fugro Consultants, Inc., in the amount of \$3,830 for construction testing services, and approve expenditures of up to \$383 for extra services of Fugro Consultants, Inc., that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,961 - 23,963 (December 6, 2011, joint report from the Waterfront Director and the Public Works Director).

13. Subject: Purchase Order For Installation And Monitoring Of Inclinometers In The Conejo Slide Area (640.04)

Recommendation: That Council find it to be in the City's best interest to waive the formal bidding process in accordance with Section 4.52.020 (K) of the Santa Barbara Municipal Code and issue a Purchase Order in the amount of \$63,500 to Cotton, Shires and Associates for the installation and monitoring of inclinometers in the Conejo Slide Area, and authorize the Public Works Director to approve expenditures of up to \$6,350 for extra services of Cotton, Shires and Associates that may result from necessary changes in the scope of work.

Action: Approved the recommendation (December 6, 2011, report from the Public Works Director).

15. Subject: Santa Barbara Beautiful Funds For The Urban Forest Program (570.05)

Recommendation: That Council accept a contribution from Santa Barbara Beautiful in the amount of \$30,000 and increase estimated revenues and appropriations in the Parks and Recreation Miscellaneous Grants Fund for the Upper State Street and Oleander Tree Replacement Projects.

Action: Approved the recommendation (December 6, 2011, report from the

Parks and Recreation Director).  
Item No. 16 appears in the Redevelopment Agency minutes.

## NOTICES

17. The City Clerk has on Thursday, December 1, 2011, 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.
18. Receipt from the Housing Authority of the City of Santa Barbara of its 2011 Annual Report (660.03)

This concluded the Consent Calendar.

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

### COMMUNITY DEVELOPMENT DEPARTMENT

19. Subject: Rental Housing Mediation Task Force Update (580.03)

Recommendation: That Council:

- A. Receive a status report on the Rental Housing Mediation Task Force Program; and
- B. Increase estimated revenues and appropriations by \$37,450 in the Community Development Department's Rental Housing Mediation Task Force Program in recognition of funding secured from the City of Goleta in the amount of \$17,000, a Homeless Prevention and Rapid Re-Housing Program (HPRP) grant in the amount of \$15,250 and donations in the amount of \$5,200.

Documents:

- December 6, 2011, report from the Assistant City Administrator/Community Development Director.
- December 6, 2011, PowerPoint presentation prepared and made by Staff and the Rental Housing Mediation Task Force.
- December 6, 2011, letter from Beth Pitton-August, Co-President of the League of Women Voters of Santa Barbara.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Administrative Services Manager Susan Gray, City Administrator James Armstrong.
- Rental Housing Mediation Task Force: Vice Chair Leesa Beck.
- Members of the Public: Robert Burke; R. Thomas Griffith; Beth Pitton-August, League of Women Voters of Santa Barbara; Lou Traga, Independent Living Resource Center; Mark Alvarado, Deputy Director of PUEBLO; Martin Osborn; Ben Bush; Emily Allen, Rental Housing Round Table; Hilary Kleger, Co-Chair, Rental Housing Round Table; Geoff Green, Executive Director of Fund for Santa Barbara; Michael Petretta.

19. (Cont'd)

Motion:

Councilmembers House/White to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

## RECESS

4:23 p.m. - 4:36 p.m.

## PUBLIC HEARINGS

21. Subject: Proposed Designation Of Three Landmarks: Granada Tower State Street Façade At 1214 State Street, Moreton Bay Fig Tree At 320 W. Pueblo Street, And 105 Ontare Hills Lane (640.06)

Recommendation: That Council:

- A. Hold a public hearing;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Granada Tower Building State Street Façade, its Two-Foot Wraparound, and its Roof Form at 1214 State Street (Assessor's Parcel Numbers 039-183-050, 039-183-051, 039-183-052) a City Landmark;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Moreton Bay Fig Tree (*Ficus macrophylla*) at 320 W. Pueblo Street (Assessor's Parcel Number 025-100-001) a City Landmark; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Frederick H. Booth House and Garage at 105 Ontare Hills Lane (Assessor's Parcel Number 055-160-060) a City Landmark.

City Attorney Stephen Wiley reported that due to a conflict of interest related to his ownership of property near one of the subject properties, he would be leaving the meeting. Mr. Wiley left the meeting at 4:36 p.m. and Assistant City Attorney Scott Vincent took his place.

Documents:

- December 6, 2011, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolutions.
- Affidavit of Publication.
- December 6, 2011, PowerPoint presentation prepared and made by Staff.
- December 5, 2011, letter from Theodore H. Smyth, Jr.
- December 6, 2011, written comments from Kellam deForest.

21. (Cont'd)

Speakers:

- Staff: Senior Planner Jaime Limon, Associate Planner/Urban Historian Jake Jacobus, Assistant City Attorney Scott Vincent, City Planner Bettie Weiss.
- Post/Hazeltine Associates: Timothy Hazeltine and Dr. Pamela Post.
- Historic Landmarks Commission: Commissioners Fermina Murray, William La Voie.
- Members of the Public: Theodore "Tad" Smyth; John Woodward; Louise Boucher.

Motion:

Councilmembers House/White to approve Recommendation B, as revised, and Recommendation C.

Vote:

Unanimous roll call vote (Absent: Councilmember Rowse).

Motion:

Councilmembers House/White to approve Recommendation D.

Substitute Motion:

Councilmembers Hotchkiss/Self to refer to the Historic Landmarks Commission for consideration of designating the Frederick H. Booth House and Garage as a Structure of Merit.

The Substitute Motion was withdrawn.

Vote:

Majority roll call vote (Noes: Councilmembers Hotchkiss, White; Absent: Councilmember Rowse).

### **CEREMONIAL ITEMS (CONT'D)**

Mayor Schneider presented Associate Planner/Urban Historian Jake Jacobus with a Letter of Recognition for his years of service with the City.

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

City Attorney Stephen Wiley returned to the meeting and Assistant City Attorney Scott Vincent left the meeting at 5:53 p.m.

## POLICE DEPARTMENT

### 20. Subject: Police Department Update (520.04)

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

#### Documents:

December 6, 2011, report from the Chief of Police.

#### Speakers:

- Staff: Police Chief Camerino Sanchez, City Attorney Stephen Wiley, City Administrator James Armstrong.
- Members of the Public: Steve Price; Kate Smith; Peter Lance.

#### Discussion:

Mayor Schneider stated that the Police Department will be making regular reports to the Council at its request.

Police Chief Sanchez provided an update on the Department's workforce, including the hiring of five of the six authorized Community Service Officers, all three Restorative Outreach Specialists, and 140 of 141 authorized Police Officers. He also provided updates on cold cases and the Gang injunction, and stated that crime is down by 13% from last year and property theft is up slightly. Lastly, Chief Sanchez said that PAL (Police Activities League) has been very successful with 1,600 youth participating, and he spoke about the various programs provided by PAL.

City Attorney Stephen Wiley provided an overview of the Police complaint process.

Staff responded to the Councilmembers' questions.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Mayor Schneider acknowledged the Downtown Organization for its exceptional work in coordinating the Holiday Parade.

## **RECESS**

Mayor Schneider recessed the meeting at 6:44 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 22 and 23, and she stated that no reportable action is anticipated.

## CLOSED SESSIONS

22. 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:

Luke Brost as Trustee for the Luke Brost Living Trust, et al., v. City of Santa Barbara, Santa Barbara Superior Court Case No. 1342979.

Ruben Barajas and Pamela Barajas as trustees for the Ruben and Pamela Barajas Living Trust, v. City of Santa Barbara, Santa Barbara Superior Court Case No.1383054.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 6, 2011, report from the City Attorney.

Time:

6:45 p.m. - 7:10 p.m. (Councilmembers Rowse and Self were absent).

No report made.

23. Subject: Conference With Real Property Negotiators - Acquisition Of Easements (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 in order to provide direction to the City Public Works Director regarding the possible City acquisition of certain non-exclusive subsurface easements concerning the real properties known as 523 and 515 Conejo Road.

Property: 523 Conejo Road, APN 019-062-008  
515 Conejo Road, APN 019-062-009

City Negotiator: City Public Works Director and the City Attorney's office.  
Negotiating Party: Dennis Guinaugh (523 Conejo Road) and Ron and Elizabeth Faoro (515 Conejo Road). Under Negotiation: Price, terms of subsurface easement acquisitions.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

23. (Cont'd)

Documents:

December 6, 2011, report from the Public Works Director.

Time:

7:10 p.m. - 7:23 p.m. (Councilmembers Rowse and Self were absent).

No report made.

### **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 7:23 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
December 20, 2011  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on December 20, 2011, was cancelled by the Council on November 1, 2011.

The next regular meeting of the City Council is scheduled for January 10, 2012, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
December 27, 2011  
COUNCIL CHAMBER, 735 ANACAPA STREET**

---

The regular meeting of the City Council, scheduled for 2:00 p.m. on December 27, 2011, was cancelled by the Council on November 9, 2010.

The next regular meeting of the City Council is scheduled for January 10, 2012, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
January 3, 2012  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on January 3, 2012, was cancelled by the Council on November 9, 2010.

The next regular meeting of the City Council is scheduled for January 10, 2012, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 31, 2012  
**TO:** Mayor and Councilmembers  
**FROM:** Treasury Division, Finance Department  
**SUBJECT:** December 31, 2011, Investment Report And December 31, 2011, Fiscal Agent Report

**RECOMMENDATION:** That Council:

- A. Accept the December 31, 2011, Investment Report; and
- B. Accept the December 31, 2011, Fiscal Agent Report.

### DISCUSSION:

On a quarterly basis, staff submits a comprehensive report on the City's portfolio and related activity pursuant to the City's Annual Statement of Investment Policy. The current report covers the investment activity for October through December 2011.

Financial markets rebounded in the final quarter of 2011, a year marked by tremendous market volatility. The strong fourth quarter results reflected modest expansion in the manufacturing and service sectors, higher consumer confidence, and improved employment data. Additionally, markets appeared to correct for the substantial sell-off during the third quarter, when financial markets posted the worst performance since the first quarter of 2009 due to slow economic data, concerns over the European debt crisis, and the political divide in Washington in addressing the federal debt ceiling limit and federal budget deficit.

In the fourth quarter, the major indexes rebounded with double-digit increases. The Dow Jones Industrial Average (DJIA) index, which measures stocks from 30 industrial "blue-chip" companies, rose 12.78 percent from the previous quarter and 8.38 percent for the year; the S&P 500, composed of 500 "large-cap" companies across various sectors, was up 11.82 percent for the quarter and 2.11 percent for the year; and NASDAQ, which largely measures technology stocks, was higher by 7.86 percent for the quarter but down 1.8 percent for the year.

At its December meeting, the Federal Reserve Bank's Open Market Committee (FOMC) confirmed that high unemployment, modest income growth, a depressed housing market, and other factors continue to constrain U.S. economic growth. To encourage the pace of economic recovery and address its statutory mandate of fostering maximum

employment and stable inflation, the Committee announced that it would expand its long-term holdings by \$600 billion through June 30, 2012, continuing “Operation Twist.” Announced last September, “Operation Twist” is designed to encourage investors to take on riskier assets, lower the cost of borrowing, and stimulate consumer spending by holding longer term interest rates low.

At its December meeting, the Committee once again maintained the current federal funds rate at a target range of 0-1/4 percent, stating that current economic conditions are likely to warrant “exceptionally low levels for an extended period”. At its September meeting, the FOMC indicated that current interest rates are likely to continue through at least mid-2013.

Accordingly, Treasury yields were mostly lower by the end of the quarter. As shown in the table to the right, the change in Treasury yields ranged from no change for the yields on the 3-month Treasury bill and the 1- and 2-year Treasury notes to a decrease of 12 basis points on the 5-year Treasury note.

U.S. Treasury Market					
	9/30/2011	10/31/2011	11/30/2011	12/31/2011	Cumulative Change
3 Month	0.01%	0.00%	0.00%	0.01%	0.00%
6 Month	0.05%	0.04%	0.05%	0.06%	0.01%
1 Year	0.10%	0.11%	0.11%	0.10%	0.00%
2 Year	0.24%	0.24%	0.25%	0.24%	0.00%
3 Year	0.40%	0.38%	0.39%	0.35%	-0.05%
4 Year	0.68%	0.67%	0.67%	0.59%	-0.09%
5 Year	0.95%	0.96%	0.95%	0.83%	-0.12%
10 Year	1.92%	2.11%	2.07%	1.88%	-0.04%
30 Year	2.91%	3.13%	3.06%	2.89%	-0.02%
LAIF	0.38%	0.38%	0.38%	0.38%	0.00%

### Investment Activity

As shown in the Investment Activity table on the next page, the City invested \$16 million during the quarter. The purchases consisted of:

- \$14 million in “AAA” rated Federal Agency callable securities;
- \$2.0 million in a certificate of deposit

During the quarter, \$16 million of Federal Agency securities were called, \$2 million in securities matured, and \$2 million in certificates of deposit matured. In addition, the portfolio also received \$85,169 in a semi-annual principal payment on the Airport promissory note at the end of December.

Council Agenda Report  
 December 31, 2011, Investment Report And December 31, 2011, Fiscal Agent Report  
 January 31, 2012  
 Page 3

Issuer	Face Amount	Purchase Date	Final Maturity	Call Date	Yield To Call	Yield To Maturity
<i>Purchases:</i>						
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	10/03/11	10/03/16	04/03/12	1.000%	1.612%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	10/19/11	10/19/16	07/19/12	1.500%	1.500%
Federal National Mortgage Association (FNMA)	2,000,000	10/28/11	10/28/16	10/28/13	1.551%	1.521%
Federal National Mortgage Association (FNMA)	2,000,000	11/09/11	11/09/16	11/09/12	1.525%	1.807%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	11/09/11	11/09/16	05/09/12	1.800%	1.800%
Montecito Bank & Trust CD (MBTCD)	2,000,000	11/18/11	11/18/13	-	-	0.800%
Federal National Mortgage Association (FNMA)	2,000,000	12/28/11	12/28/16	12/28/12	1.625%	1.625%
Federal National Mortgage Association (FNMA)	2,000,000	12/28/11	12/28/16	12/28/12	1.125%	1.641%
	16,000,000					
<i>Calls:</i>						
Federal Farm Credit Bank (FFCB)	2,000,000	10/28/10	10/28/15	11/08/11	1.540%	1.540%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	11/23/10	11/23/15	11/23/11	2.207%	1.845%
Federal Farm Credit Bank (FFCB)	2,000,000	12/10/10	12/08/14	12/08/11	2.139%	1.662%
Federal Farm Credit Bank (FFCB)	2,000,000	12/15/10	12/15/15	12/15/11	2.480%	2.480%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	09/27/11	09/27/16	12/27/11	1.550%	1.550%
Federal National Mortgage Association (FNMA)	2,000,000	12/28/10	12/28/15	12/28/11	2.051%	2.011%
Federal Home Loan Bank (FHLB)	2,000,000	06/30/10	06/30/14	12/30/11	1.125%	2.277%
Federal Home Loan Bank (FHLB)	2,000,000	06/30/11	06/30/16	12/30/11	1.300%	2.297%
	16,000,000					
<i>Maturities:</i>						
Federal Farm Credit Bank (FFCB)	2,000,000	09/30/09	10/03/11	-	-	1.125%
Montecito Bank & Trust CD (MBTCD)	2,000,000	11/18/09	11/18/11	-	-	1.750%
Airport Promissory Note - Partial Redemption	85,169	07/14/09	06/30/29	-	-	7.000%
	4,085,169					

The weighted average yield to maturity measures the average yield for securities in the portfolio that have varying interest rates. This helps provide a measure of the future rate of return on the investment portfolio. The weighted average yield to maturity on the quarter's purchases totaled 1.538 percent, which is 31.6 basis points lower than the 1.854 percent on the quarter's called/matured investments. Over the past two years, the weighted average yield spread between the purchases and called/matured investments averaged 133.8 basis points lower each quarter, compared to only 31.6 basis points lower this quarter. Like last quarter, this narrowing of the spread indicates that the older, higher yielding securities previously held in the portfolio, i.e. purchased before the recession, have either been called or matured and are no longer in the portfolio. Also, since market yields have remained relatively stable at exceptionally low levels, we are only able to replace the current called investments with investments of similar or slightly lower investment yields.

The average rate at which the City earned interest at the Local Agency Investment Fund (LAIF), the State's managed investment pool, was 0.38 percent for the quarter ended December 31, 2011. Staff expects to reinvest a portion of the City's LAIF balances in short-term or callable securities during the next quarter.

### Summary of Cash and Investments

The book rate of return, or portfolio yield, measures the percent return of actual interest earnings generated from the portfolio. During the quarter, the City's book rate of return decreased by 8.2 basis points from 1.750

Mo. Ended	Yield	Days to Maturity
9/30/2011	1.750%	1,046
10/31/2011	1.730%	1,048
11/30/2011	1.762%	1,074
12/31/2011	1.668%	990

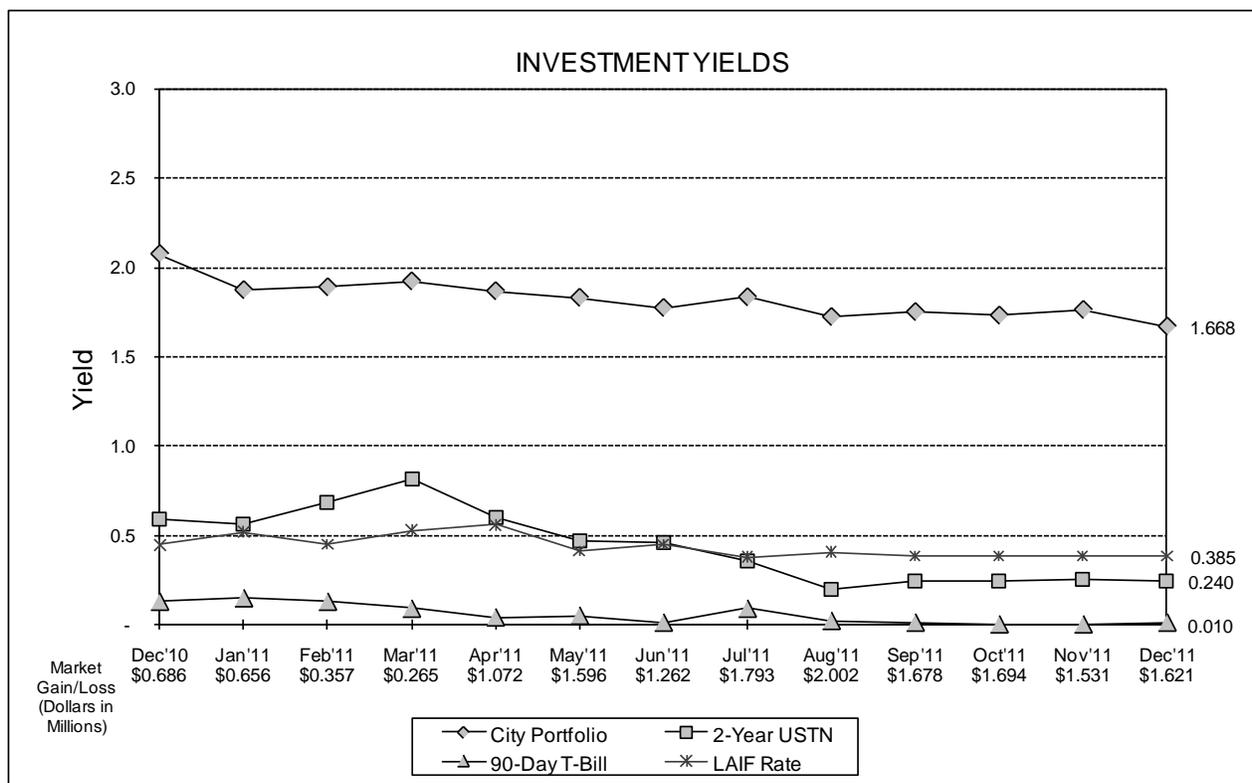
percent at September 30, 2011 to 1.668 percent at December 31, 2011. The book rate of return continues to decline through the attrition of overall higher-yielding securities and reinvestment at lower market rates as discussed previously. The portfolio's average days to maturity decreased by 56 days from 1,046 to 990 days, which includes the long-term Airport promissory note authorized by Council in July 2009. The portfolio's average days to maturity excluding the Airport note is 788 days, reflecting reinvestment of maturities and calls during the quarter in the one to five year range in accordance with the City's Annual Statement of Investment Policy.

### Credit Quality on Corporate Notes

Over the quarter ended December 31, 2011, there were no credit quality changes to the five corporate issuers of the medium-term notes held in the portfolio (i.e., Berkshire Hathaway Financial, General Electric Capital Corp, Harvard College, Proctor & Gamble, and Toyota Motor Credit). The ratings of all corporate notes remain within the City's Investment Policy guidelines of "A" or better.

### Portfolio Market Gains/Losses

As shown in the Investment Yields chart below, the City's portfolio continues to significantly outperform the three benchmark measures (the 90-day T-Bill, 2-year T-Note and LAIF). The portfolio also reflects unrealized market gains during the quarter due to lower market yields compared to the yields on securities held in the portfolio. At December 31, 2011, the overall portfolio had an unrealized market gain of \$1.621 million.



On a quarterly basis, staff reports the five securities with the largest percentage of unrealized losses when comparing book value to market value at the end of the quarter. Note, however, since securities in the portfolio are held to maturity, no market losses will be realized. There were no securities in the portfolio trading below the purchase price at the end of the quarter.

On a quarterly basis, staff also reports all securities with monthly market declines of greater than 1 percent compared to the prior month. There were no securities in the portfolio with a market decline of greater than 1 percent compared to the prior month.

The following confirmations are made pursuant to California Code Sections 53600 et seq.: (1) the City's portfolio as of December 31, 2011 is in compliance with the City's Statement of Investment Policy; and (2) there are sufficient funds available to meet the City's expenditure requirements for the next six months.

### **Fiscal Agent Investments**

In addition to reporting requirements for public agency portfolios, a description of any of the agency's investments under the management of contracted parties is also required on a quarterly basis. Attachment 2 includes bond funds and the police and fire service retirement fund as of December 31, 2011.

**ATTACHMENTS:**     1.   December 31, 2011, Investment Report  
                          2.   December 31, 2011, Fiscal Agent Report

**PREPARED BY:**     Jill Taura, Treasury Manager

**SUBMITTED BY:**   Robert Samario, Finance Director

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

**CITY OF SANTA BARBARA**  
**Activity and Interest Report**  
December 31, 2011

**INVESTMENT ACTIVITY**

---

**PURCHASES OR DEPOSITS**

12/8 LAIF Deposit - City	\$ 2,000,000
12/13 LAIF Deposit - City	2,000,000
12/28 Federal National Mortgage Association (FNMA)	2,000,000
12/28 Federal National Mortgage Association (FNMA)	2,000,000
12/30 LAIF Deposit - City	14,000,000
<b>Total</b>	<b>\$ 22,000,000</b>

**SALES, MATURITIES, CALLS OR WITHDRAWALS**

12/2 LAIF Withdrawal - City	\$ (1,000,000)
12/5 LAIF Withdrawal - City	(3,000,000)
12/8 Federal Farm Credit Bank (FFCB) - Call	(2,000,000)
12/15 LAIF Withdrawal - City	(6,000,000)
12/15 Federal Farm Credit Bank (FFCB) - Call	(2,000,000)
12/27 Federal Home Loan Mortgage Corp (FHLMC) - Call	(2,000,000)
12/28 Federal National Mortgage Association (FNMA) - Call	(2,000,000)
12/30 Federal Home Loan Bank (FHLB) - Call	(2,000,000)
12/30 Federal Home Loan Bank (FHLB) - Call	(2,000,000)
12/31 Santa Barbara Airport Promissory Note - Principal Paydown	(85,169)
<b>Total</b>	<b>\$ (22,085,169)</b>

**ACTIVITY TOTAL**

**\$ (85,169)**

**INTEREST REVENUE**

---

**POOLED INVESTMENTS**

Interest Earned on Investments	\$ 248,982
Amortization	(21,194)
Interest on SBB&T Accounts	853
<b>Total</b>	<b>\$ 228,641</b>

**TOTAL INTEREST EARNED**

**\$ 228,641**

**CITY OF SANTA BARBARA**  
**Summary of Cash and Investments**  
**December 31, 2011**

**ENDING BALANCE AS OF NOVEMBER 30, 2011**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 34,000,000	0.385%	20.83%	1
Certificates of Deposit	2,000,000	0.800%	1.23%	718
Federal Agency Issues - Coupon	108,992,923	1.921%	66.79%	1,101
Corporate/Medium Term Notes	<u>12,234,575</u>	<u>1.780%</u>	<u>7.50%</u>	<u>1,270</u>
	157,227,499	1.564%	96.35%	871
SB Airport Promissory Note	<u>5,962,504</u>	<u>7.000%</u>	<u>3.65%</u>	<u>6,421</u>
Totals and Averages	<u>\$ 163,190,003</u>	<u>1.762%</u>	<u>100.00%</u>	<u>1,074</u>
SBB&T Money Market Account	<u>7,562,726</u>			
<b>Total Cash and Investments</b>	<b><u>\$ 170,752,729</u></b>			

**NET CASH AND INVESTMENT ACTIVITY FOR DECEMBER 2011**      **\$ 289,822**

**ENDING BALANCE AS OF DECEMBER 31, 2011**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 42,000,000	0.385%	25.75%	1 (1)
Certificates of Deposit	2,000,000	0.800%	1.23%	687
Federal Agency Issues - Coupon	100,979,651	1.894%	61.92%	1,063
Corporate/Medium Term Notes	<u>12,226,654</u>	<u>1.780%</u>	<u>7.50%</u>	<u>1,239</u>
	157,206,305	1.468%	96.40%	788
SB Airport Promissory Note	<u>5,877,335</u>	<u>7.000%</u>	<u>3.60%</u>	<u>6,390</u>
Totals and Averages	<u>\$ 163,083,639</u>	<u>1.668%</u>	<u>100.00%</u>	<u>990</u>
SBB&T Money Market Account	<u>7,958,912</u>			
<b>Total Cash and Investments</b>	<b><u>\$ 171,042,551</u></b>			

Note:

(1) The average life of the LAIF portfolio as of December 31, 2011 is 256 days.

**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**December 31, 2011**

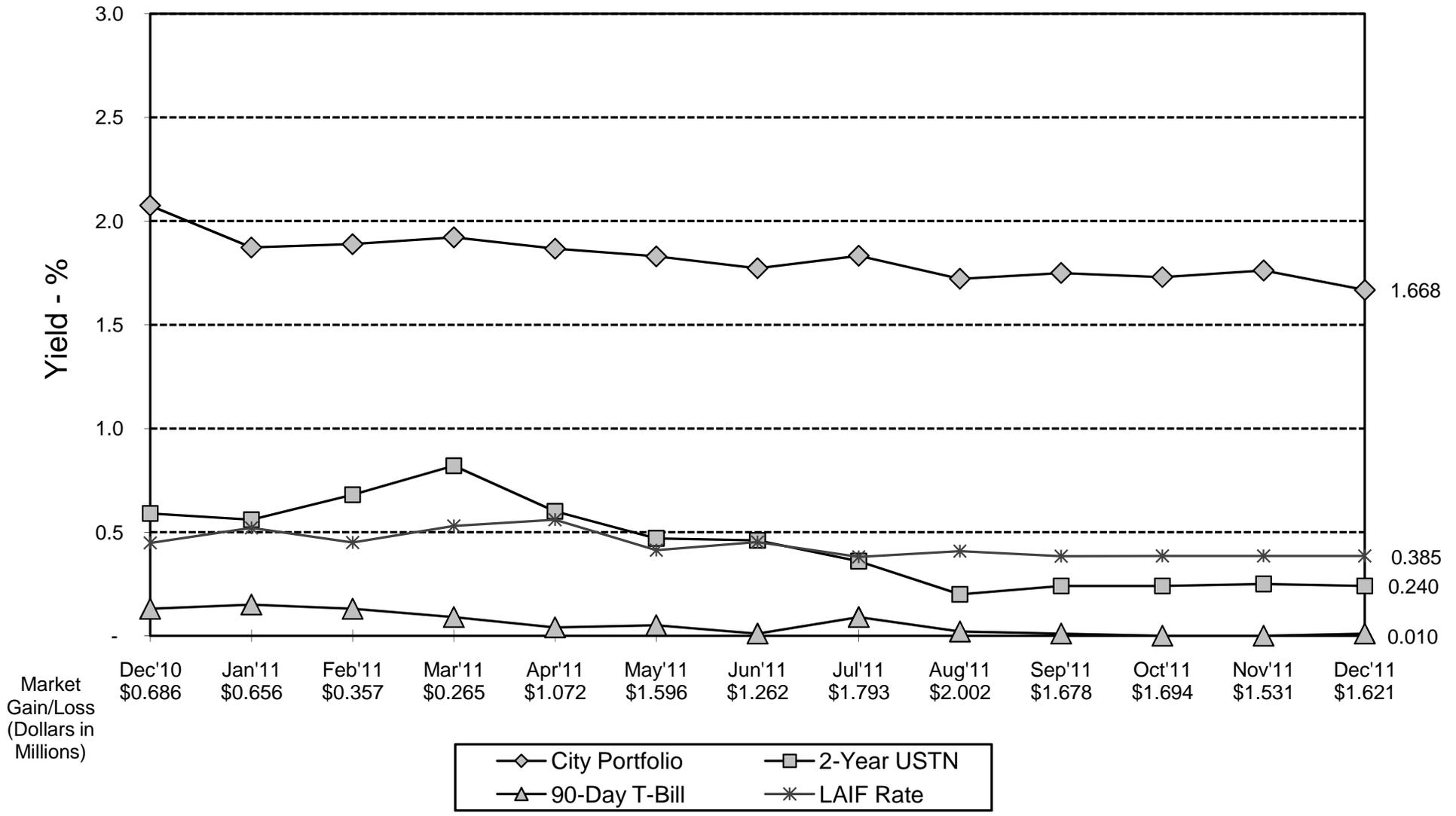
DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
			MOODY'S	S & P							
<b>LOCAL AGENCY INVESTMENT FUNDS</b>											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.385	0.385	42,000,000.00	42,000,000.00	42,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.385	0.385	0.00	0.00	0.00	0.00	
<b>Subtotal, LAIF</b>							42,000,000.00	42,000,000.00	42,000,000.00	0.00	
<b>CERTIFICATES OF DEPOSIT</b>											
MONTECITO BANK & TRUST	11/18/11	11/18/13	-	-	0.800	0.800	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
<b>Subtotal, Certificates of deposit</b>							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
<b>FEDERAL AGENCY ISSUES - COUPON</b>											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AA+	2.250	2.120	2,000,000.00	2,000,787.39	2,013,100.00	12,312.61	
FEDERAL FARM CREDIT BANK	02/02/11	02/02/15	Aaa	AA+	2.000	2.000	1,500,000.00	1,500,000.00	1,501,470.00	1,470.00	Callable 02/02/12, then cont.
FEDERAL FARM CREDIT BANK	02/10/11	02/10/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,039,100.00	39,100.00	
FEDERAL FARM CREDIT BANK	03/09/11	03/09/16	Aaa	AA+	2.600	2.621	2,000,000.00	1,999,622.22	2,009,100.00	9,477.78	Callable 03/09/12, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AA+	2.000	2.002	2,000,000.00	2,000,000.00	2,001,480.00	1,480.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AA+	2.600	2.600	2,000,000.00	2,000,000.00	2,054,300.00	54,300.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AA+	2.200	2.200	2,000,000.00	2,000,000.00	2,048,180.00	48,180.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AA+	2.125	2.125	2,000,000.00	2,000,000.00	2,018,080.00	18,080.00	
FEDERAL FARM CREDIT BANK	04/30/10	04/09/15	Aaa	AA+	2.900	2.916	2,000,000.00	1,999,786.90	2,009,700.00	9,913.10	Callable 04/09/12, once
FEDERAL FARM CREDIT BANK	11/23/10	11/23/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,012,880.00	12,880.00	Callable 05/23/12, then cont.
FEDERAL FARM CREDIT BANK	02/16/11	02/16/16	Aaa	AA+	2.570	2.570	2,000,000.00	2,000,000.00	2,132,100.00	132,100.00	
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AA+	4.375	2.110	1,700,000.00	1,716,139.04	1,731,178.00	15,038.96	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,057,240.00	57,240.00	
FEDERAL HOME LOAN BANK	08/05/10	09/12/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,042,560.00	42,560.00	
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AA+	3.125	2.440	2,000,000.00	2,025,212.31	2,096,800.00	71,587.69	
FEDERAL HOME LOAN BANK	01/15/10	10/30/12	Aaa	AA+	1.700	1.700	2,000,000.00	2,000,000.00	2,024,300.00	24,300.00	
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,060,300.00	60,300.00	
FEDERAL HOME LOAN BANK	06/29/10	10/29/12	Aaa	AA+	1.125	1.125	2,000,000.00	2,000,000.00	2,014,780.00	14,780.00	
FEDERAL HOME LOAN BANK	05/28/10	05/28/15	Aaa	AA+	2.000	2.653	2,000,000.00	2,000,000.00	2,027,400.00	27,400.00	SU 3.35%, Callable 11/28/12, once
FEDERAL HOME LOAN BANK	09/26/11	08/28/13	Aaa	AA+	1.000	0.381	1,000,000.00	1,010,223.19	1,010,420.00	196.81	
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AA+	4.375	2.272	2,000,000.00	2,067,984.85	2,135,100.00	67,115.15	
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AA+	3.125	2.130	2,000,000.00	2,037,061.09	2,096,800.00	59,738.91	
FEDERAL HOME LOAN BANK	03/26/10	06/08/12	Aaa	AA+	1.375	1.325	2,000,000.00	2,000,428.18	2,010,860.00	10,431.82	
FEDERAL HOME LOAN BANK	02/09/11	01/29/15	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	2,066,920.00	66,920.00	
FEDERAL HOME LOAN BANK	04/15/11	05/27/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,084,540.00	84,540.00	
FEDERAL HOME LOAN BANK	09/26/11	10/30/13	Aaa	AA+	2.000	0.400	1,500,000.00	1,543,709.01	1,543,740.00	30.99	
FEDERAL HOME LOAN MTG CORP	10/19/11	10/19/16	Aaa	AA+	1.500	1.500	2,000,000.00	2,000,000.00	2,007,960.00	7,960.00	Callable 07/19/12, then qtrly
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AA+	2.125	1.699	2,000,000.00	2,005,967.21	2,027,820.00	21,852.79	
FEDERAL HOME LOAN MTG CORP	01/06/11	02/25/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,032,340.00	32,340.00	
FEDERAL HOME LOAN MTG CORP	11/09/11	11/09/16	Aaa	AA+	1.800	1.800	2,000,000.00	2,000,000.00	2,007,720.00	7,720.00	Callable 05/09/12, then qtrly

**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**December 31, 2011**

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN MTG CORP	09/28/11	09/28/16	Aaa	AA+	1.400	1.400	2,000,000.00	2,000,000.00	2,006,960.00	6,960.00	Callable 09/28/12, once
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AA+	1.000	2.420	2,000,000.00	1,982,935.82	2,008,620.00	25,684.18	
FEDERAL HOME LOAN MTG CORP	03/26/10	04/25/12	Aaa	AA+	1.125	1.197	1,000,000.00	999,774.74	1,003,220.00	3,445.26	
FEDERAL HOME LOAN MTG CORP	02/11/11	04/02/14	Aaa	AA+	4.500	1.615	2,000,000.00	2,126,203.36	2,173,060.00	46,856.64	
FEDERAL HOME LOAN MTG CORP	10/03/11	10/03/16	Aaa	AA+	1.000	1.612	2,000,000.00	2,000,000.00	2,001,520.00	1,520.00	SU 2.25% Callable 04/03/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	09/28/11	09/28/16	Aaa	AA+	1.000	1.401	1,000,000.00	999,629.17	1,004,400.00	4,770.83	SU 1%-3%, Call 09/28/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/09/11	11/09/16	Aaa	AA+	1.500	1.807	2,000,000.00	1,999,572.22	2,012,400.00	12,827.78	SU 1.5%-3.5%, Call 11/09/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/28/11	12/28/16	Aaa	AA+	1.125	1.641	2,000,000.00	2,000,000.00	2,000,140.00	140.00	SU 2% Callable 12/28/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	02/17/11	02/17/16	Aaa	AA+	2.500	2.500	2,000,000.00	2,000,000.00	2,005,900.00	5,900.00	Callable 02/17/12, once
FEDERAL NATL MORTGAGE ASSN	06/07/11	03/07/16	Aaa	AA+	2.075	2.075	2,000,000.00	2,000,000.00	2,014,960.00	14,960.00	Callable 06/07/12, once
FEDERAL NATL MORTGAGE ASSN	07/05/11	07/05/16	Aaa	AA+	2.200	2.200	2,000,000.00	2,000,000.00	2,000,220.00	220.00	Callable 01/05/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	07/19/11	07/19/16	Aaa	AA+	1.900	2.106	1,000,000.00	1,000,000.00	1,000,760.00	760.00	SU 2%-3.5%, Call 01/19/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	09/28/11	09/28/16	Aaa	AA+	1.300	1.475	2,000,000.00	2,000,000.00	2,003,640.00	3,640.00	SU 1.3%-2.25%, Call 03/28/12, then qtrly
FEDERAL NATL MORTGAGE ASSN	10/28/11	10/28/16	Aaa	AA+	1.500	1.521	2,000,000.00	1,998,175.00	2,002,900.00	4,725.00	Callable 10/28/13, once
FEDERAL NATL MORTGAGE ASSN	08/10/10	08/10/15	Aaa	AA+	2.000	2.055	2,000,000.00	1,998,418.33	2,019,420.00	21,001.67	Callable 08/10/12, once
FEDERAL NATL MORTGAGE ASSN	11/17/10	11/17/14	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,039,580.00	39,580.00	
FEDERAL NATL MORTGAGE ASSN	04/11/11	04/11/16	Aaa	AA+	2.500	2.500	2,000,000.00	2,000,000.00	2,011,900.00	11,900.00	Callable 04/11/12, once
FEDERAL NATL MORTGAGE ASSN	06/27/11	06/27/16	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,029,620.00	29,620.00	Callable 06/27/13, once
FEDERAL NATL MORTGAGE ASSN	12/28/11	12/28/16	Aaa	AA+	1.625	1.625	2,000,000.00	2,000,000.00	2,006,800.00	6,800.00	Callable 12/28/12, once
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,080,620.00	80,620.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AA+	1.625	2.067	2,000,000.00	1,968,021.07	2,051,520.00	83,498.93	
FEDERAL NATL MORTGAGE ASSN	04/18/11	04/18/16	Aaa	AA+	2.500	2.500	2,000,000.00	2,000,000.00	2,052,060.00	52,060.00	Callable 04/18/13, once
FEDERAL NATL MORTGAGE ASSN	06/29/11	12/29/14	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,004,240.00	4,240.00	Callable 03/29/12, once
<b>Subtotal, Federal Agencies</b>							100,700,000.00	100,979,651.10	102,452,728.00	1,473,076.90	
<b>CORPORATE/MEDIUM TERM NOTES</b>											
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA+	2.450	2.530	2,000,000.00	1,994,066.67	2,073,500.00	79,433.33	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	Aa2	AA+	2.250	2.250	2,000,000.00	2,000,000.00	2,008,940.00	8,940.00	
GENERAL ELECTRIC CAPITAL CORP	01/07/11	01/07/14	Aa2	AA+	2.100	2.100	2,000,000.00	2,000,000.00	2,029,940.00	29,940.00	
PRES & FELLOWS OF HARVARD COLL	07/12/11	01/15/14	Aaa	AAA	5.000	1.000	2,000,000.00	2,160,683.41	2,177,340.00	16,656.59	
PROCTOR & GAMBLE	09/20/11	11/15/15	Aa3	AA-	1.800	1.085	2,000,000.00	2,053,988.36	2,065,260.00	11,271.64	
TOYOTA MOTOR CREDIT	09/26/11	09/15/16	Aa3	AA-	2.000	1.800	2,000,000.00	2,017,915.30	2,019,900.00	1,984.70	
<b>Subtotal, Corporate Securities</b>							12,000,000.00	12,226,653.74	12,374,880.00	148,226.26	
<b>SB AIRPORT PROMISSORY NOTE (LT)</b>											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	7.000	7.000	5,877,334.65	5,877,334.65	5,877,334.65	0.00	
<b>Subtotal, SBA Note</b>							5,877,334.65	5,877,334.65	5,877,334.65	0.00	
<b>TOTALS</b>							162,577,334.65	163,083,639.49	164,704,942.65	1,621,303.16	

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.

# INVESTMENT YIELDS



**CITY OF SANTA BARBARA  
Fiscal Agent Investments  
December 31, 2011**

	CASH & CASH EQUIVALENTS Book & Market	Guaranteed Investment Contracts (GIC) Book & Market	STOCKS		BONDS		US GOVT & AGENCIES		TOTALS	
			Book	Market	Book	Market	Book	Market	Book	Market
<b>BOND FUNDS</b>										
<i>RESERVE FUNDS</i>										
2004 RDA - Housing Bonds	67,707.50	-	-	-	-	-	-	-	67,707.50	67,707.50
2002 Municipal Improvement - Refunding COPs	13,954.67	547,530.00	-	-	-	-	-	-	561,484.67	561,484.67
2002 Water - Refunding COPs	24,359.39	1,088,268.76	-	-	-	-	-	-	1,112,628.15	1,112,628.15
1994 Water - Revenue Bonds	19,914.61	757,680.00	-	-	-	-	-	-	777,594.61	777,594.61
2002 Waterfront - Reference COPs	873.43	1,393,262.50	-	-	-	-	-	-	1,394,135.93	1,394,135.93
1992 Seismic - Safety Bonds	87,465.19	-	-	-	-	-	-	-	87,465.19	87,465.19
Subtotal, Reserve Funds	214,274.79	3,786,741.26	-	-	-	-	-	-	4,001,016.05	4,001,016.05
<i>PROJECT FUNDS</i>										
2001 RDA Bonds	2,365,799.91	-	-	-	-	-	-	-	2,365,799.91	2,365,799.91
2003 RDA Bonds	9,335,409.35	-	-	-	-	-	-	-	9,335,409.35	9,335,409.35
2004 Sewer Revenue Bonds	2,108,495.13	1,357,140.00	-	-	-	-	-	-	3,465,635.13	3,465,635.13
2009 Airport Bonds	3,598,070.57	-	-	-	-	-	3,100,000.00	3,139,234.38	6,698,070.57	6,737,304.95
Subtotal, Project Funds	17,407,774.96	1,357,140.00	-	-	-	-	3,100,000.00	3,139,234.38	21,864,914.96	21,904,149.34
Subtotal Bond Funds	17,622,049.75	5,143,881.26	-	-	-	-	3,100,000.00	3,139,234.38	25,865,931.01	25,905,165.39
<b>POLICE/FIRE - SVC RETIREMENT FUND</b>										
Police/Fire Funds	44,031.86	-	234,708.75	279,909.33	309,393.55	305,805.15	-	-	588,134.16	629,746.34
	44,031.86	-	234,708.75	279,909.33	309,393.55	305,805.15	-	-	588,134.16	629,746.34
<b>TOTAL FISCAL AGENT INVESTMENTS</b>	<u>17,666,081.61</u>	<u>5,143,881.26</u>	<u>234,708.75</u>	<u>279,909.33</u>	<u>309,393.55</u>	<u>305,805.15</u>	<u>3,100,000.00</u>	<u>3,139,234.38</u>	<u>26,454,065.17</u>	<u>26,534,911.73</u>

Notes:

- (1) Cash & cash equivalents include money market funds.
- (2) Market values have been obtained from the following trustees: US Bank, Bank of New York and Santa Barbara Bank & Trust



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 31, 2012

**TO:** Mayor and Councilmembers

**FROM:** Water Resources Division, Public Works Department

**SUBJECT:** Emergency Purchase Orders For Tierra Contracting, Inc., And Lash Construction For Sewer Main Repair

### **RECOMMENDATION:**

That Council approve after-the-fact Emergency Purchase Orders to Tierra Contracting, Inc., for multiple emergency repairs made to damaged public sewer mains, in an amount of \$55,000; and to Lash Construction for various emergency repairs to damaged public sewer mains in an amount of \$35,000.

### **DISCUSSION:**

On December 15, 2011, the contractor working on the City's Sewer Main Rehabilitation Capital Improvement Project (CIP Project) identified a number of sewer main segments with structural damage. These sewer main segments were among the mains that had been identified for pipe rehabilitation using a method of rehabilitation called slip-lining, in which a new pipe is pulled through the existing pipe. The damaged pipe sections could not be slip-lined without first repairing the damaged sections. The extent of damage and condition of the mains was sufficiently poor that staff did not want to remove them from the current CIP Project but they needed to be repaired before they could be slip-lined. Therefore, staff contracted with Tierra Contracting, Inc. and Lash Construction to perform the repairs.

These two contractors were selected because they are the only local providers that have the ability to respond in a timely manner to this situation. Each of these contractors has a proven record with the City of Santa Barbara of being able to respond quickly and effectively to these types of repairs.

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

The Wastewater Fund capital budget includes funds for repair and improvement to existing facilities. The purchase orders were issued using these funds.

**PREPARED BY:** Christopher J. Toth, Wastewater System Manager/avb

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 31, 2012

**TO:** Mayor and Councilmembers

**FROM:** Water Resources Division, Public Works Department

**SUBJECT:** Contract For Professional Services For El Estero Drain Project

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a Standard City Professional Services contract (in a form acceptable to the City Attorney) with Arcadis U.S., Inc., in the amount of \$73,935 to prepare a Biological Assessment/Survey Report, Remedial Action Plan and Restoration Plan for the El Estero Drain Project at the El Estero Wastewater Treatment Plant.

### **DISCUSSION:**

#### **BACKGROUND**

In March 1999, the City's Public Works Department (Public Works) cleared vegetation and soils from a small manmade drainage (El Estero Drain) located on a City owned parcel south of the El Estero Wastewater Treatment Plant and west of Laguna Channel. Following these activities, it was determined that portions of the El Estero Drain, while highly disturbed, exhibited characteristics that qualified it to be considered a State and Federal wetland and an environmentally sensitive habitat area. In 1999, the Army Corps of Engineers (ACOE) and City's Planning Division notified Public Works that the clearance activities in the drain had been violations of the California Coastal Act and Federal Clean Water Act, and opened enforcement cases for the unpermitted work. Public Works agreed to restore and enhance wetland habitat at the El Estero Drain and obtained permits and issued a contract to do so. However, in the course of undergoing this restoration in 2002, contaminated soils were found and restoration activities were halted to conduct chemical analysis of the soils underlying the site.

Review of the site history has revealed that the site's contamination is most likely from the disposal of uncertified fill associated with the redevelopment of the El Estero Racetrack area in the 1940s and 1950s.

Due to the presence of contaminated soils, Public Works is required by State and Federal law to obtain clearance from the County of Santa Barbara Fire Prevention Division (County Fire) that 1) the site will not pose a threat to health and safety on or offsite and 2) the proposed uses for the site are compatible, from a human health perspective, with the condition of the site.

Since the contaminated soils were found in 2002, the City has worked with County Fire on several site investigations. In 2010, Public Works entered into a contract with Arcadis U.S., Inc. (Arcadis) to compile all existing soil and groundwater data for the site, update the human health risk assessment to comply with recently changed State and Federal standards, and complete the remaining risk assessment tasks that are required by the County Fire for their clearance (Site Characteristics and Risk Assessment Report). The report was finalized in November 2010 and was accepted by County Fire on February 7, 2011. The report concluded that the level of contamination at the site would not pose an unacceptable risk to maintenance workers or to future industrial workers on the site. However, County Fire will require completion of a Remedial Action Plan that includes stabilization of cut slopes, removal of a temporary plastic cover onsite, a soils management plan, and placement of deed restrictions on the property limiting the site to industrial and restoration uses. County Fire and the California Department of Fish and Game (CDFG) have also requested that Public Works voluntarily remove two hot spots containing high levels of benzo(a)pyrene and mercury as part of the Remedial Action Plan.

#### NEXT STEPS

A biological assessment of the site was conducted in 1999 as part of the original application to restore the site. The current contract with Arcadis U.S., Inc. would include preparation of an updated Biological Assessment/Survey Report at the request of CDFG, preparation of a Remedial Action Plan to address contaminated soils onsite, and preparation of a Restoration Plan. Consistent with previous requirements by the permitting agencies, the Restoration Plan would continue to include habitat enhancements for the Southwestern Pond Turtle, a sensitive species believed to be present in the vicinity, and restoration of riparian, wetland, and upland habitats in and directly adjacent to El Estero Drain. Other tasks include preparation of construction drawings and specifications, construction cost estimates, and obtaining state and federal permits.

Implementation of the project would lead to the remediation of contaminants to safe exposure levels, restoration of impacted wetlands in El Estero Drain, and closure of the enforcement cases on the parcel.

**Method of Selection:**

In 2010, Arcadis was chosen through the competitive selection process to prepare the Site Characterization and Risk Assessment. Arcadis has now been chosen as a sole source provider to prepare the Biological Assessment/Survey Report, Remedial Action Plan and Restoration Plan due to their involvement in the previous Site Characterization and Risk Assessment, previous restoration plans for the site, and previous project negotiations with County Fire, state, and federal agencies. They are also well staffed with risk assessment experts, restoration ecologists, toxicologists, and hydrogeologists who are capable of providing the wide range of expertise needed for the project. Therefore, Staff believes that Arcadis' specific knowledge of the site, previous involvement with the project, and specific expertise makes them uniquely qualified to successfully complete the current project in the most timely, cost effective, and professional manner possible.

**BUDGET/FINANCIAL INFORMATION:**

There are sufficient funds in the Wastewater Capital Fund to cover the cost of the abovementioned services. The construction project is currently identified in the CIP as unfunded; however, staff is actively seeking grant funds.

**PREPARED BY:** Christopher J. Toth, Wastewater System Manager/avb

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

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

**CITY OF SANTA BARBARA**  
**REDEVELOPMENT AGENCY MINUTES**

**Regular Meeting**  
**December 6, 2011**  
**Council Chamber, 735 Anacapa Street**

**CALL TO ORDER**

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:02 p.m.

**ROLL CALL**

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Chair Schneider.

Agency members absent: Randy Rowse.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Brenda Alcazar.

**PUBLIC COMMENT**

No one wished to speak.

**CONSENT CALENDAR**

Motion:

Agency members House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Agency member Rowse).

1. Subject: Redevelopment Agency Fiscal Year 2012 Interim Financial Statements For The Four Months Ended October 31, 2011 (16)

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2012 Interim Financial Statements for the Four Months Ended October 31, 2011.

Action: Approved the recommendation (December 6, 2011, report from the Fiscal Officer).

## **ADJOURNMENT**

Chair Schneider adjourned the meeting at 7:23 p.m.

SANTA BARBARA  
REDEVELOPMENT AGENCY

SANTA BARBARA  
CITY CLERK'S OFFICE

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HELENE SCHNEIDER  
CHAIR

---

BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** January 31, 2012

**TO:** Chair and Boardmembers

**FROM:** Community Development Department

**SUBJECT:** Redevelopment Agency Of The City Of Santa Barbara Enforceable Obligation Payment Schedule

**RECOMMENDATION:** That Agency Board:

- A. Adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Adopting an Enforceable Obligation Payment Schedule ("EOPS"); and
- B. Adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Declaring that the Agency Has Not Forgiven the Repayment, Wholly or Partially, of Any Loan, Advance, or Indebtedness that Has Been Owed By a Public Body to the Agency or By the Agency to a Public Body From January 1, 2010, Through December 31, 2011.

### **DISCUSSION:**

#### Enforceable Obligation Payment Schedule

On August 23, 2011, the Agency adopted an enforceable obligation payment schedule ("EOPS") as required by Assembly Bill 1X 26 (the "Dissolution Act"). The California Supreme Court recently upheld the constitutionality of the Dissolution Act and extended some of the operative dates by four months. . The EOPS adopted by the Agency in August 2011 listed all of the Agency's financial obligations payable through December 2011.

On February 1, 2012, the City of Santa Barbara, as the "Successor Agency" to the Redevelopment Agency, will, by operation of law, succeed to all the former Agency's rights, duties and legal obligations. The primary purpose of the City, acting as the Successor Agency, will be to wind-up the affairs of the Agency and provide for the payment of all existing and recognized Agency debt with property tax proceeds received from the County Auditor. Only those "enforceable obligations" listed on the City's EOPS and subsequently, in the City's "Recognized Obligation Payment Schedule ("ROPS"), may be paid by the City in its capacity as Successor Agency.

Under AB 1X 26, prior to its dissolution, the Agency must adopt a new EOPS that lists all financial and legal obligations of the former Agency beginning January 1, 2012 through the end of this fiscal year. As with the previous version of August 2011, the EOPS must list and provide specific information as to each obligation that an agency is obligated to pay.

As of February 1, 2012, the EOPS approved by the Agency, along with the preliminary draft ROPS which was prepared in September 2011, will be provided to the City, as Successor Agency. The City, as Successor Agency, must revise the EOPS to list only those obligations that fall within the AB 1X 26 definition of "enforceable obligations." The definition of "enforceable obligation" changes in some very important aspects as it pertains to the City's EOPS as opposed to the Agency's EOPS. These changes will be discussed at a later date with the City Council. Revisions to the EOPS may be made by the City in a public meeting. Staff has tentatively scheduled City consideration and adoption of the EOPS on February 7, 2012.

By March 1, 2012, the City must prepare an initial ROPS (including an administrative budget) which is subject to review and certification by an external auditor and must be approved and certified by the Oversight Board. The County Auditor-Controller will allocate property tax to the City, as the Successor Agency to pay the recognized obligations listed on the ROPS.

Adoption of the EOPS will be the final formal action taken by the Agency Board for the Central City Redevelopment Project Area.

#### Assembly Bill 936

AB 936 was introduced to provide greater transparency to the decision-making processes governing redevelopment agencies. The measure requires adoption of a resolution by February 1, 2012 affirming whether or not the repayment, wholly or partially, of a loan, advance, or indebtedness owed by a public body to a redevelopment agency or by a redevelopment agency to a public body, has been forgiven during the time period of January 1, 2010, through December 31, 2011. During the period stipulated, the Redevelopment Agency of the City of Santa Barbara has not forgiven, or been forgiven, the repayment, wholly or partially, of any indebtedness that has been owed between the Agency and a public body.

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

There are no direct financial impacts to approving the EOPS as these are already current obligations of the Redevelopment Agency.

**PREPARED BY:** Brian J. Bosse, Housing and Redevelopment Manager/MEA

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

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

Name of Redevelopment Agency: City of Santa Barbara Redevelopment Agency

**ATTACHMENT 1**

Project Area: Central City Redevelopment Project Area (CCRP)

Date: January 1, 2012 through June 30, 2012

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**

	Source	Project Name / Debt Obligation	Payee	Description	Outstanding Debt or Obligation	During Fiscal Period 1-1-12 to 6-30-12	Payments by Month						
							Jan	Feb	Mar	Apr	May	Jun	Total
1	TI	Restorative Policing Pilot Program	City of Santa Barbara Police Department	3-Year Agreement for pilot program to increase safety in CCRP in compliance with 2003 Multi-Year Agreement	\$ 823,966	\$ 176,034	\$ 29,339	\$ 29,339	\$ 29,339	\$ 29,339	\$ 29,339	\$ 29,339	\$ 176,034
2	TI	Shuttle Bus Program	Metropolitan Transit District	Central City Redevelopment Project Area Required CEQA Mitigation Measure	\$ 1,050,000	\$ 150,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 150,000
3	TI	Hazardous Materials Studies	Various, PW Environmental	State of California Required Groundwater Monitoring	\$ 6,369	\$ 6,369	\$ -	\$ -	\$ 6,369	\$ -	\$ -		\$ 6,369
4	TI	Paseo Nuevo Waste Obligation	I&G Real Estate	Trash obligations for Paseo Nuevo Mall required by Paseo Nuevo Development Agreement	\$ 240,000	\$ 30,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 30,000
5	TI	Cultural Promotions	Santa Barbara Downtown Organization	Funding for economic development program and marketing opportunities in the CCRP in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 37,050	\$ 37,050	\$ 6,175	\$ 6,175	\$ 6,175	\$ 6,175	\$ 6,175	\$ 6,175	\$ 37,050
6	TI	2001A Bond Obligation	Bank of New York-Mellon Trust	Required debt service payments on 2001A Bond	\$ 36,505,550	\$ 4,554,185	\$ -	\$ -	\$ 3,843,092	\$ -	\$ -	\$ 703,093	\$ 4,546,185
7	TI	2003A Bond Obligation	Bank of New York-Mellon Trust	Required debt service payments on 2003A Bond	\$ 23,675,615	\$ 2,969,080	\$ -	\$ -	\$ 2,522,040	\$ -	\$ -	\$ 447,040	\$ 2,969,080
8	TI	2004 Bond Obligation	Bank of New York-Mellon Trust	Required debt service payments on 2004 Bond	\$ 5,058,588	\$ 632,765	\$ 67,708	\$ -	\$ -	\$ -	\$ -	\$ 565,057	\$ 632,765

	Source	Project Name / Debt Obligation	Payee	Description	Outstanding Debt or Obligation	During Fiscal Period 1-1-12 to 6-30-12	Payments by Month							
							Jan	Feb	Mar	Apr	May	Jun	Total	
9	TI	Successor Agency Administrative Budget	City of Santa Barbara	Administration and operation of the redevelopment agency obligations per the 2003 Multi-Year Agreement	\$ 16,374,812	\$ 778,509	\$ 129,751	\$ 129,751	\$ 129,751	\$ 129,751	\$ 129,751	\$ 129,751	\$ 129,754	\$ 778,509
10	TI	Affordable Housing Administrative Budget	City of Santa Barbara	Administration of the affordable housing obligations per the 2003 Multi-Year Agreement	\$ 8,070,907	\$ 352,000	\$ 58,667	\$ 58,667	\$ 58,667	\$ 58,667	\$ 58,667	\$ 58,667	\$ 58,665	\$ 352,000
11	TI	PSHHC Housing Development	Peoples Self-Help Housing Corporation	Development of affordable housing complex. Land previously aquired with \$2,000,000 RDA Tax Increment in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 2,200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	TI	Presidio Park Apartments	Goldrich, Kest & Associates	Exclusive right to purchase affordable housing complex in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 829,700	\$ -								\$ -
13	TI	Rehabilitation of Victoria Theatre	Ensemble Theater Company	Grant agreement for the renivaiton of the historic Victoria Theatre in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14	TI	Chase Palm Park Lighting/Electrical Upgrade	Imperial Electric	Replace existing lighting at Chase Palm Park, remove ground lights, add outlets and 5 new fixtures	\$ 560,000	\$ 276,800	\$ 46,133	\$ 46,133	\$ 46,133	\$ 46,133	\$ 46,133	\$ 46,133	\$ 46,135	\$ 276,800
15	TI	Plaza del Mar Restroom Renovation	Tomar Construction Company	Construction contract for renovation of heavily-used park restroom	\$ 212,000	\$ 212,000	\$ 35,333	\$ 35,333	\$ 35,333	\$ 35,333	\$ 35,333	\$ 35,333	\$ 35,335	\$ 212,000
16	TI	Pershing Park Restroom Renovation	Tomar Construction Company	Construction contract for renovation of heavily-used park restroom in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 120,000	\$ 120,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 120,000

	Source	Project Name / Debt Obligation	Payee	Description	Outstanding Debt or Obligation	During Fiscal Period 1-1-12 to 6-30-12	Payments by Month						
							Jan	Feb	Mar	Apr	May	Jun	Total
17	TI	Police Department Headquarters Development		Engineering, design and construction of new Police Department Headquarters in compliance with the obligations set forth in the 2003 Multi-Year Agreement									
		911 Call Center	Coffman Engineers, Inc & Leach & Mounce.	Engineering & Architectural Design	\$ 2,185,460	\$ 150,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 150,000
		Police Department Design	Leach & Mounce	Architectural Design & Engineering	\$ 283,031	\$ 150,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 150,000
		Police Department Construction	TBD	Construction of new Police Department Headquarters	\$ 17,531,509	\$ -							\$ -
18	TI	Police Depart. Annex Lease Cost	L L & A-Z	Construction related tenancy	\$ 12,597	\$ 12,597	\$ 12,597	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,597
19	TI	Fire Station - 925 de la Vina Rental Costs	Amita Limited LLC	Construction related tenancy	\$ 190,000	\$ 124,500	\$ 20,750	\$ 20,750	\$ 20,750	\$ 20,750	\$ 20,750	\$ 20,750	\$ 124,500
20	TI	Parking Lot Construction Fund	Republic Elevator	Contract for the required safety upgrade of Lot 10 and Lot 2 elevators and installation of safety cameras in Granada Garage in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 218,320	\$ 218,320	\$ 36,387	\$ 36,387	\$ 36,387	\$ 36,387	\$ 36,387	\$ 36,385	\$ 218,320
21	TI and 2003A Bond	Library Plaza Renovation	Campbell & Campbell Design	Contracted design services for renovation of Library Plaza in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 2,087,869	\$ 60,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000
22	TI	Lower West Downtown Street Lights Phase I	Smith Engineering, Phillips Lumec, Ameron International Pole products, Taft Electric Company	Contracted services for the engineering and construction of the West Downtown Street Lighting Project Phase I in compliance with the obligations set forth in the 2003 Multi-Year Agreement	448,889	448,889	\$ 74,814	\$ 74,815	\$ 74,815	\$ 74,815	\$ 74,815	\$ 74,815	\$ 448,889

	Source	Project Name / Debt Obligation	Payee	Description	Outstanding Debt or Obligation	During Fiscal Period 1-1-12 to 6-30-12	Payments by Month						
							Jan	Feb	Mar	Apr	May	Jun	Total
23	TI	West Downtown Lighting Project - Phase II	Smith Engineering	Contracted services for the engineering of the West Downtown Street Lighting Project Phase II in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 750,000	\$ 13,652	\$ -	\$ -	\$ -	\$ 13,652	\$ -	\$ -	\$ 13,652
24	TI	West Downtown Lighting Project - Phase III	Smith Engineering	Contracted services for the engineering of the West Downtown Street Lighting Project Phase III in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 750,000	\$ 13,652	\$ -	\$ -	\$ -	\$ 13,652	\$ -	\$ -	\$ 13,652
25	TI	Cabrillo Pavilion Arts Center Assessment Study	GreenPlay, KBZ Architects, City of Santa Barbara	Contracts for the development of a structural assessment, business plan and project management	\$ 6,550,000	30,000	\$ 5,000	\$ -	\$ -	\$ 10,000	\$ 10,000	\$ 5,000	\$ 30,000
26	TI	Library Renovation (Children's Section and Lower Level)	TBD	Children's Section Remodel and new ADA Restrooms in compliance with 2003 Multi-Year Agreement	\$ 550,000		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	TI	Community Arts Workshop (Additional Funding)	TBD	Facility Renovation and Conversion to Community Arts Workshop per approved design	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	2001A & 2003A Bond	Mission Creek Flood Control Improvements at Train Depot	TBD	Property acquisition and project development in cooperation and cost-sharing with Santa Barbara County Flood Control	\$ 2,500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	2003A Bond	Helena Parking Lot Construction Development Agreement Obligation	Lash Construction, Penfield & Smith Engineers, Fugro West Inc.	Construction of a required parking lot per Development Agreement with Fess Parker Trust	\$ 500,000	\$ 250,000	\$ 41,666	\$ 41,666	\$ 41,666	\$ 125,002	\$ -	\$ -	\$ 250,000
30	2003A Bond	Mission Creek Flood Control Park Development	TBD	Development of park in heavily populated West downtown in compliance with 2003 Multi-Year Agreement	\$ 773,422	\$ 19,500	\$ -	\$ -	\$ -	\$ 6,500	\$ 6,500	\$ 6,500	\$ 19,500

	Source	Project Name / Debt Obligation	Payee	Description	Outstanding Debt or Obligation	During Fiscal Period 1-1-12 to 6-30-12	Payments by Month						
							Jan	Feb	Mar	Apr	May	Jun	Total
31	2003A Bond	West Beach Pedestrian Improvement Project	Elevation Engineering and Fugro West	Construction contract costs associated with the development of the West Beach pedestrian Improvement project in compliance with the 2003 Mutli-Year Agreement	\$ 128,654	\$ 128,654	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 128,654	\$ 128,654
32	2003A Bond	Plaza de la Guerra Infraastructure Improvements	Campbell & Campbell Design	Design contract for renovation of historic plaza in downtown Santa Barbara in compliance with the 2003 Multi-Year Agreement	\$ 2,400,000	\$ 80,436	\$ 13,406	\$ 13,406	\$ 13,406	\$ 13,406	\$ 13,406	\$ 13,406	\$ 80,436
33	2003A Bond	Lower State Street Sidewalk Renovation	City of Santa Barbara TBD	Development obligation with La Entrada Project and in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 335,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
34	2003A Bond	Fire Department Adminstration Annex	City of Santa Barbara, Western Group, inc, Smart Office Interiors, KBZ Architects	Completion of construction contract for the Fire Department's administrative headquarters in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 488,156	\$ 488,156	\$ 250,000	\$ 150,000	88,156	\$ -	\$ -	\$ -	\$ 488,156
35	2003A Bond	Chase Palm Park Restroom Renovation	City of Santa Barbara and TBD	Design and construction contract for renovation of heavily-used park restroom in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 186,000	\$ 186,000	\$ -	\$ -	\$ -	\$ -	\$ 90,000	\$ 96,000	\$ 186,000
36	2003A Bond	Downtown Sidewalk Improvements	City of Santa Barbara and TBD	Design and engineering of sidewalk improvements on sidestreets in downtown core in compliance with the 2003 Multi-Year Agreement	\$ 2,175,000	\$ 20,000	\$ -	\$ -	\$ -	\$ 5,000	\$ 15,000	\$ -	\$ 20,000
37	TI and 2003A Bond	Seismic Upgrades to Parking Structures 2, 9, and 10	City of Santa Barbara and Watry Design, inc, Cushman Construction Corp., BTC Labs, Custom Media Group	Required structural upgrades to three heavily-used parking structures in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 915,803	\$ 915,803	\$ -	\$ 200,000	\$ 300,000	\$ 415,803	\$ -	\$ -	\$ 915,803

	Source	Project Name / Debt Obligation	Payee	Description	Outstanding Debt or Obligation	During Fiscal Period 1-1-12 to 6-30-12	Payments by Month						
							Jan	Feb	Mar	Apr	May	Jun	Total
38	2003A Bond	West Downtown Improvement Program	City of Santa Barbara and TBD	Various improvements to westside of the CCRP in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 524,700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
39	2003A Bond	Carrillo Recreation Center Renovation	City of Santa Barbara and TBD	Completion of construction contract and in compliance with the obligations set forth in the 2003 Multi-Year Agreement	\$ 1,431,259	\$ 20,000	\$ -	\$ -	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ 20,000
40	2003A Bond	Chase Palm Park Wisteria Arbor	City of Santa Barbara and TBD	Required per development Agreement with Fess Parker Family Trust	\$ 835,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
					\$ 142,515,226	\$ 13,624,951	\$ 937,726	\$ 952,422	\$ 7,372,079	\$ 1,160,365	\$ 682,256	\$ 2,512,103	\$ 13,616,951

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF SANTA BARBARA ADOPTING AN  
ENFORCEABLE OBLIGATION PAYMENT SCHEDULE  
("EOPS")

WHEREAS, on November 14, 1972, the Redevelopment Plan for the Central City Redevelopment Project ("CCRP") was adopted by the City Council by Ordinance No. 3566 and would have expired by its own terms in August 2015;

WHEREAS, the Redevelopment Agency of the City of Santa Barbara, through the exercise of its powers under the California Community Redevelopment Law (Health & Safety Code Section 33000 *et seq.*) ("CRL") has made major contributions to the physical and economic development of the CCRP and the City and has strengthened the City's ability to meet the needs of its citizens and contributed to the quality of life throughout the City;

WHEREAS, the California Legislature has adopted, and the Governor has signed, Assembly Bill 1X 26 which dissolves all redevelopment agencies as of February 1, 2012, and provides that once dissolved, only "enforceable obligations" may be paid by the "successor agency" and all remaining unencumbered assets must be returned to the County Auditor for distribution to the taxing entities; and

WHEREAS, in accordance with Assembly Bill 1X 26, all agencies must adopt an Enforceable Obligation Payment Schedule ("EOPS") setting forth all of an agency's enforceable obligations to be paid by a successor agency on behalf of the redevelopment agency and for the filing of the EOPS with the State Department of Finance, the State Controller's Office, and the County Auditor-Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY BOARD OF THE CITY OF SANTA BARBARA AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the foregoing recitals and all evidence presented to and considered by the Agency Board, and in accordance with Assembly Bill 1X 26, the Agency Board hereby adopts the EOPS attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 3. The EOPS lists enforceable obligations of the Agency and includes a list of payments on each obligation to be made by the Agency, or the Successor Agency of the former Agency, from January 1, 2012, through June 30, 2012.

Section 4. The Agency Board hereby authorizes and directs the Executive Director, or designee, the Agency Treasurer and Agency Counsel to take any action and execute any documents necessary to provide the EOPS to the City of Santa Barbara, acting as Successor Agency to the Redevelopment Agency, and to notify and file the EOPS with the State Department of Finance and the Santa Barbara County Auditor-Controller.

Section 5. **Effective Date.** This Resolution is effective on the day of its adoption.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA DECLARING THAT THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS THAT HAS BEEN OWED BY A PUBLIC BODY TO THE AGENCY OR BY THE AGENCY TO A PUBLIC BODY FROM JANUARY 1, 2010, THROUGH DECEMBER 31, 2011

WHEREAS, on November 14, 1972, the Redevelopment Plan for the Central City Redevelopment Project ("CCRP") was adopted by the City Council by Ordinance No. 3566 and would have expired by its own terms in August 2015;

WHEREAS, Assembly Bill 936 was enacted by the California Legislature and signed into law by the Governor on September 6, 2011, to provide greater transparency to the decision making processes governing redevelopment agencies; and

WHEREAS, Health & Safety Code Section 33354.8 requires that on or before February 1, 2012, a redevelopment agency or public body adopt a resolution declaring whether the agency has forgiven any repayment, wholly or partially, of any loan, advance, or indebtedness that has been owed by a public body to the redevelopment agency or by the redevelopment agency to a public body, during the period of time from January 1, 2010, through December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY BOARD OF THE CITY OF SANTA BARBARA AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by reference.

Section 2. During the period from January 1, 2010, through December 31, 2011, the Redevelopment Agency of the City of Santa Barbara did not forgive the repayment, wholly or partially, of any loan, advance or indebtedness that has been owed by the public body to the Agency or by the Agency to a public body.

Section 3. No less than ten (10) days after adoption of this Resolution, the City Clerk shall transmit a copy of this Resolution to the City Council and to the Office of the State Controller.

Section 4. **Effective Date.** This Resolution is effective on the day of its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 31, 2012

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Concept Review Of Santa Barbara Bowl Box Office Plaza Project  
And Abandonment Of Lowena Drive

### RECOMMENDATION:

That Council review the proposed Santa Barbara Bowl Box Office Plaza Project and provide comments specific to the proposed abandonment of a portion of Lowena Drive.

### INTRODUCTION:

The purpose of the hearing is to review the Santa Barbara Bowl Box Office Plaza Project improvements and discuss the related request from the applicant to abandon a portion of Lowena Drive. Given the importance of the abandonment to the overall Santa Barbara Box Office Plaza project and the extent of the information required for the abandonment application, staff suggested that Council have an opportunity to review the abandonment and the proposed development on a conceptual level prior to the applicant submitting a formal application. At this point in the process, it would be important to know if there are any objections to the abandonment (see Attachment 1 – Applicant Letter).

Constructed in 1936, the Santa Barbara Bowl is the largest outdoor amphitheater in Santa Barbara County with seating for approximately 4600 patrons. About 30 shows are produced each year with additional use by non-profit organizations. The Santa Barbara Bowl facilities are located on three parcels as shown below and on Attachment 2.

APN	Address	Acreage	Owner
029-110-023	1126 N. Milpas St.	15.16 acres	Santa Barbara County
029-202-001	1122 N. Milpas St.	1.66 acres	Santa Barbara County
029-201-004	1130 N. Milpas St.	0.66 acres	Santa Barbara Bowl Foundation

The majority of the Santa Barbara Bowl is located on County-owned property within the City of Santa Barbara. The County-owned parcels are leased to the Santa Barbara Bowl Foundation, the organization that manages the facility. In 2005, the Santa Barbara Bowl Foundation acquired the adjacent parcel located at 1130 N. Milpas Street.

### **DISCUSSION:**

Public or quasi-public projects that are located on County-owned land within the City limits are not required to obtain City approvals, although the City often provides courtesy review of these proposed projects. Since 1993, improvements to the Santa Barbara Bowl facilities have been developed under a Master Plan approved by the County. Completed and pending improvements on County-owned parcels are described below.

#### **Completed improvements on County-owned parcels**

1. *Overlook Plaza*. Construction of new Overlook Plaza. Replacement of aging spotlight platform.
2. *Bowl Seating*. Replacement of bench seating with new fixed seating.
3. *Stage Area*. Reconstruction of stage and basement. Expansion of public restrooms. Concession upgrades. New performer's dressing rooms. Relocation and expansion of storm drain system. Expansion of parking area.
4. *McCaw Terrace and Concession Plaza*. Construction of lounge and terrace deck on upper level and beverage concession windows on lower level.
5. *Redding Gate and Glen*. Replacement of existing chain link fence with new Redding Gate. Renovation of the hardscape and landscape. New oak tree shaded pathway to amphitheater.

#### **Pending improvements on County-owned parcels**

1. New public restrooms at Overlook Plaza. Upgrade existing fire access road.
2. New stone walls, iron gate with Fire Department Knox Box, and pedestrian gate at terminus of Lowena Drive (adjacent to Redding Gate.) Other improvements on Lowena Drive are to be determined.
3. Restripe parking lot to increase passenger vehicle parking from 92 to 99 spaces with four handicapped spaces and five employee spaces. Increase large vehicle parking from three (3) spaces to six (6) tour buses spaces and four (4) semi-trailer truck spaces. New valet bicycle parking.
4. New stone retaining wall and oak trees on east hillside.
5. Remodel existing 1,400 sq. ft. ticket office (Dreier Building) into a security office and conference room.

#### **Box Office Plaza Project requiring City Approval**

The Santa Barbara Bowl Box Office Plaza Project would be located on the 1130 N. Milpas Street parcel owned by the Santa Barbara Bowl Foundation; therefore, City approvals are required (see Attachment 3 – Proposed Site Plan).

In 2005, an existing residence, lath house and 2,500 square feet of greenhouses were demolished on the site. In 2006, the Santa Barbara Bowl Foundation was granted a Conditional Use Permit to allow temporary placement of two storage containers and six employee parking spaces on the parcel. As part of the current proposal, this permit would be withdrawn and all existing structures onsite would be removed.

The purpose of the proposed project is to provide improved vehicular circulation and pedestrian access for concert patrons. Currently both vehicular and pedestrian access is provided along Lowena Drive. The proposed project includes:

1. New 2,210 square foot (net) administration building with box office services and public restrooms.
2. New pedestrian entrance plaza, pathway and security check areas. New landscaping with most existing oak trees to remain.
3. Removal of a portion of the stone wall along Milpas Street and installation of new stone walls.
4. Eight new bicycle parking spaces.
5. New shuttle bus stop to provide patrons with access to the upper Concession Plaza.

*Zoning Ordinance Consistency:* The subject parcel is split zoned R-3 (Limited Multiple-Family Residence)/E-1 (One-Family Residence). The proposed project would require a new Conditional Use Permit to allow a quasi-public facility to operate in a residential zone. Modification approvals to allow a new four foot high retaining wall within the front setback on Milpas Street and a 42" wrought iron railing on top of the existing stone wall within the setback along the upper portion of Lowena Drive would also be required. The new 2,210 square foot administration building would not result in the need for additional parking spaces because the required parking for the Santa Barbara Bowl is based on the number of amphitheater seats, not square footage of structures. Also, no new nonresidential square footage is requested because the proposed administration building has less square footage than the greenhouses that were demolished in 2005. Although a complete analysis of the proposed project has not yet been completed, with the approval of the Modifications stated above the project would appear to meet the requirements of the Zoning Ordinance.

*General Plan Consistency:* The subject site is located in the Lower Riviera neighborhood and, unlike the County-owned parcels that have a Land Use designation of Institutional and Related Uses, the subject parcel has a General Plan designation of Residential, three units per acre. The proposed project would provide improved vehicular and pedestrian access to the Santa Barbara Bowl, which is recognized as significant land use in the neighborhood. Initial analysis indicates that the proposed project could be found consistent with the policies of the City's General Plan.

*Abandonment Request:* An important part of the proposed project is the abandonment of a portion of Lowena Drive. Currently, Lowena Drive is a circular road that loops through the Santa Barbara Bowl facility. The northern portion of the road is used by the residents of Lowena Drive and would remain as is. The southern portion has the appearance of being part of the Santa Barbara Bowl parking lot, is closed off during events, and is rarely used by residents of Lowena Drive. This portion would be subject to the abandonment (see Attachment 4 – Abandonment Exhibit).

The City's easements for Lowena Drive, and many other streets, were set forth in City Resolution No. 2737, adopted by Council on February 24, 1955. At that time, the City accepted the responsibility to maintain the roadway already known as Lowena Drive, which was created as a private road. This was done in conjunction with many other existing poorly maintained private roads that were being used by the public.

The abandonment of this portion of Lowena Drive means that any existing City easements would be removed and the City would no longer be responsible for maintenance, although maintenance on this portion has generally been provided by the Santa Barbara Bowl. The County owns the real property underlying Lowena Drive; however, there may be other existing private easements in the affected area that the County and the Santa Barbara Bowl Foundation need to address during the development process. One of the items to be submitted to the City as part of the abandonment application is a survey of affected owners and occupants to demonstrate support or non-objection to the proposed abandonment.

Once this portion of Lowena Drive is no longer a road, the setback requirement from the southerly property line of the subject parcel would change from a front setback to an interior setback. Even with this reduction in setbacks, modifications approvals would be required, as stated above. As shown on the proposed site plan, the abandonment of Lowena Drive is a critical part of the proposed project as parking and other improvements would be located in the abandonment area.

Public Works Department staff has reviewed the proposed project and supports the abandonment of the City's easement in concept. Discussions with the Santa Barbara Police and Fire Departments did not raise any immediate objections or concerns with the proposal.

### **Next Steps**

If there is sufficient Council support for the abandonment concept, the applicant will submit the formal abandonment application and Conditional Use Permit application. After the abandonment application has been submitted and the initial procedures for the abandonment have been completed by City staff, a recommendation will be made to Council at two separate public hearings. The first would involve a Resolution of intention to abandon and the second a Resolution ordering the abandonment after all requirements have been met.

The proposed project improvements on 1130 N. Milpas will undergo the standard City review process with design review by the Architectural Board of Review (ABR), review of the Historical Structures Report (for the stonewall) by the Historic Landmarks Commission (HLC), and approval of the project by the Planning Commission (PC). The ABR and PC will also provide input on the proposed improvements on the County-owned parcels. Additional coordination between the City and County will be required for environmental review.

**ATTACHMENTS:**

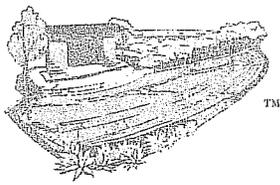
1. Applicant Letter dated October 31, 2011
2. Aerial Photo of Parcels
3. Proposed Site Plan
4. Abandonment Exhibit

**NOTE:** The project plans have been sent separately to the City Council. Project plans are available for public review in the City Clerk's Office and at the Planning and Zoning Counter at 630 Garden Street.

**PREPARED BY:** Kathleen Kennedy, Associate Planner

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

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



# SANTA BARBARA BOWL

ATTACHMENT 1

31 October 2011

Mayor and City Council  
City of Santa Barbara  
c/o Public Works Real Property Division  
630 Garden Street  
Santa Barbara, CA 93101

RE: Santa Barbara Bowl – Box Office Plaza project  
and the Partial Abandonment of Lowena Drive – Concept Review

MST2009-00551. APN: 029-201-004  
Santa Barbara Bowl Foundation Property  
1130 N. Milpas Street  
Santa Barbara, CA 93103

Dear Mayor and City Council:

The Santa Barbara Bowl Foundation (SBBF) with the acknowledgement of the County of Santa Barbara (County) seeks to vacate a portion of Lowena Drive in the vicinity of the Santa Barbara Bowl (Bowl). Given the importance of the request and the extent of information required, we are requesting that Council consider this matter at a conceptual level prior to our submitting the formal application. With the vacation of Lowena Drive and the proposed Santa Barbara Bowl Box Office Plaza project, improved vehicle circulation and pedestrian access for concert patrons entering the Santa Barbara Bowl facility will be provided.

The City's easements over Lowena Drive were set forth in City Resolution No. 2737 and adopted by Council on February 24, 1955. At that time, the City claimed the right to maintain the roadway already known as Lowena Drive, which was created as a private road, and was being used by the public. The City's Resolution did not extinguish previously existing private easements or imply City ownership of the land underlying Lowena Drive.

There are multiple lots comprising the Bowl and they are owned as follows:

County:	1122 N. Milpas Street	APN 029-202-001	1.66 acre lower parcel
County:	1126 N. Milpas Street	APN 029-110-023	15.16 acre upper parcel
SBBF:	1130 N. Milpas Street	APN 029-201-004	0.66 acre City parcel

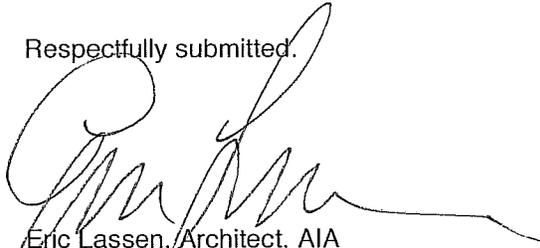
The Bowl is located on County owned property within the City of Santa Barbara. The Santa Barbara Bowl Foundation has, for the last 20 years, been involved in a master plan development and upgrade of the Bowl facilities. To date, the SBBF has completed \$30M in improvements to better serve the Santa Barbara community. The SBBF is proposing a new Box Office Plaza project on property owned at 1130 N. Milpas Street, which is adjacent to the County property. The Box Office Plaza project will include a new 2,780 square foot administration building with box office services and a new pedestrian entrance forming an outdoor 'Lobby' space. It is anticipated that the proposed design will improve circulation flow between the pedestrians and vehicles that are currently sharing the same driveway access to the Bowl facility. It is planned that the existing Dreier Building that fronts Milpas Street continue to remain in service and be used for the Bowl's security operations.

Santa Barbara Bowl – Box Office Plaza/ Vacate Lowena Drive  
City Council: Concept Review  
October 31, 2011

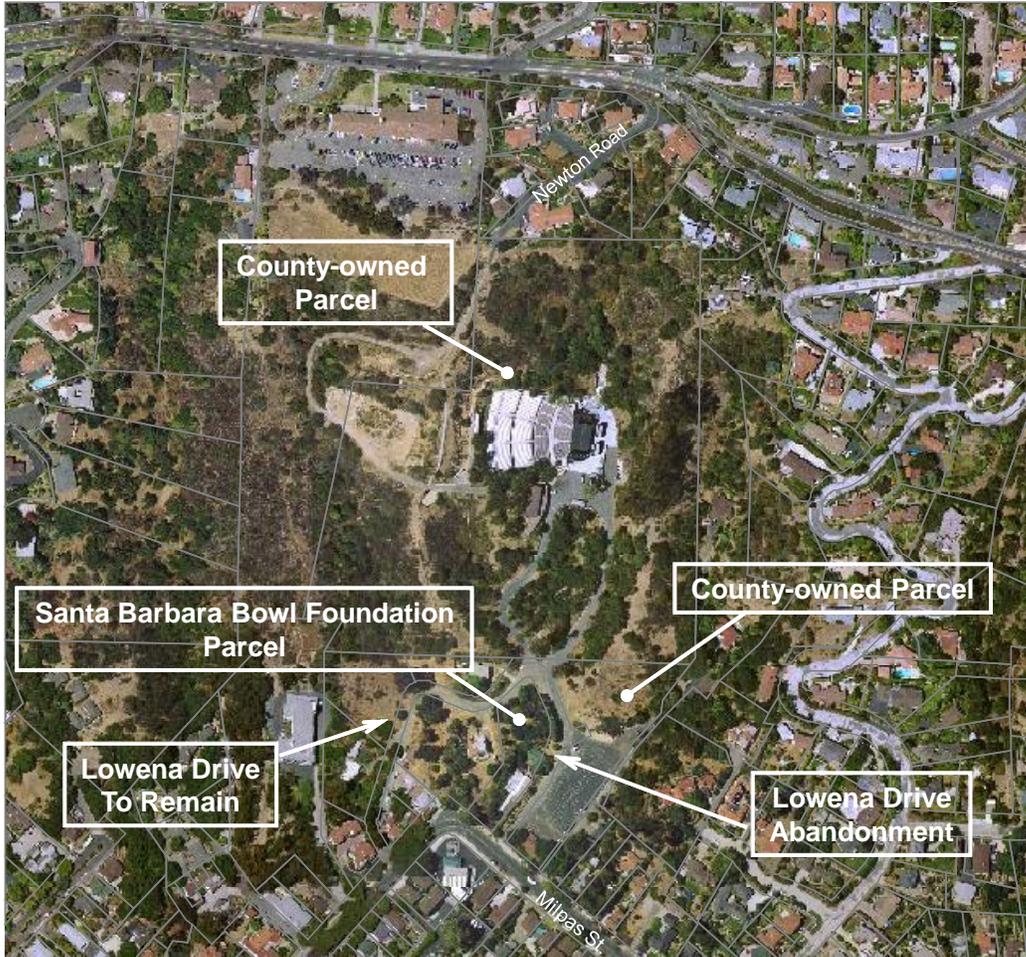
The Box Office Plaza project will provide better service and access for local concert patrons to the Bowl. The Bowl was built in 1936 and is the largest outdoor amphitheater in Santa Barbara County with seating for approximately 4600 patrons. There are about 30 shows performed a year in addition to use by non-profit community organizations. It has been determined by the Planning Division that the proposed new box office building is directly associated with the theater use of the site, and since no expansion of theater seating is proposed with this application, no additional parking is required. Due to the small size of the structure proposed, no Measure E development restrictions will be applicable. It is proposed that with the vacation of Lowena Drive a more efficient automobile parking layout can be proposed in addition to providing parking for the semi-trailer trucks and buses that accompany the traveling acts. Valet bicycle parking will continue to be used during events.

This application for concept review of the partial vacation of Lowena Drive by the City Council is the first step in the formal City review process. The Santa Barbara Bowl Foundation looks forward to working with the City Council to see this project through to fulfillment.

Respectfully submitted,



Eric Lassen, Architect, AIA  
Chairman of the Facilities Committee  
Santa Barbara Bowl Foundation



Aerial Photo of Parcels



**Lighting Legend**

- Down Light on 8' Painted Steel Standards
- Bollard Lighting
- Pole Lighting
- Canopy Mounted Down Lights

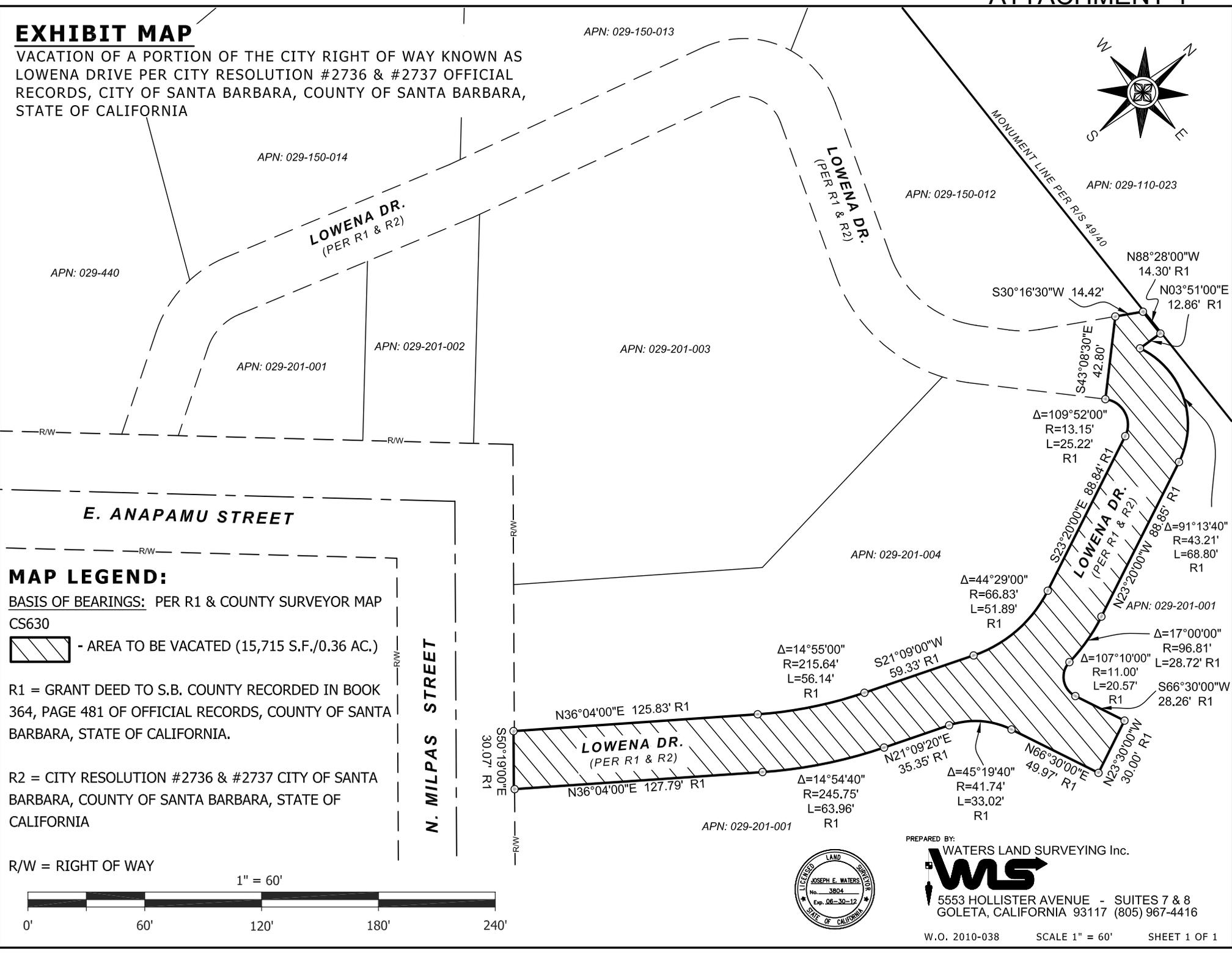
1'-0" = 1/16"

0 10' 25' 50'

N design true

**EXHIBIT MAP**

VACATION OF A PORTION OF THE CITY RIGHT OF WAY KNOWN AS LOWENA DRIVE PER CITY RESOLUTION #2736 & #2737 OFFICIAL RECORDS, CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA



**MAP LEGEND:**

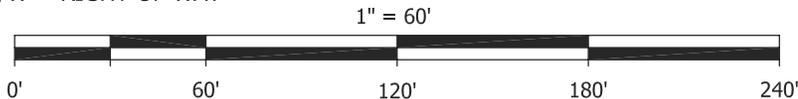
**BASIS OF BEARINGS:** PER R1 & COUNTY SURVEYOR MAP CS630

- AREA TO BE VACATED (15,715 S.F./0.36 AC.)

R1 = GRANT DEED TO S.B. COUNTY RECORDED IN BOOK 364, PAGE 481 OF OFFICIAL RECORDS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

R2 = CITY RESOLUTION #2736 & #2737 CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

R/W = RIGHT OF WAY



PREPARED BY: WATERS LAND SURVEYING Inc.



5553 HOLLISTER AVENUE - SUITES 7 & 8  
GOLETA, CALIFORNIA 93117 (805) 967-4416



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 31, 2012

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of Planning Commission Decision For 415 Alan Road

**RECOMMENDATION** That Council:

- A. Hear the appeal of Steven Amerikaner, agent for Mr. & Mrs. Andrew Seybold, of the Planning Commission's denial of the proposed Lot Area Modification, Tentative Subdivision Map, and Coastal Development Permit, and the Planning Commission's recommendation on the requested adoption of the General Plan, Zoning, and Coastal Program Amendments for the property located at 415 Alan Road; and
- B. Take one of the following actions:
  1. Deny the appeal, thereby upholding the Planning Commission's denial of the project, and direct staff to return with findings and decisions; or
  2. Uphold the appeal, and:
    - a. Introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property at 415 Alan Road – Parcel B.
    - b. At time of ordinance adoption, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Local Coastal Program Amendment for the Property at 415 Alan Road – Parcel B.; and
    - c. Approve the following applications contingent upon final adoption of the ordinance and resolutions, making Findings of Approval, subject to the Conditions of Approval.
      - i. A Lot Area Modification to allow proposed Parcel A to be less than the required lot size of 1.5 acres that is required for lots with slopes of 10%-20% (SBMC §28.92.026.A);
      - ii. A Tentative Subdivision Map to allow the division of one (1) lot into two (2) parcels (SBMC §27.07);
      - iii. A Coastal Development Permit for the development within the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

**DISCUSSION:**

Note: Since the Planning Commission’s action of March 3, 2011, Plan Santa Barbara (PlanSB) was adopted by Council on December 1, 2011. PlanSB made a number of changes to the General Plan map, including the subject parcel. Its General Plan designation is now Residential, 3 units per acre, consistent with the applicant’s project original request. Therefore, the General Plan Amendment request, denied by the Planning Commission, is no longer a part of the project. However, the project site is located within the Coastal Zone, and a Local Coastal Program Amendment to change the General Plan and Zoning designations are still necessary for this project site.

Project Description

The project consists of a subdivision of a 1.37 acre parcel that is currently developed with a single family residence with a garage. The subdivision would result in the creation of one 45,056 square foot lot (Proposed Parcel A), with the existing single-family residence remaining on this lot, and one 14,601 square foot lot (Proposed Parcel B), which would be vacant. A development restriction of a single story, 2,000 s.f. maximum size residence with a 500 square foot garage, which would be constructed between the 40 foot contour line and the sidewalk, is proposed. Access to each of the proposed lots would be from Alan Road.

As part of the project, a Local Coastal Program Amendment and a Rezone are being requested for the proposed northern lot (Proposed Parcel B). A lot area Modification is being requested for the proposed southern lot (Proposed Parcel A) to be less than the minimum lot size of 1.5 acres as required under the slope density section of the Municipal Code. The following table provides more details on the proposal.

	<b>Existing Lot</b>	<b>Proposed Parcel A</b>	<b>Proposed Parcel B</b>
Zone District	A-1/SD-3	A-1/ SD-3	E-3/ SD-3*
Land Use	Residential (Existing Res.)	Residential (Existing Res.)	Residential (Vacant)
General Plan Designation	Residential, one unit per acre	Residential, one unit per acre	Residential, three units per acre**
Slope	16%	14.40%	19.90%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)	65,340 sq. ft. (1.5 acres)	11,250 sq. ft. (0.26 acres)
Proposed Lot area	NA	45,056 sq. ft. (1.03 acres)***	14,601 sq. ft. (0.34 acres)
Zoning Density	<b>OK</b>	<b>Lot Area Modification Required</b>	<b>OK</b>
General Plan Density	<b>OK</b>	<b>OK</b>	<b>OK</b>

- \* Rezone and Local Coastal Program amendments are required
- \*\* Local Coastal Program amendment is required because the Coastal Commission has not yet reviewed PlanSB.
- \*\*\* Lot Area Modification is required

### Council Initiation

The property at 415 Alan Road is located in the Campanil neighborhood of the City, which is bordered on the north and east by Arroyo Burro Creek, on the south by the ocean and on the west by Hope Ranch. The project site was originally comprised of 2.37 acres and developed with a single-family residence with a garage and accessory structure. A two lot subdivision was approved and was recorded in May of 1978 (FM No. 20,191), which left the residence on a 1.37-acre lot, the subject of the current proposal, and a vacant 1-acre lot to the south. The parcel to the south, which is bounded by Cliff Drive and Alan Road, was later developed with a single-family residence.

Since 2003, the applicant has proposed to subdivide the subject 1.37-acre lot into two parcels with various configurations. For example, one proposal included adjusting lot lines with adjacent lots to achieve a lot configuration consistent with the zoning ordinance. The most recent proposal was submitted on February 2, 2009, and included a two lot subdivision along with ordinance and land use plan changes.

A request to initiate a General Plan Amendment, a Rezone and a Local Coastal Program amendment was presented to the Planning Commission on June 11, 2009 with a staff recommendation to deny the request (Attachment 2 – Staff Report). The recommendation was based, in part, upon the previous Land Use Element's discussion that the Braemar Tract is an example of creating lots too small for the topographic setting of the area. Further, at that time, the proposed project would have required both a General Plan Amendment and Rezone in order to make the findings of consistent with the General Plan and the Zoning Ordinance (PlanSB changed the General Plan designation so now only the Rezone is required). The Planning Commission denied the request (Attachment 3 - Minutes), and the applicant appealed the denial to Council (Attachment 4 – Council Agenda Report).

On November 9, 2009, Council upheld the applicants appeal, and initiated the General Plan Amendment, Rezone, and Local Coastal Program amendment by a vote of 5-2 (Attachment 5 – Minutes). The majority of the Council supported the initiation if the applicant could demonstrate that the future development of proposed Parcel B could be a middle income affordable unit through design. After Council's action, the applicant adjusted the configuration of the lot split slightly to meet the slope density requirement for proposed Parcel B, and proposed a deed restriction on this vacant lot that the future development would be limited to no more than a single 2,000 square foot residence, a garage not to exceed 500 square foot of floor area, and other at-grade improvements (i.e., hardscaping, landscaping, pool or spa, etc.).

### Planning Commission Recommendation

The project was presented to the Planning Commission on March 3, 2011 (Attachment 6 – Staff Report), with a recommendation of approval by staff, based in part, upon Council's previous action and direction. Staff's support of the project was also based upon the subdivision resulting in a net gain of one residential unit in the City's housing stock, and the density of the proposed subdivision being compatible with the surrounding neighborhood. Proposed Parcel B would be similar in size to lots within the neighboring Braemar tract that begins on its northern and western lot lines and the proposed zoning designation would coincide with that tracts zoning of E-3 (Residential 7,500 square feet minimum).

A majority of the Planning Commission did not agree with staff's reasoning, and so denied all of the project requests by a vote of 3-2 (Bartlett, Jordan). The minutes of that hearing are included as Attachment 7. The Commission focused on the Lot Area Modification for proposed Parcel A as the main area of concern. Some Commissioners supported the Modification request because the existing residence of 3,000 square feet with an approximate 500 square foot garage would remain on this lot and thus not change the visual character of the neighborhood. Other Commissioners could not support the Modification because from their viewpoint the intent of the slope density section of the Municipal Code was not being met. They felt the intent was to provide more lot area for development on sloped parcels to reduce visual impacts, and shrinking the project's lot size below the slope density lot size would be inconsistent with that intent. Another consideration entertained by some Commissioners was that the existing development on the project site was approved consistent with the slope density requirements.

Because a majority of the Commissioners could not support the Lot Area Modification, the Commission voted to recommend that the City Council NOT adopt the General Plan, Zoning and Local Coastal Program Amendments, and denied all of the project requests because without a majority support of the Lot Area Modification, the project could not move forward, and from a process standpoint it made sense that Council would consider the whole project rather than a part of the project.

### **POSSIBLE ACTIONS BY COUNCIL:**

Given the history of this project, staff is presenting two options for Council's consideration without a recommendation. Option 1 follows the direction of the Planning Commission to deny the project. Option 2 follows the earlier direction of Council, when Council initiated the General Plan Amendment (no longer necessary), Rezone and Local Coastal Program Amendment and to approve the project, making the Findings of Approval in Attachment 8, subject to the Conditions of Approval in Attachment 9.

- ATTACHMENTS:**
1. Steve Amerikaner appeal letter dated March 11, 2011
  2. Planning Commission Staff Report, dated June 11, 2009
  3. Final Planning Commission Minutes, dated June 11, 2009
  4. Council Agenda Report, dated November 10, 2009
  5. City Council Minutes, dated November 10, 2009
  6. Planning Commission Staff Report, dated March 3, 2011
  7. Final Planning Commission Minutes, dated March 3, 2011
  8. Findings of Approval
  9. Conditions of Approval

**PREPARED BY:** Peter Lawson, Associate Planner

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

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

Brownstein | Hyatt  
Farber | Schreck

March 11, 2011

## VIA HAND DELIVERY

Steven A. Amerikaner

805.882.1407 tel  
805.965.4333 fax  
SAmerikaner@bhfs.comHonorable Mayor Schneider and Members of the City Council  
City of Santa Barbara  
735 Anacapa Street  
Santa Barbara, CA 93101RE: Appeal of March 3, 2011 Planning Commission Decision  
415 Alan Road, APN 047-091-024  
MST 2009-00083

Dear Mayor Schneider and Members of the City Council:

This appeal letter is submitted on behalf of the applicants, Mr. and Mrs. Andrew Seybold, and requests the City Council reverse the Planning Commission's March 3, 2011 decision and grant approval of the proposal to create one new single family residential parcel. The approvals required for this project include a Tentative Parcel Map, Lot Area Modification and Coastal Development Permit and a corresponding General Plan Amendment, Local Coastal Plan Amendment and Zoning Map Amendment.

The proposed project would allow for the future construction of one new, modest-sized, single-family home in a nearly built-out neighborhood. The Seybolds plan to build a one-story, three to four bedroom home that is compatible with the character and scale of surrounding homes. This would be a "smart home," showcasing the most current home automation technologies and including solar power and many other energy efficient and sustainable features.

**Project History**

On June 11, 2009, the Planning Commission voted 3-2 to deny the Seybolds' application to initiate a General Plan Amendment, Coastal Plan Amendment and Zone Change. On November 10, 2009, the City Council upheld the Seybolds' appeal and initiated a Zone Change, General Plan Amendment and Local Coastal Plan Amendment for APN 047-091-024. At that hearing, Council directed the Seybolds to work with staff to determine the appropriate density to meet the project goals and be consistent with City policy and practices.

In the following year, the Seybolds worked with staff and reached the conclusion that three dwellings per acre is an appropriate density for the proposed new single family residential lot and is consistent with the designated density for other hillside areas. During that same period, City staff prepared a Land Use Map as part of the General Plan Update which included a change to the land use designation for the surrounding Braemar Tract and Alan Road neighborhood from one dwelling per acre to three dwellings per acre. This General Plan change is intended to make the land use designation for this neighborhood more consistent with the existing zoning and actual development pattern in the neighborhood.

On September 29 and 30, 2010, the Planning Commission conducted hearings on the General Plan Update and forwarded its recommendations to the City Council. Its recommendations included a change to the General Plan land use designation for the Braemar Tract and Alan Road neighborhood, including 415 Alan Road, to three dwellings per acre.

In a report to the Planning Commission for the March 3, 2011 hearing, Planning staff recommended approval of the Seybolds' application. On a vote of 3-2, the Planning Commission denied the application.

### **Requested Action**

Mr. and Mrs. Seybold respectfully request the City Council reverse the Planning Commission's March 3, 2011 decision and approve the following:

1. General Plan Amendment to change the land use designation for a portion of 415 Alan Road (proposed Parcel B) from Residential, One Dwelling per Acre to Residential, Three Dwellings per Acre (14,520 sq. ft. per unit).
2. Local Coastal Plan Amendment to change the land use designation for a portion of 415 Alan Road (proposed Parcel B) from Residential, One Dwelling per Acre to Residential, Three Dwellings per Acre (14,520 sq. ft. per unit) and to change the zoning map designation as described below.
3. Zoning Map Amendment to rezone a portion of 415 Alan Road (proposed Parcel B) from A-1/S-D-3 (Single Family Residential) to E-3/SD-3 (Single Family Residential).
4. Tentative Subdivision Map to allow the division of one parcel into two parcels, resulting in one new developable parcel.
5. Lot Area Modification to allow the remainder parcel (proposed Parcel A) to be less than the required lot size of 1.5 acres required for lots with slopes of 10-20 percent slope in the A-1 zone district.
6. Coastal Development Permit for development within the non-appealable jurisdiction of the Coastal Zone.

### **Reasons to Support the Proposal**

This project has received broad support from the surrounding neighborhood, is consistent with existing City policies and good planning practice, and would create one new developable parcel with appropriate development limitations to make it a substantial benefit to the surrounding neighborhood and community as a whole.

1. **The project will create parcels that are compatible with the neighborhood.** The proposal takes advantage of an infill housing opportunity while not changing the character of the neighborhood. There are relatively few places in the City where additional housing can be provided without changing the character of the neighborhood, and this is one of those places. The proposed new 14,601 square-foot parcel is similar in size to surrounding properties which have an average lot size of 13,970 square feet.

Further, consistent with City Council direction at the June 2009 hearing to evaluate scenarios that would result in a home that provides a substantial community benefit, the Seybolds propose to include a deed restriction limiting future development on the new lot to a one-story, 2,000 square-foot home with a 500 square-foot garage, and to keep development on the front of the lot to avoid the steepest slopes on the property which are at the rear. The floor area ratio (FAR) of 0.17 for this new home would match the prevailing FAR in the surrounding neighborhood. The existing house, which would remain on a 45,056 square-foot parcel, would have the same FAR (0.09) as the four parcels adjacent to it along Cliff Drive that were part of the original subdivision that created the 415 Alan Road parcel.

2. **It is good housing policy to encourage small scale infill development.** Encouraging small scale infill where it is compatible with the existing neighborhood is an important tool in planning for the City's housing needs and is supported by current City policy. The City's adopted Housing Element includes the following provisions:

Protect existing neighborhood character while encouraging compatible infill development. (Goal 3.)

Where appropriate and legally possible, reduce or remove governmental constraints to the maintenance, improvement, and development of housing. (Goal 5.)

Support the development of infill residential projects in the City. (Implementation Strategy 4.1.10.)

3. **It is good planning policy to encourage infill where services already exist.** This property is already served by all utilities and is located less than 200 feet from a bus stop on Cliff Drive with direct service to the Mesa, downtown, and La Cumbre Plaza. It is also close to numerous bicycle routes that provide access to all areas of the City and is a short walk or bike ride to recreation areas including Arroyo Burro Beach, the Douglas Preserve and Elings Park.
4. **The proposed project would allow for better use of an odd-shaped lot and more efficient use of scarce vacant land in the City.** The proposed new parcel already appears to be a separate lot because it is physically separated from the existing house and yard area. The established infrastructure and lack of significant natural resources on the property make this an ideal location for infill development that fits with the existing scale and character of the neighborhood. The enclosed visual simulation shows a bird's eye view of the neighborhood as it exists today and as it would appear with the additional home.
5. **The project would result in no significant impacts on the environment.** With the proposed limitations on the size and scale of development, future development of this new lot would not require excessive grading. Further, as stated in the March 3, 2010 staff report to the Planning Commission, the site is a disturbed area devoid of native vegetation, is over 200 feet from Arroyo Burro Creek and riparian areas, contains soils suitable for residential development, and contains no archaeological resources. Moreover, the site is served by existing public services and surrounding intersections have the capacity for additional residential development.

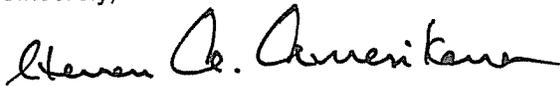
6. **The land use designation change for this neighborhood corrects a discrepancy between the land use designation and zoning for the Braemar Tract/Alan Road neighborhood that has lingered for too long.** Principles of sound community planning, as reflected in California law, hold that a general plan should be consistent with all other land use regulations, including the zoning ordinance (Government Code §65860). While Santa Barbara is exempt from this legal requirement because it is a charter city, general plan and zoning consistency is nonetheless good planning practice. The Seybolds' proposed change in the General Plan land use designation for the new parcel is consistent with the staff-proposed change in the General Plan for the entire area. Both changes reflect the actual density and development pattern of this built-out neighborhood. No other parcels would have the potential to be further subdivided to create additional developable lots.
7. **The proposed project is supported by the neighborhood.** The Seybolds have worked hard to keep their neighbors informed of their plans for their property and address any concerns raised. The project is supported by their neighbors who recognize the home can add value to the neighborhood and, with the proposed development limitations, will fit the existing character of Alan Road.

### **Conclusion**

Based on the foregoing, we respectfully request that the City Council reverse the Planning Commission's decision and approve this project.

Thank you for your time and consideration.

Sincerely,



Steven A. Amerikaner

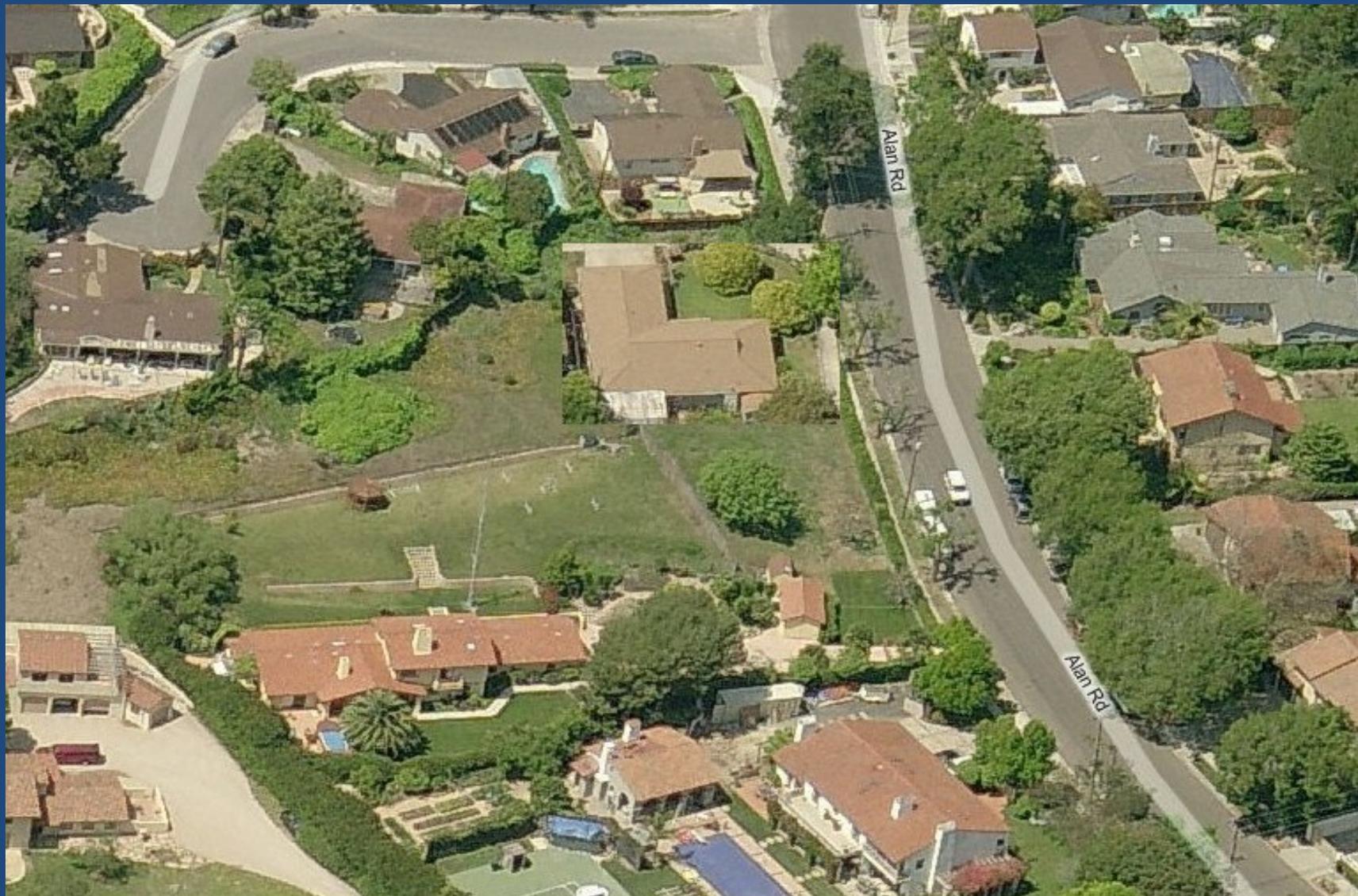
Enclosure

cc: Mr. and Mrs. Andrew Seybold (by email)  
Scott Vincent, Assistant City Attorney (by email)  
Paul Casey, Community Development Director (by email)  
Danny Kato, Senior Planner (by email)  
Peter Lawson, Associate Planner (by email)

# 415 Alan Road: Today



# 415 Alan Road: Proposed





# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** June 4, 2009  
**AGENDA DATE:** June 11, 2009  
**PROJECT ADDRESS:** 415 Alan Road (MST2009-00083)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

At this time, the Planning Commission is not being requested to take any action regarding approval of the proposed project nor make any determination regarding environmental review.

### II. REQUIRED APPLICATIONS

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

### III. RECOMMENDATION

Staff recommends that the Planning Commission deny the initiation of the Zone Change, General Plan Amendment and Local Coastal Program Amendment.

Planning Commission Staff Report  
 415 Alan Road (MST2009-00083)  
 June 4, 2009  
 Page 2

#### IV. SITE INFORMATION

##### A. EXISTING

Zone District	A-1/ SD-3
General Plan Designation	Residential, one unit per acre
Slope	15.6%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)
Lot area	59,657 sq. ft. (1.37 acres)
Zoning	<b>Nonconforming to Lot Area</b>
General Plan	<b>Conforming to Density</b>

##### B. PROPOSED

	<b>Proposed Parcel A</b>	<b>Proposed Parcel B</b>
Zone District	A-1/ SD-3	E-3/ SD-3
General Plan Designation	Residential, one unit per acre	Residential, five units per acre
Slope	14.40%	19.90%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)	11,250 sq. ft. (0.26 acres)
Lot area	46,948 sq. ft. (1.08 acres)	12,709 sq. ft. (0.29 acres)
Zoning	<b>Nonconforming to Lot Area</b>	<b>Conforming to Lot Area</b>
General Plan	<b>Conforming to Density</b>	<b>Conforming to Density</b>

#### V. DISCUSSION

##### A. PROJECT LOCATION

The property at 415 Alan Road is located in the Campanil neighborhood of the City, which is bordered on the north and east by Arroyo Burro Creek, on the south by the ocean and on the west by Hope Ranch. The General Plan designation for the neighborhood is one dwelling unit per acre. Most of this area consists of large parcels, similar to the size of the project site or larger, which are either vacant or contain single-family dwellings. An exception to this is the Braemar Tract, a single-family, small-lot development that was subdivided while under County jurisdiction. This tract of approximately 120 parcels, on relatively steep topography, is described in the City's General Plan Land Use Element as presenting "a vivid picture of improper subdivision techniques." The density in this portion of the neighborhood is approximately four times greater than the other areas.

When the Braemar Tract was annexed to the City in 1956, it was given an E-3, One-Family Residence zone designation, which requires a 7,500 square foot minimum lot size (or more if the average slope exceeds 10%). The rest of the neighborhood has an A-1, One-Family Residence zone designation, which requires a one-acre minimum lot size (or more if the average slope exceeds 10%).

Planning Commission Staff Report  
415 Alan Road (MST2009-00083)  
June 4, 2009  
Page 3

## **B. BACKGROUND**

Similar proposals regarding the project site have been submitted for review in the past. In 2004, the Planning Commission conceptually reviewed a proposed project that involved a lot line adjustment between two parcels (415 Alan Road and 23 Wade Court) resulting in an increase of lot area for 23 Wade Court. The Planning Commission, during their review, discouraged any development on the land that would be added to 23 Wade Court.

In February of 2005, an application was submitted that consisted of a subdivision of 415 Alan Road into two lots, in addition to the lot line adjustment. Following the subdivision, the smaller lot would have been rezoned from A-1 to E-3 and the larger lot would have required a lot area modification. During project review, Staff stated that if the project were to proceed to the Planning Commission for initiation of the Zone Change and Local Coastal Program Amendment, Staff would recommend denial, in part because the original 415 Alan Road parcel, which is currently nonconforming to lot area, would have become more nonconforming as a result of the proposed subdivision. Furthermore, the creation of a new lot that would not conform to the General Plan density would not be appropriate for the neighborhood when the Land Use Element and Local Coastal Plan state that this neighborhood is already too dense.

The applicant did proceed with the project and on October 6, 2005, the Planning Commission denied the initiation requests. One of the main reasons for the denial was the inconsistency with the General Plan density.

The applicant filed an appeal of the Planning Commission action but subsequently withdrew the appeal and submitted a proposal to Staff that included a request to initiate a General Plan Amendment as well. With a General Plan Amendment (from one unit per acre to five units per acre) added to the proposal, all proposed lots would conform to the General Plan density. Due to the rezone, the 23 Wade Court parcel would become conforming to lot area as would the newly created smaller parcel; however, the larger parcel would become more nonconforming to lot area. This proposal was put on hold.

## **C. CURRENT PROPOSAL**

In early 2009, the applicant submitted a new proposal that no longer included 23 Wade Court. The proposed project consisted of the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment and a subdivision of 415 Alan Road under the proposed Zoning and General Plan designations. The proposed project also included five additional properties along the eastern side of Alan Road. In response to the application, Staff provided the applicant with the following comments:

1. The existing parcel at 415 Alan Road is nonconforming to lot area due to the slope density requirements of the A-1 zone. Staff is not in support of the subdivision of the parcel that results in 415 Alan Road (proposed parcel A) becoming more nonconforming to lot area. In addition, Staff is also not in support of the proposal to rezone a number of parcels and change the General Plan and Local Coastal Plan designations on those parcels in order to facilitate the creation of a new lot in the project area. As you know, the City's General

Planning Commission Staff Report  
 415 Alan Road (MST2009-00083)  
 June 4, 2009  
 Page 4

Plan Land Use Element considers the adjacent Braemar Tract an example of an improper subdivision because it is a dense development on steep topography. Staff is not in support of creating a new lot in a neighborhood identified in the Land Use Element as already too dense.

2. If the applicant chooses to proceed with the proposed project, Staff would be recommending denial of the Initiation of the Zone Change and General Plan and Local Coastal Program Amendments at the Planning Commission.
3. Staff, however, would be in support of the proposal if the newly created lot were to have an upper-middle income restricted single-family detached unit. The proposal would be subject to the requirements of the City's Density Bonus Program. If the applicant chooses to proceed in this manner, please see SBMC§28.87.400 and the City of Santa Barbara Affordable Housing Policies and Procedures Manual for more information.

The proposal being presented to the Planning Commission is the same as described above but it does not include the five additional properties along the eastern side of Alan Road. In regard to the affordable housing suggestion by Staff, the applicant has requested that a payment of an in-lieu fee be considered rather than a restriction on the new residence.

## VI. RECOMMENDATION

Staff's concerns remain the same as stated above. In addition, Staff would not be in support of a payment of an in-lieu fee because the purpose is to provide payment as an alternative to constructing an affordable unit. This would not be a proper application of this alternative.

For the reasons presented above, Staff recommends that the Planning Commission deny the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment for the proposed project.

*If the initiation is granted, it is not meant to imply any approval of, or formal position on the proposed project other than acknowledging that the proposed Zone Change, General Plan Amendment and Local Coastal Program Amendment can proceed for study and environmental review.*

### Exhibits:

- A. Applicant's letter, dated May 22, 2009
- B. Project Plans (Exhibits A, B-1, B-2, C & Tentative Map)

Brownstein | Hyatt  
Farber | Schreck

*A Strategic  
California Merger  
with Hatch & Parent*

May 22, 2009

**RECEIVED**  
MAY 22 2009

**Patsy Stadelman, AICP**  
Land Use Planner  
805.882.1424 tel  
805.965.4333 fax  
PStadelman@bhfs.com

VIA HAND DELIVERY

Ms. Kathleen Kennedy  
City of Santa Barbara  
Community Development Department  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

RE: Initiation of Seybold Lot Split, Rezone and General Plan Amendment  
415 Alan Road (APN 047-091-024)

Dear Ms. Kennedy:

Enclosed are the copies of the revised exhibits for Planning Commission initiation of the proposed rezone and General Plan amendment at 415 Alan Road.

Following our pre-application review meeting with you on March 23, 2009, Mr. Seybold decided to revise the proposed project to eliminate the request for a rezone and General Plan amendment of the properties on the east side of Alan Road. The revised exhibits reflect this change. This letter and accompanying enclosures describe the proposed project and the reasons we believe the proposal is consistent with City policies and regulations as well as the Subdivision Map Act.

**Project Description**

The proposed project includes (1) subdivision of the 415 Alan Road parcel (APN 047-091-024), resulting in one new developable lot; (2) a rezone of the newly created parcel from A-1/S-D-3, One-Family Residence and Coastal Overlay Zones, to E-3/S-D-3, One-Family Residence and Coastal Overlay Zones; (3) a General Plan Amendment, and consistent Local Coastal Plan Amendment, to change the land use designation of the rezoned parcel from 1 dwelling unit per acre to 5 dwelling units per acre; and (4) a lot area modification to reduce the minimum lot area of the already developed remainder lot from 1.5 acres to 1.08 acres (see enclosed exhibits). The proposed project would require a Tentative Parcel Map, Coastal Development Permit, Lot Area Modification, Rezone, and General Plan and Local Coastal Plan Amendments.

The 415 Alan Road parcel is 59,657 square feet (1.37 acres) and is currently developed with one single family home and associated accessory structures on the southern side of the property. The size of this parcel conforms to the minimum one acre parcel size standard of the A-1 zone district but is smaller than the 1.5 acres that would be required under the city's slope density ordinance if the lot were now being proposed for development. The proposed lot split would result in two parcels: Parcel A would contain the existing dwelling and be 46,948 square feet in size (1.08 acres) and Parcel B would be 12,709 square feet in size (see Exhibit B-1 and Tentative Map). With the proposed rezone and land use designation change to E-3/S-D-3 and 5 dwelling units per acre, respectively, Parcel B would conform with the minimum 7,500 parcel size standard of the E-3 zone district and would satisfy the

Ms. Kathleen Kennedy  
May 22, 2009  
Page 2

11,250 square foot slope density standard for a lot with an average slope between 10% and 20%. Parcel A would continue to be nonconforming to the minimum lot area under the slope density ordinance and therefore would require a lot area modification.

### **Project Benefits and Required Findings**

The Santa Barbara Municipal Code requires the City to make the following findings in order to approve the proposed project

**Findings for Tentative Map (SBMC §27.07.100):** The tentative map is (1) consistent with applicable General and specific plans; (2) the design or improvement proposed is consistent with applicable general and specific plans; (3) the site is physically suitable for the type of development; (4) the site is physically suitable for the proposed density of development; (5) the design of the development or the proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat; (6) the design of the development or the type of improvement is not likely to cause serious public health problems; and (7) the design of the development or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

**Findings for a Change of Zone Boundaries (SBMC §28.92.015):** The change is justified by public necessity, convenience, general welfare or good zoning practice.

**Findings for Coastal Development Permit (SBMC §28.45.009):** The project is consistent with the policies of the California Coastal Act and the project is consistent with all applicable policies of the City's Coastal Plan, all implementing guidelines and all applicable provisions of the Municipal Code.

**Findings for a Local Coastal Program Amendment (SBMC §28.45.009):** The project is consistent with the policies of the California Coastal Act (commencing with Section 30200) including public access and public recreation because it would not affect public access or recreation opportunities. In addition, the project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provision of the Municipal Code.

**Findings for a Lot Area Modification (SBMC §28.92.110):** The modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

We respectfully submit that these findings can be made for the following reasons. The property is an excellent location for infill development of a single family home. The proposed new parcel already appears to be a separate lot because it is physically separated from the existing house and yard area. Further, it is adjacent to and across Alan Road from lots of comparable size, all infrastructure is in place, slopes are relatively minimal, and development would not negatively impact traffic in the neighborhood.

A rezone and General Plan Amendment to allow a new lot would be consistent with the actual density of the existing neighborhood. While the area is currently designated for 1 unit per acre, this land use designation was applied after the neighborhood was developed. The actual density of the area along Alan Road between Cliff Drive and Wade Court is 1.8 units per acre. One infill unit would result in a minimal increase in density to 2 units per acre.

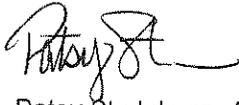
Ms. Kathleen Kennedy  
May 22, 2009  
Page 3

The proposed project is consistent with the Coastal Act because it does not affect public access or public recreation. The project would result in a new lot added to the City's tax rolls and would be compatible with the Alan Road neighborhood. The proposed new lot has ready access from Alan Road and would connect to the existing water and sewer infrastructure on Alan Road. Further, there are no significant natural resources on the property which could be adversely affected by future development.

In conclusion, the proposed project benefit the City by creating a new infill property compatible with the existing neighborhood, furthering the City's policy of providing housing opportunities through infill development and adding a new property to the City's tax rolls.

Thank you for your time and consideration of this proposal.

Sincerely,



Patsy Stadelman, AICP  
Land Use Planner

cc: Andrew Seybold  
Steven Amerikaner, Esq.

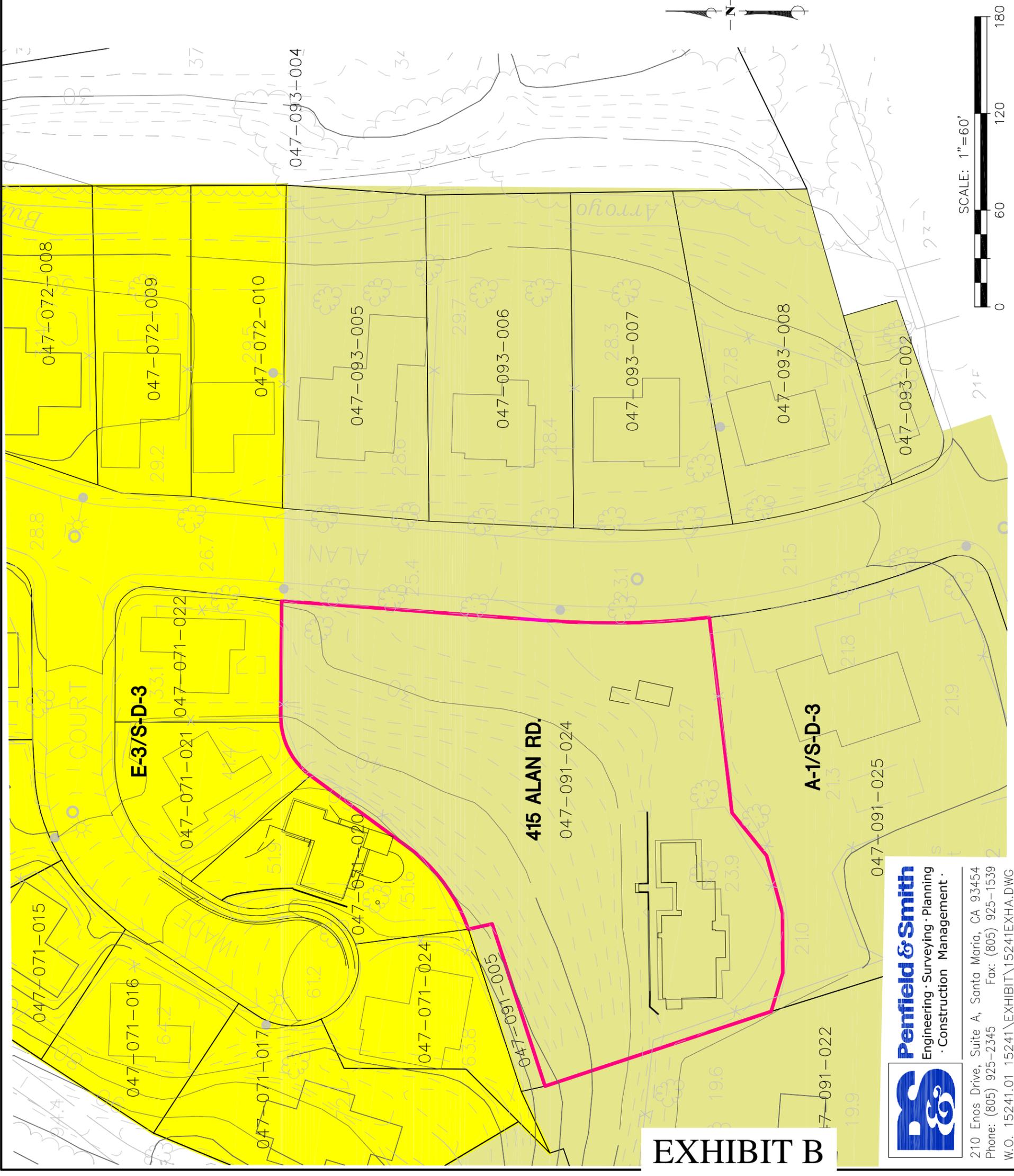
Enclosures: Tentative Parcel Map (10 copies)  
Exhibit A: Seybold Existing Conditions (10 copies)  
Exhibit B-1: Seybold Proposed Conditions, Subdivision and Rezone (10 copies)  
Exhibit B-2: Seybold Proposed Conditions, Subdivision and General Plan Amendment (10 copies)  
Exhibit C: Seybold Vicinity/Zoning Map (10 copies)



EXISTING CONDITIONS 415 ALAN ROAD	
OWNER	ANDREW SEYBOLD
APN	047-091-024
GENERAL PLAN DESIGNATION	RESIDENTIAL (1 UNIT PER ACRE)
ZONE DISTRICT	A-1/S-D-3
MINIMUM LOT AREA	43,560 S.F. (1 ACRE)
EXISTING LOT AREA	59,657 S.F. (1.37 AC.)

**LEGEND**

-  EXISTING PROPERTY LINE
-  A-1/S-D-3 ZONE
-  E-3/S-D-3 ZONE



**EXHIBIT B**

**Penfield & Smith**  
 Engineering · Surveying · Planning  
 · Construction Management ·

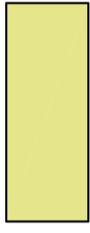
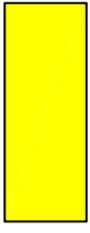
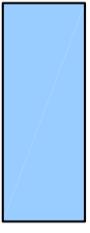
210 Enos Drive, Suite A, Santa Maria, CA 93454  
 Phone: (805) 925-2345 Fax: (805) 925-1539  
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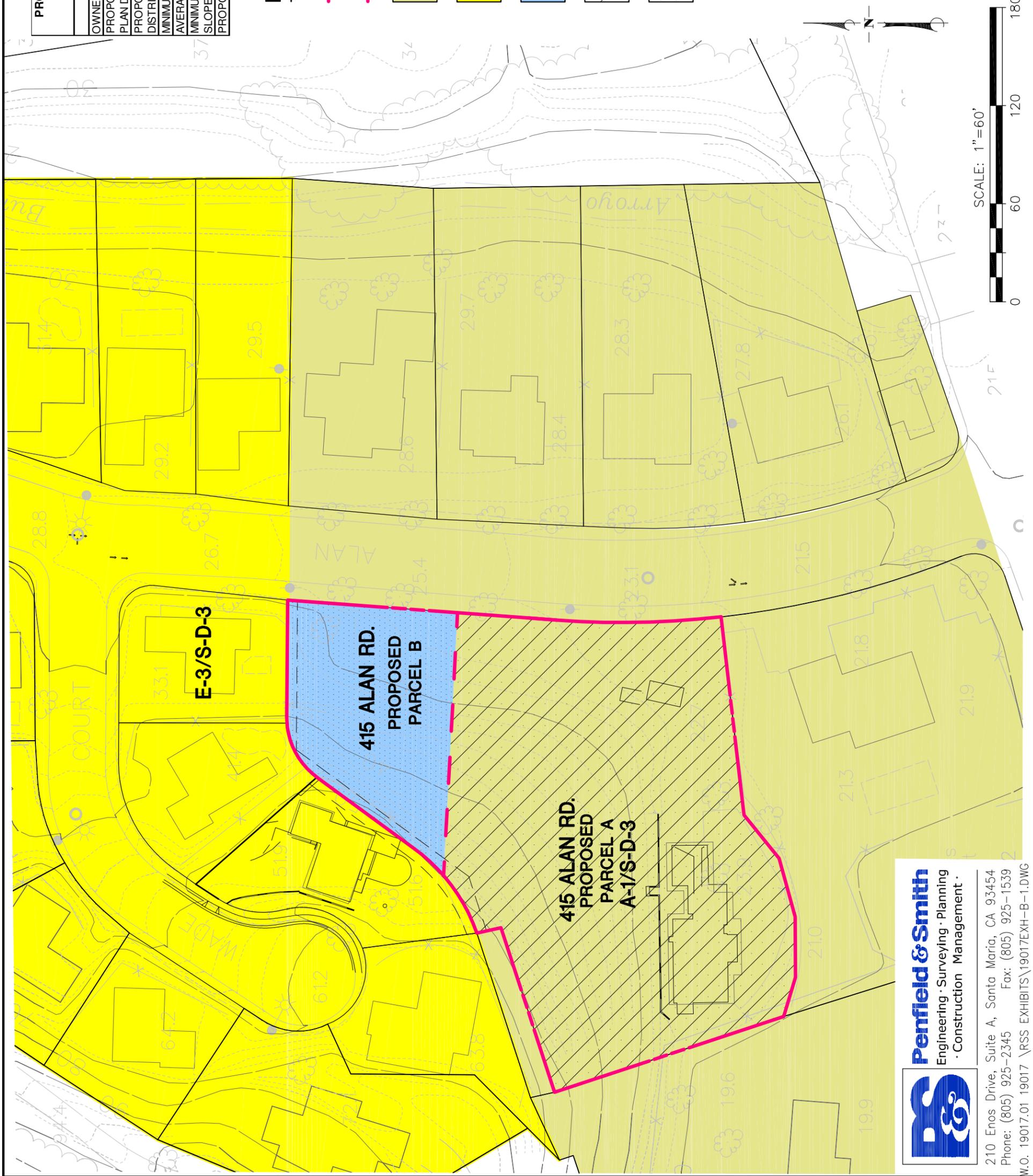


**EXHIBIT A**  
**SEYBOLD EXISTING CONDITIONS**  
**APN 047-091-024**

PROPOSED CONDITIONS FOR 415 ALAN ROAD FOR CONSIDERATION OF THE REZONE AND GENERAL PLAN AMENDMENT	
PARCEL A	PARCEL B
OWNER ANDREW SEYBOLD	ANDREW SEYBOLD
PROPOSED GENERAL PLAN DESIGNATION RESIDENTIAL (1 UNIT PER ACRE)	RESIDENTIAL (5 UNITS PER ACRE)
PROPOSED ZONE A-1/S-D-3	E-3/S-D-3
MINIMUM LOT AREA 43,560 S.F. (1 ACRE)	7,500 S.F. (0.17 ACRE)
AVERAGE SLOPE 14.40%	19.90%
MINIMUM LOT AREA WITH SLOPE DENSITY FACTOR 65,430 S.F. (1.5 ACRES)	11,250 (0.26 ACRE)
PROPOSED LOT AREA 46,948 S.F. (1.08 AC.)	12,709 S.F. (0.29 AC.)

**LEGEND**

-  PROPOSED PROPERTY LINE
-  EXISTING PROPERTY LINE
-  EXISTING A-1/S-D-3 ZONE
-  EXISTING E-3/S-D-3 ZONE
-  AREA OF PROPOSED REZONE FROM A-1/S-D-3 TO E-3/S-D-3
-  PROPOSED PARCEL A
-  PROPOSED PARCEL B



**EXHIBIT B-1  
SEYBOLD PROPOSED CONDITIONS  
SUBDIVISION AND REZONE  
APN 047-091-024**

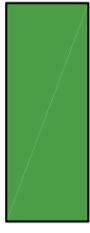
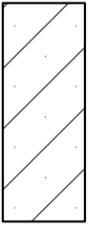
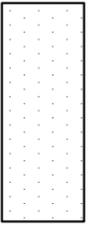
CITY OF SANTA BARBARA, CALIFORNIA  
MAY 2009

**Penfield & Smith**  
Engineering · Surveying · Planning  
· Construction Management ·

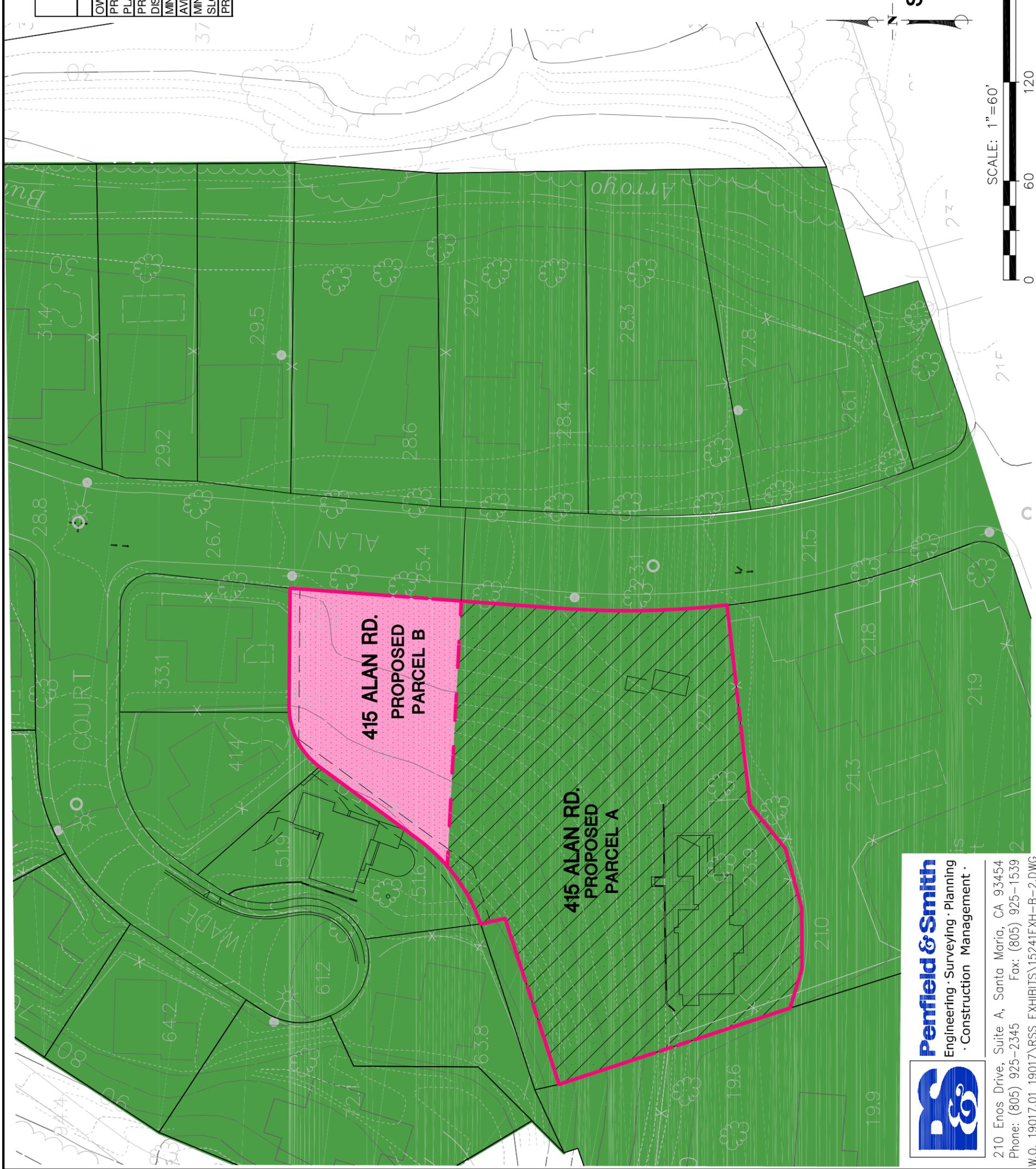
210 Enos Drive, Suite A, Santa Maria, CA 93454  
Phone: (805) 925-2345 Fax: (805) 925-1539  
W.O. 19017.01 19017 \RSS EXHIBITS\19017EXH-B-1.DWG

PROPOSED CONDITIONS FOR 415 ALAN ROAD FOR CONSIDERATION OF THE REZONE AND GENERAL PLAN AMENDMENT		
	PARCEL A	PARCEL B
OWNER	ANDREW SEYBOLD	ANDREW SEYBOLD
PROPOSED GENERAL PLAN DESIGNATION	RESIDENTIAL (1 UNIT PER ACRE)	RESIDENTIAL (5 UNITS PER ACRE)
PROPOSED ZONE DISTRICT	A-1/S-D-3	E-3/S-D-3
MINIMUM LOT AREA	43,560 S.F. (0.17 ACRE)	7,500 S.F. (0.17 ACRE)
AVERAGE SLOPE	14.40%	19.90%
MINIMUM LOT AREA WITH SLOPE DENSITY FACTOR	65,430 S.F. (1.5 ACRES)	11,250 (0.26 ACRE)
PROPOSED LOT AREA	46,948 S.F. (1.08 AC.)	12,709 S.F. (0.29 AC.)

**LEGEND**

-  PROPOSED PROPERTY LINE
-  EXISTING PROPERTY LINE
-  EXISTING 1 DU/AC LAND USE DESIGNATION
-  AREA OF PROPOSED LAND USE DESIGNATION CHANGE FROM 1 DU/AC TO 5 DU/AC
-  PROPOSED PARCEL A
-  PROPOSED PARCEL B

(A CONSISTENT AMENDMENT TO THE THE LOCAL COASTAL PLAN IS ALSO PROPOSED)



**EXHIBIT B-2  
SEYBOLD PROPOSED CONDITIONS  
SUBDIVISION AND GENERAL PLAN AMENDMENT  
APN 047-091-024**

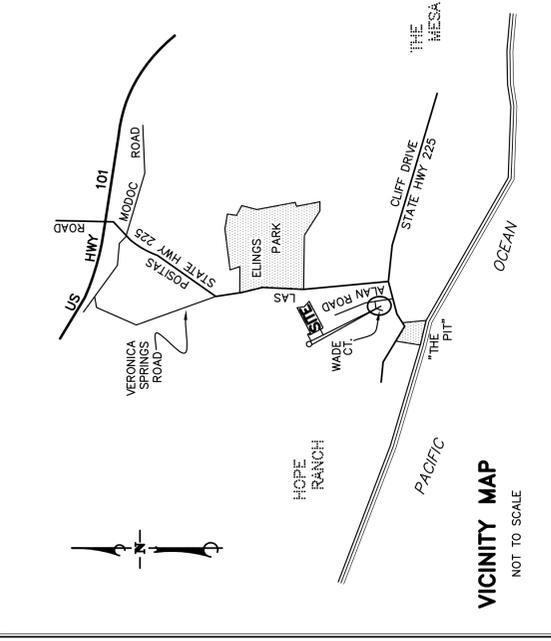
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W.O. 19017.01 19017.RSS EXHIBITS\15241EXH-B-2.DWG





**OWNER'S STATEMENT:**

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE AN INTEREST IN THE LAND AND INCLUDED THEREIN. WE HAVE SHOWN THE PROPERTY TO THE CITY OF SANTA BARBARA AND WE HAVE OBTAINED THE NECESSARY CONSENT TO PASS CLEAR TITLE TO SAID LAND. WE CONSENT TO THE MAKING AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINES.

BY: ANDREW M. SEYBOLD  
 BY: LINDA M. SEYBOLD  
 415 ALAN ROAD  
 STREET  
 DATE: PHONE  
 SANTA BARBARA CA 93109  
 CITY STATE ZIP

**AREAS:**

**EXISTING LOT 1, TRACT 20,191**  
 TOTAL AREA: 1.37 ACRES (GROSS AND NET)  
 AVERAGE SLOPE: 15.6%

**PROPOSED PARCEL A**  
 TOTAL AREA: 1.08 ACRES (GROSS AND NET)  
 AVERAGE SLOPE: 14.4%

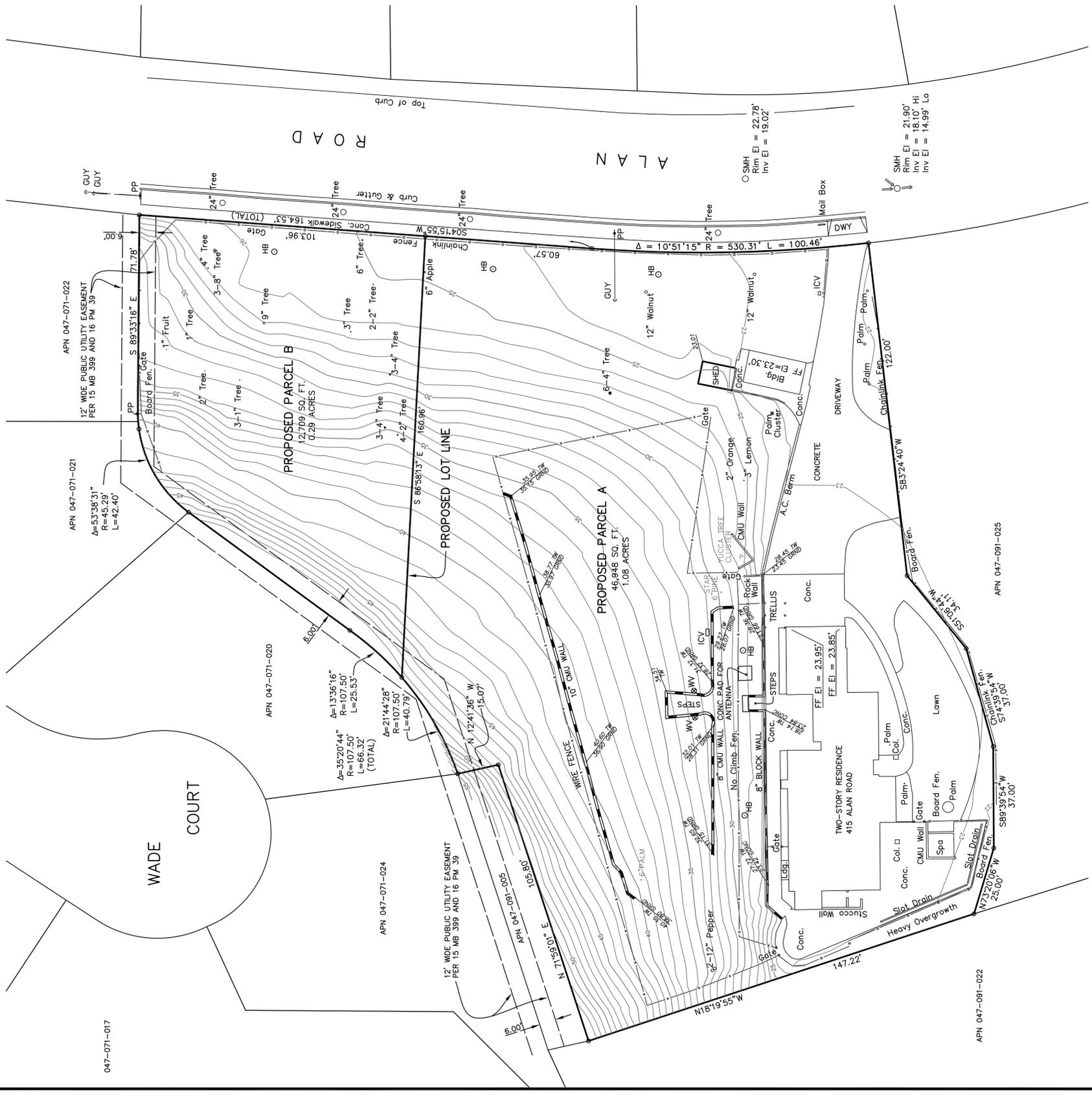
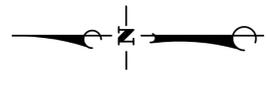
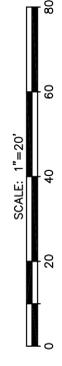
**PROPOSED PARCEL B**  
 TOTAL AREA: 0.29 ACRES (GROSS AND NET)  
 AVERAGE SLOPE: 19.9%

**LEGEND**

- PP = POWER POLE
- ⊕ = GUY ANCHOR
- HB = HOSE BIB
- = TOP OF WALL
- GRND = GROUND
- CONC = CONCRETE
- FF = FINISHED FLOOR
- SMH = SEWER MANHOLE
- WV = WATER VALVE
- ICV = IRRIGATION CONTROL VALVE

**NOTES**

1. ZONING: EXISTING PARCEL: A-1/SD-3  
 PROPOSED PARCEL A: A-1/SD-3  
 PROPOSED PARCEL B: REZONE TO E-3/SD-3  
 (SEE SEPARATE EXHIBIT FOR REZONING PROPOSAL)
2. WATER: SANTA BARBARA CITY
3. SEWER: SANTA BARBARA CITY
4. GAS: SOUTHERN CALIFORNIA GAS
5. ELECTRIC: SOUTHERN CALIFORNIA EDISON
6. THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON THE NATIONAL GEODETIC SURVEY OF 1983 AND WAS OBTAINED BY PENFIELD AND SMITH, JANUARY 04, 2005.
7. THE BASIS OF BEARINGS FOR THIS SURVEY IS CCS 83, ZONE 18N. THE CONTROL POINTS SHOWN ON THE MAP ARE FROM THE BARBARA CONTROL NETWORK AS SHOWN ON THE MAP FILED IN BOOK 147, PAGES 70 THROUGH 74, OF RECORD OF SURVEYS. DISTANCES HAVE BEEN SCALED FROM GRID TO GROUND BY A COMBINED FACTOR OF 1.0005553 COMPUTED AT CONTROL POINT 109514. FROM THE GRID BEARINGS SHOWN ON MAP FOR TRACT 20,191, BOOK 95, PAGES 48 AND 49, OF MAPS.
8. VERTICAL DATUM IS NAVD 83, BASED UPON SEON STATION 0029. LOCAL BENCHMARK IS A FOUND LEAD AND TAG, PT. NO. 100. MARKED WITH AN ELEVATION OF 23.677 U.S. SURVEY FEET. PROJECT, HAVING AN ELEVATION OF 23.677 U.S. SURVEY FEET.
9. THIS TENTATIVE MAP WAS PREPARED IN CONJUNCTION WITH A PRELIMINARY TITLE REPORT ISSUED BY FIDELITY NATIONAL TITLE COMPANY, JANUARY 20, 2009, AS PART OF THE PROJECT. THE PROJECT, HAVING AN ELEVATION OF 23.677 U.S. SURVEY FEET. THE ACCURACY OR COMPLETENESS OF SAID REPORT.



PREPARED UNDER THE DIRECTION OF:

KENNETH S. HUGHES PLS 6170  
 LICENSE EXPIRATION  
 DATE: 3/31/10

**TENTATIVE PARCEL MAP NO. 20,XXX**  
 BEING A DIVISION OF LOT 1 OF TRACT 20,191  
 IN THE CITY OF SANTA BARBARA, STATE OF CALIFORNIA,  
 RECORDED IN BOOK 95, PAGES 48 AND 49 OF MAPS  
 SCALE: 1"= 20'  
 MAY 2009





# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

June 11, 2009

**ACTUAL TIME: 1:07 P.M.**

**A. APPLICATION OF PATSY STADELMAN, BROWNSTEIN HYATT FARBER SCHRECK, LLP, AGENT FOR ANDREW M. SEYBOLD, 415 ALAN ROAD, APN 041-091-024, A-1/SD-3, ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2009-00083)**

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

Case Planner: Kathleen Kennedy, Associate Planner  
Email: [KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Steve Amerikaner, Attorney, gave the applicant presentation joined by Andrew Seybold, Property Owner.

Chair Larson opened the public hearing at 1:29 P.M. and acknowledged the correspondence received.

Gill Barry, neighbor, spoke in opposition to the project on behalf of neighbor Dr. Timothy Rodgers, who could not be present at the meeting. He cited concerns over the lot split and increased density and stated that a previous condition of approval prohibited any further subdivision of the parcel.

With no one else wishing to speak, the public hearing was closed at 1:33 P.M.

Scott Vincent, Assistant City Attorney, answered Planning Commission questions about how the slope density provisions of the City's Ordinance apply to the project. Mr. Vincent also stated that the City cannot place a condition on a property that would not allow an owner to request further division of the property.

The Commission made the following comments:

1. Commissioner Lodge was not in support because it would become denser.
2. Commissioner White concurs but may be in support of a secondary unit in the future.
3. Commissioner Bartlett was in support because the new lot would conform and the applicant is willing to pay in-lieu fees and construct a green building. Need to fix the rules.
4. Commissioner Bartlett suggested that the General Plan and Zoning inconsistencies in this area be addressed in the future.
5. Commissioner Thompson suggested that the in-lieu fee option be explored.

**MOTION: Lodge/White**

**Assigned Resolution No. 025-09**

Denied the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment for the proposed project as recommended in the Staff Report.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Bartlett/Thompson) Abstain: 0 Absent: 2 (Jacobs/Jostes)

Chair Larson announced the ten calendar day appeal period.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 10, 2009

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of Planning Commission Decision For 415 Alan Road

### RECOMMENDATION:

That Council deny the appeal of Steven Amerikaner, agent for Mr. and Mrs. Andrew Seybold, and uphold the Planning Commission decision to deny the initiation of the Zone Change, General Plan Amendment and Local Coastal Program Amendment at 415 Alan Road.

### DISCUSSION:

#### Project Description

The proposed project consists of a subdivision of 415 Alan Road into two lots, a lot area modification to allow less than the required lot area for proposed Parcel A, a Zone Change, General Plan Amendment and Local Coastal Program Amendment for proposed Parcel B and a Coastal Development Permit. Initiation and approval of the Zone Change, General Plan Amendment and Local Coastal Program Amendment is required before action can be taken on the subdivision application. The Zoning designation for proposed parcel B would change from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) so that the new smaller lot would become conforming to lot area. The General Plan Amendment would result in a change from Residential, one unit per acre to five units per acre so that the new smaller lot would become conforming to density.

	<b>Existing</b>	<b>Proposed Parcel A</b>	<b>Proposed Parcel B</b>
Zone District	A-1/ SD-3	A-1/ SD-3	E-3/ SD-3 ( <i>Rezone</i> )
General Plan Designation	Residential, one unit per acre	Residential, one unit per acre	Residential, five units per acre (8,712 sq. ft. per unit) ( <i>General Plan Amendment</i> )
Slope	15.6%	14.40%	19.90%
Minimum Lot area required	65,340 sq. ft. (1.5 acres)	65,340 sq. ft. (1.5 acres)	11,250 sq. ft. (0.26 acres)
Lot area	59,657 sq. ft. (1.37 acres)	46,948 sq. ft. (1.08 acres)	12,709 sq. ft. (0.29 acres)
Zoning	<b>Nonconforming to Lot Area</b>	<b>Nonconforming to Lot Area</b>	<b>Conforming to Lot Area</b>
General Plan	<b>Conforming to Density</b>	<b>Conforming to Density</b>	<b>Conforming to Density</b>

### Project Location

The property at 415 Alan Road is located in the Campanil neighborhood of the City, which is bordered on the north and east by Arroyo Burro Creek, on the south by the ocean and on the west by Hope Ranch. Most of this area consists of large parcels, similar to the size of the project site or larger, containing single-family dwellings. An exception to this is the Braemar Tract, a small-lot development that was subdivided prior to annexation to the City. This tract of approximately 120 parcels, on relatively steep topography, is described in the City's General Plan Land Use Element as presenting "a vivid picture of improper subdivision techniques." The density in this portion of the neighborhood is approximately four times greater than the other areas. The Land Use Element further states that other areas in the City have been rezoned to lower densities in order to prevent this sort of development.

When the Braemar Tract was annexed to the City in 1956, it was given an E-3, One-Family Residence zone designation, which requires a 7,500 square foot minimum lot size (or more if average slope is 10% or more). Many parcels in the Braemar Tract are non-conforming (smaller) than the lot area requirement for the E-3 zone. The rest of the neighborhood has an A-1, One-Family Residence zone designation, which requires a one-acre minimum lot size (or more if average slope is 10% or more). A number of these parcels, although larger, are also non-conforming to the lot area requirement for the A-1 zone. The General Plan designation for the entire neighborhood is Residential, one dwelling unit per acre. The project site and the majority of the parcels in the neighborhood, with the exception of the Braemar Tract, conform to this designation.

### Background

As described in Attachment 2, the applicant submitted similar proposals in the past. Staff and the Planning Commission have consistently not supported proposals that involve the creation of a new lot in this neighborhood which is identified in the Land Use Element as already too dense, a Zone Change and General Plan Amendment for one lot to facilitate the creation of one new lot, or a lot split that results in a proposed lot becoming more nonconforming to lot area.

### Planning Commission Action

On June 11, 2009, the Planning Commission concurred with the Staff recommendation and voted 3-2-2 to deny the request to initiate the Zone Change, General Plan Amendment and Local Coastal Plan Amendment (3 in favor, 2 against, 2 absent). (See Attachment 3 – Planning Commission Minutes and Resolution.)

### Appeal

After the Planning Commission denial of the initiation requests, Steven Amerikaner, on behalf of the applicant, filed an appeal (see Attachment 1 – Appeal Letter). The appeal letter requests that the Council approve the initiation requests, as well as direct staff to investigate the possibility of initiating a General Plan Amendment for the entire Braemar Tract, for the following reasons: 1) The proposed amendments would facilitate better use of an odd-shaped lot and more efficient use of scarce vacant land in the City; 2) Santa Barbara needs housing and this proposal will create an additional modest-sized residential unit; 3) The proposal takes advantage of an infill housing opportunity while not changing the character of the neighborhood; 4) The proposed General Plan Amendment corrects a discrepancy between the land use designation and zoning for the Braemar Tract that has lingered for too long; and 5) The proposal is consistent with the principles of Plan Santa Barbara.

For the reasons presented previously, Staff is not in support of the proposal. The General Plan Land Use Element includes both discussion and land use designations. Although the applicant suggests that the map amendments to the designations are appropriate, staff believes if such changes were pursued, text changes would be necessary as well.

The area zoned E-3 does have smaller lot sizes and this designation allows appropriate improvements to the residences. The area zoned A-1, including this property, is characterized with larger lots, many with an acre or more, and do comply with the General Plan designation. No changes to this neighborhood are proposed with PlanSB. In addition, the policy direction for infill housing opportunities is intended for areas of the City where higher densities are allowed, not hillside areas of single-family homes.

### **RECOMMENDATION:**

Staff recommends that Council deny the appeal and uphold the Planning Commission decision to deny the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment proposed at 415 Alan Road.

**ATTACHMENTS:**

1. Appeal letter dated June 18, 2009
2. Planning Commission Staff Report, June 11, 2009
3. Planning Commission Minutes and Resolution, June 11, 2009

**PREPARED BY:** Kathleen Kennedy, Associate Planner

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

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

June 18, 2009

**VIA HAND DELIVERY**

**Steven A. Amerikaner**

805.882.1407 tel  
805.965.4333 fax  
SAmerikaner@bhfs.com

Honorable Mayor Blum and Members of the City Council  
City of Santa Barbara  
735 Anacapa Street  
Santa Barbara, CA 93101

Attention: City Clerk

RE: 415 Alan Road (MST2009-00083)  
Appeal of Planning Commission Decision

Dear Mayor Blum and Members of the City Council:

This appeal letter is submitted on behalf of the applicants, Mr. and Mrs. Andrew Seybold, and requests the City Council reverse the Planning Commission's June 11, 2009 decision and grant initiation of a General Plan Amendment, Local Coastal Plan Amendment and zone change for 415 Alan Road.

The proposed amendments and zone change would allow for a lot split and construction of a new modest-sized single-family home in this nearly built-out neighborhood. The Seybolds plan to build a one-story, three to four bedroom home that is compatible with the character and scale of surrounding homes. This would be a "smart home," showcasing the most current home automation technologies and including solar power and many other energy efficient and sustainable features.

On June 11, 2009, the Planning Commission denied the request by a vote of 3-2. We respectfully request the City Council reverse this decision and direct staff to:

1. Initiate a General Plan Amendment changing the land use designation for a portion of 415 Alan Road (proposed Parcel B) from "Residential, One Dwelling per Acre" to "Residential, Five Dwellings per Acre."
2. Direct staff to investigate the desirability of initiating a General Plan Amendment for the so-called "Braemar Tract" which is immediately north of 415 Alan Road, changing the land use designation from "Residential, One Dwelling per Acre" to "Residential, Five Dwellings per Acre," so that the General Plan land use designation is consistent with the existing zoning and reflects the existing development pattern of the neighborhood. This General Plan Amendment could be undertaken as part of the general plan update process in which the City is currently engaged.
3. Initiate a Local Coastal Plan Amendment consistent with the General Plan land use designation change described above.
4. Initiate a zone change for the proposed Parcel B from A-1/S-D-3 to E-3/S-D-3, consistent with the proposed General Plan designation and the current zoning of the Braemar Tract.

Reasons to Support the Proposal

1. **The proposed amendments would facilitate better use of an odd-shaped lot and more efficient use of scarce vacant land in the City.** The proposed new parcel already appears to be a separate lot because it is physically separated from the existing house and yard area. The established infrastructure and lack of significant natural resources on the property make this an ideal location for infill development that fits with the existing scale and character of the neighborhood. The enclosed visual simulation shows a bird's eye view of the neighborhood as it exists today and as it would appear with the additional home.
2. **Santa Barbara needs housing and this proposal will create an additional modest-sized residential unit.** The City is suffering from a severe shortage of middle-class housing opportunities, which is one of the reasons for the high cost of housing. Infill sites, such as this one, offer the opportunity to fit new housing into the City without expanding its boundaries or converting dedicated open space.
3. **The proposal takes advantage of an infill housing opportunity while not changing the character of the neighborhood.** There are relatively few places in the City where additional housing can be provided without changing the character of the neighborhood, and this is one of those places. The proposed new 12,709 square foot parcel is similar in size to surrounding properties and conforms to slope density standards.
4. **The proposed General Plan Amendment corrects a discrepancy between the land use designation and zoning for the Braemar Tract that has lingered for too long.** California planning law requires general plans to be consistent with all other land use regulations, including the zoning ordinance (Government Code §65860). While Santa Barbara is exempt from this legal requirement because it is a charter city, general plan and zoning consistency is nonetheless good planning practice. The General Plan change would also reflect the actual density and development pattern of this fully built-out neighborhood. Only one parcel, 53 Vista Del Mar Drive, would have the potential to be further subdivided to create an additional developable lot. This property is currently developed with a single-family home.
5. **The proposal is consistent with the principles of Plan Santa Barbara.** The Plan SB "Policy Preference Report," issued in January 2009 puts forth the following sustainability principle:

"Living Within Our Resources" means effectively managing growth and in-fill development to conserve the community's natural, physical and historic resources for present and future generations. Challenges between future development and resource use must be met with creative solutions that meet the multiple objectives of preserving historic resources and community character, retaining a diverse population and culture, and allowing sufficient growth to propel a steady economy" (page 19).

Further, the report calls for incentives to encourage smaller, 'affordable-by-design' homes:

"Incentives for Affordable-by-Design Units. Prepare design standards and codify incentives for market rate developers to build smaller, 'affordable-by-design' residential units that better meet the needs of

our community. Incentives could include higher allowable densities, less required parking, etc." (Housing Policy H5, page 54).

This proposal affords the opportunity to put these stated goals into action. We respectfully suggest that the City should support this type of infill project, unless there are compelling reasons to say no.

Conclusion

Based on the foregoing, we respectfully request you overturn the Planning Commission's decision and grant initiation of a General Plan Amendment, Local Coastal Plan Amendment and zone change.

Thank you for your time and consideration.

Sincerely,



Steven A. Amerikaner

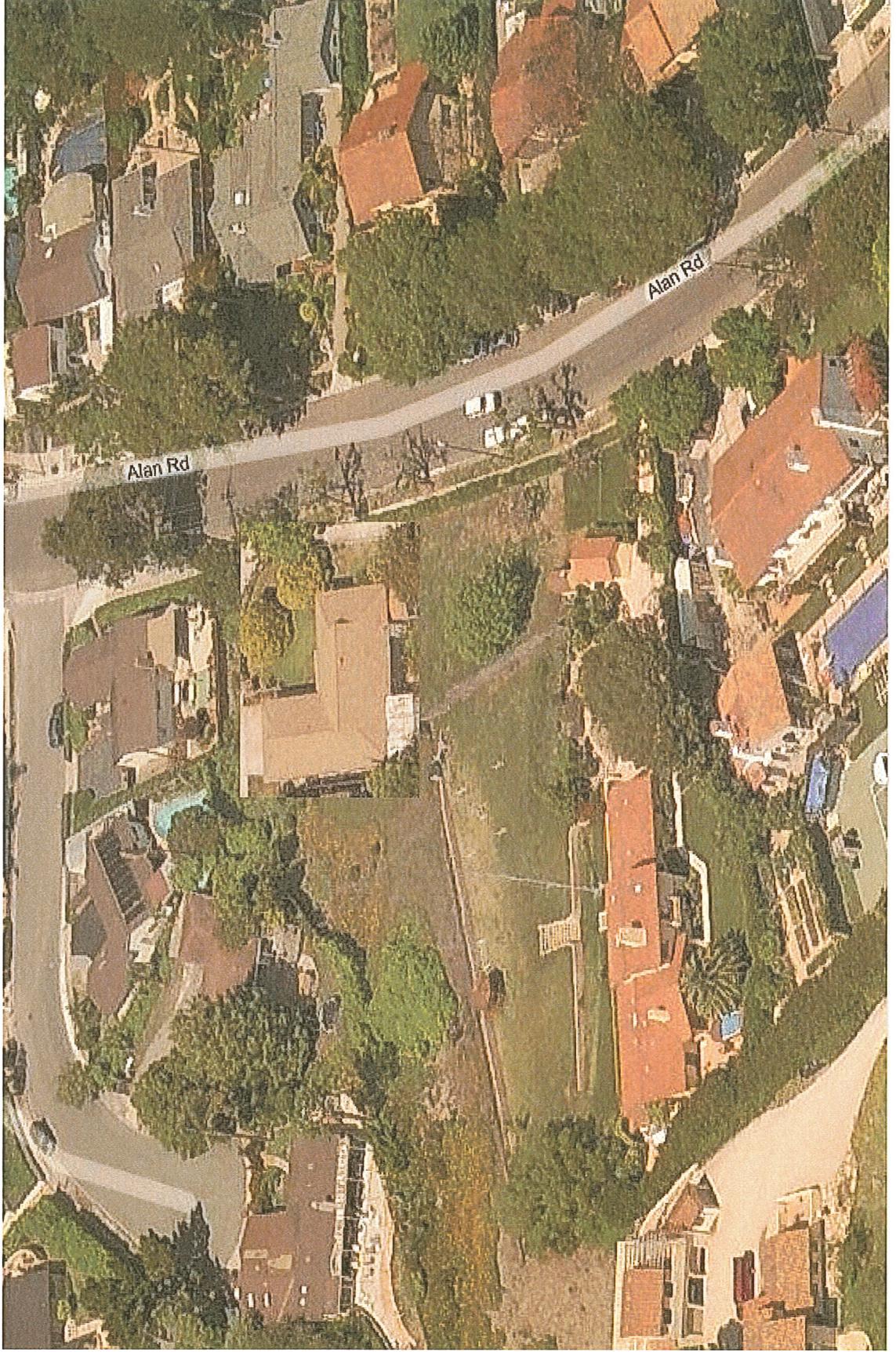
Enclosure

cc: Mr. and Mrs. Andrew Seybold (by email)  
Scott Vincent, Assistant City Attorney (by email)  
Paul Casey, Director (by email)  
Danny Kato, Senior Planner (by email)  
Kathy Kennedy, Associate Planner (by email)

# 415 Alan Road: Today



# 415 Alan Road: Proposed





# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** June 4, 2009  
**AGENDA DATE:** June 11, 2009  
**PROJECT ADDRESS:** 415 Alan Road (MST2009-00083)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DJK*  
 Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

At this time, the Planning Commission is not being requested to take any action regarding approval of the proposed project nor make any determination regarding environmental review.

### II. REQUIRED APPLICATIONS

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

### III. RECOMMENDATION

Staff recommends that the Planning Commission deny the initiation of the Zone Change, General Plan Amendment and Local Coastal Program Amendment.

**IV. SITE INFORMATION**

**A. EXISTING**

Zone District	A-1/ SD-3
General Plan Designation	Residential, one unit per acre
Slope	15.6%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)
Lot area	59,657 sq. ft. (1.37 acres)
Zoning	<b>Nonconforming to Lot Area</b>
General Plan	<b>Conforming to Density</b>

**B. PROPOSED**

	<b>Proposed Parcel A</b>	<b>Proposed Parcel B</b>
Zone District	A-1/ SD-3	E-3/ SD-3
General Plan Designation	Residential, one unit per acre	Residential, five units per acre
Slope	14.40%	19.90%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)	11,250 sq. ft. (0.26 acres)
Lot area	46,948 sq. ft. (1.08 acres)	12,709 sq. ft. (0.29 acres)
Zoning	<b>Nonconforming to Lot Area</b>	<b>Conforming to Lot Area</b>
General Plan	<b>Conforming to Density</b>	<b>Conforming to Density</b>

**V. DISCUSSION**

**A. PROJECT LOCATION**

The property at 415 Alan Road is located in the Campanil neighborhood of the City, which is bordered on the north and east by Arroyo Burro Creek, on the south by the ocean and on the west by Hope Ranch. The General Plan designation for the neighborhood is one dwelling unit per acre. Most of this area consists of large parcels, similar to the size of the project site or larger, which are either vacant or contain single-family dwellings. An exception to this is the Braemar Tract, a single-family, small-lot development that was subdivided while under County jurisdiction. This tract of approximately 120 parcels, on relatively steep topography, is described in the City's General Plan Land Use Element as presenting "a vivid picture of improper subdivision techniques." The density in this portion of the neighborhood is approximately four times greater than the other areas.

When the Braemar Tract was annexed to the City in 1956, it was given an E-3, One-Family Residence zone designation, which requires a 7,500 square foot minimum lot size (or more if the average slope exceeds 10%). The rest of the neighborhood has an A-1, One-Family Residence zone designation, which requires a one-acre minimum lot size (or more if the average slope exceeds 10%).

## **B. BACKGROUND**

Similar proposals regarding the project site have been submitted for review in the past. In 2004, the Planning Commission conceptually reviewed a proposed project that involved a lot line adjustment between two parcels (415 Alan Road and 23 Wade Court) resulting in an increase of lot area for 23 Wade Court. The Planning Commission, during their review, discouraged any development on the land that would be added to 23 Wade Court.

In February of 2005, an application was submitted that consisted of a subdivision of 415 Alan Road into two lots, in addition to the lot line adjustment. Following the subdivision, the smaller lot would have been rezoned from A-1 to E-3 and the larger lot would have required a lot area modification. During project review, Staff stated that if the project were to proceed to the Planning Commission for initiation of the Zone Change and Local Coastal Program Amendment, Staff would recommend denial, in part because the original 415 Alan Road parcel, which is currently nonconforming to lot area, would have become more nonconforming as a result of the proposed subdivision. Furthermore, the creation of a new lot that would not conform to the General Plan density would not be appropriate for the neighborhood when the Land Use Element and Local Coastal Plan state that this neighborhood is already too dense.

The applicant did proceed with the project and on October 6, 2005, the Planning Commission denied the initiation requests. One of the main reasons for the denial was the inconsistency with the General Plan density.

The applicant filed an appeal of the Planning Commission action but subsequently withdrew the appeal and submitted a proposal to Staff that included a request to initiate a General Plan Amendment as well. With a General Plan Amendment (from one unit per acre to five units per acre) added to the proposal, all proposed lots would conform to the General Plan density. Due to the rezone, the 23 Wade Court parcel would become conforming to lot area as would the newly created smaller parcel; however, the larger parcel would become more nonconforming to lot area. This proposal was put on hold.

## **C. CURRENT PROPOSAL**

In early 2009, the applicant submitted a new proposal that no longer included 23 Wade Court. The proposed project consisted of the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment and a subdivision of 415 Alan Road under the proposed Zoning and General Plan designations. The proposed project also included five additional properties along the eastern side of Alan Road. In response to the application, Staff provided the applicant with the following comments:

1. The existing parcel at 415 Alan Road is nonconforming to lot area due to the slope density requirements of the A-1 zone. Staff is not in support of the subdivision of the parcel that results in 415 Alan Road (proposed parcel A) becoming more nonconforming to lot area. In addition, Staff is also not in support of the proposal to rezone a number of parcels and change the General Plan and Local Coastal Plan designations on those parcels in order to facilitate the creation of a new lot in the project area. As you know, the City's General

Plan Land Use Element considers the adjacent Braemar Tract an example of an improper subdivision because it is a dense development on steep topography. Staff is not in support of creating a new lot in a neighborhood identified in the Land Use Element as already too dense.

2. If the applicant chooses to proceed with the proposed project, Staff would be recommending denial of the Initiation of the Zone Change and General Plan and Local Coastal Program Amendments at the Planning Commission.
3. Staff, however, would be in support of the proposal if the newly created lot were to have an upper-middle income restricted single-family detached unit. The proposal would be subject to the requirements of the City's Density Bonus Program. If the applicant chooses to proceed in this manner, please see SBMC§28.87.400 and the City of Santa Barbara Affordable Housing Policies and Procedures Manual for more information.

The proposal being presented to the Planning Commission is the same as described above but it does not include the five additional properties along the eastern side of Alan Road. In regard to the affordable housing suggestion by Staff, the applicant has requested that a payment of an in-lieu fee be considered rather than a restriction on the new residence.

## VI. RECOMMENDATION

Staff's concerns remain the same as stated above. In addition, Staff would not be in support of a payment of an in-lieu fee because the purpose is to provide payment as an alternative to constructing an affordable unit. This would not be a proper application of this alternative.

For the reasons presented above, Staff recommends that the Planning Commission deny the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment for the proposed project.

*If the initiation is granted, it is not meant to imply any approval of, or formal position on the proposed project other than acknowledging that the proposed Zone Change, General Plan Amendment and Local Coastal Program Amendment can proceed for study and environmental review.*

### Exhibits:

- A. Applicant's letter, dated May 22, 2009
- B. Project Plans (Exhibits A, B-1, B-2, C & Tentative Map)

May 22, 2009

RECEIVED  
MAY 22 2009

Patsy Stadelman, AICP  
Land Use Planner  
805.882.1424 tel  
805.965.4333 fax  
PStadelman@bhfs.com

VIA HAND DELIVERY

Ms. Kathleen Kennedy  
City of Santa Barbara  
Community Development Department  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

CITY OF SANTA BARBARA  
PLANNING DIVISION

RE: Initiation of Seybold Lot Split, Rezone and General Plan Amendment  
415 Alan Road (APN 047-091-024)

Dear Ms. Kennedy:

Enclosed are the copies of the revised exhibits for Planning Commission initiation of the proposed rezone and General Plan amendment at 415 Alan Road.

Following our pre-application review meeting with you on March 23, 2009, Mr. Seybold decided to revise the proposed project to eliminate the request for a rezone and General Plan amendment of the properties on the east side of Alan Road. The revised exhibits reflect this change. This letter and accompanying enclosures describe the proposed project and the reasons we believe the proposal is consistent with City policies and regulations as well as the Subdivision Map Act.

#### Project Description

The proposed project includes (1) subdivision of the 415 Alan Road parcel (APN 047-091-024), resulting in one new developable lot; (2) a rezone of the newly created parcel from A-1/S-D-3, One-Family Residence and Coastal Overlay Zones, to E-3/S-D-3, One-Family Residence and Coastal Overlay Zones; (3) a General Plan Amendment, and consistent Local Coastal Plan Amendment, to change the land use designation of the rezoned parcel from 1 dwelling unit per acre to 5 dwelling units per acre; and (4) a lot area modification to reduce the minimum lot area of the already developed remainder lot from 1.5 acres to 1.08 acres (see enclosed exhibits). The proposed project would require a Tentative Parcel Map, Coastal Development Permit, Lot Area Modification, Rezone, and General Plan and Local Coastal Plan Amendments.

The 415 Alan Road parcel is 59,657 square feet (1.37 acres) and is currently developed with one single family home and associated accessory structures on the southern side of the property. The size of this parcel conforms to the minimum one acre parcel size standard of the A-1 zone district but is smaller than the 1.5 acres that would be required under the city's slope density ordinance if the lot were now being proposed for development. The proposed lot split would result in two parcels: Parcel A would contain the existing dwelling and be 46,948 square feet in size (1.08 acres) and Parcel B would be 12,709 square feet in size (see Exhibit B-1 and Tentative Map). With the proposed rezone and land use designation change to E-3/S-D-3 and 5 dwelling units per acre, respectively, Parcel B would conform with the minimum 7,500 parcel size standard of the E-3 zone district and would satisfy the

11,250 square foot slope density standard for a lot with an average slope between 10% and 20%. Parcel A would continue to be nonconforming to the minimum lot area under the slope density ordinance and therefore would require a lot area modification.

### **Project Benefits and Required Findings**

The Santa Barbara Municipal Code requires the City to make the following findings in order to approve the proposed project

**Findings for Tentative Map (SBMC §27.07.100):** The tentative map is (1) consistent with applicable General and specific plans; (2) the design or improvement proposed is consistent with applicable general and specific plans; (3) the site is physically suitable for the type of development; (4) the site is physically suitable for the proposed density of development; (5) the design of the development or the proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat; (6) the design of the development or the type of improvement is not likely to cause serious public health problems; and (7) the design of the development or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

**Findings for a Change of Zone Boundaries (SBMC §28.92.015):** The change is justified by public necessity, convenience, general welfare or good zoning practice.

**Findings for Coastal Development Permit (SBMC §28.45.009):** The project is consistent with the policies of the California Coastal Act and the project is consistent with all applicable policies of the City's Coastal Plan, all implementing guidelines and all applicable provisions of the Municipal Code.

**Findings for a Local Coastal Program Amendment (SBMC §28.45.009):** The project is consistent with the policies of the California Coastal Act (commencing with Section 30200) including public access and public recreation because it would not affect public access or recreation opportunities. In addition, the project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provision of the Municipal Code.

**Findings for a Lot Area Modification (SBMC §28.92.110):** The modification is consistent with the purposes and intent of the Zoning Ordinance, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

We respectfully submit that these findings can be made for the following reasons. The property is an excellent location for infill development of a single family home. The proposed new parcel already appears to be a separate lot because it is physically separated from the existing house and yard area. Further, it is adjacent to and across Alan Road from lots of comparable size, all infrastructure is in place, slopes are relatively minimal, and development would not negatively impact traffic in the neighborhood.

A rezone and General Plan Amendment to allow a new lot would be consistent with the actual density of the existing neighborhood. While the area is currently designated for 1 unit per acre, this land use designation was applied after the neighborhood was developed. The actual density of the area along Alan Road between Cliff Drive and Wade Court is 1.8 units per acre. One infill unit would result in a minimal increase in density to 2 units per acre.

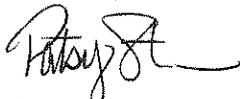
Ms. Kathleen Kennedy  
May 22, 2009  
Page 3

The proposed project is consistent with the Coastal Act because it does not affect public access or public recreation. The project would result in a new lot added to the City's tax rolls and would be compatible with the Alan Road neighborhood. The proposed new lot has ready access from Alan Road and would connect to the existing water and sewer infrastructure on Alan Road. Further, there are no significant natural resources on the property which could be adversely affected by future development.

In conclusion, the proposed project benefit the City by creating a new infill property compatible with the existing neighborhood, furthering the City's policy of providing housing opportunities through infill development and adding a new property to the City's tax rolls.

Thank you for your time and consideration of this proposal.

Sincerely,



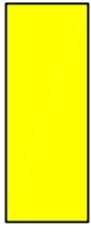
Patsy Stadelman, AICP  
Land Use Planner

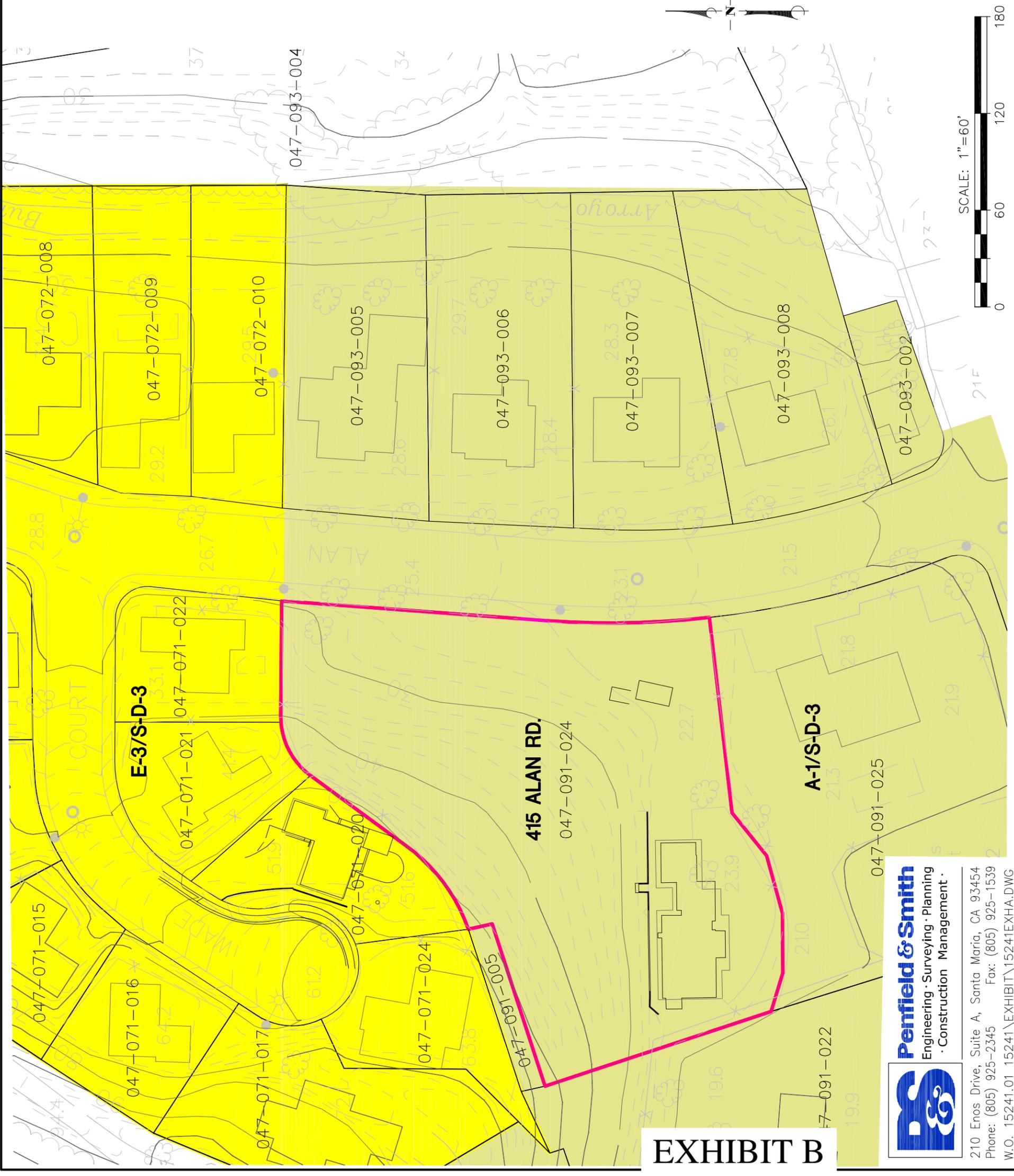
cc: Andrew Seybold  
Steven Amerikaner, Esq.

Enclosures: Tentative Parcel Map (10 copies)  
Exhibit A: Seybold Existing Conditions (10 copies)  
Exhibit B-1: Seybold Proposed Conditions, Subdivision and Rezone (10 copies)  
Exhibit B-2: Seybold Proposed Conditions, Subdivision and General Plan Amendment (10 copies)  
Exhibit C: Seybold Vicinity/Zoning Map (10 copies)

EXISTING CONDITIONS 415 ALAN ROAD	
OWNER	ANDREW SEYBOLD
APN	047-091-024
GENERAL PLAN DESIGNATION	RESIDENTIAL (1 UNIT PER ACRE)
ZONE DISTRICT	A-1/S-D-3
MINIMUM LOT AREA	43,560 S.F. (1 ACRE)
EXISTING LOT AREA	59,657 S.F. (1.37 AC.)

**LEGEND**

-  EXISTING PROPERTY LINE
-  A-1/S-D-3 ZONE
-  E-3/S-D-3 ZONE



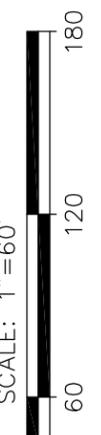
**EXHIBIT B**

**EXHIBIT A**  
**SEYBOLD EXISTING CONDITIONS**  
**APN 047-091-024**



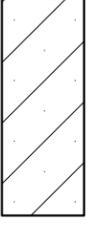
**Penfield & Smith**  
 Engineering · Surveying · Planning  
 · Construction Management ·

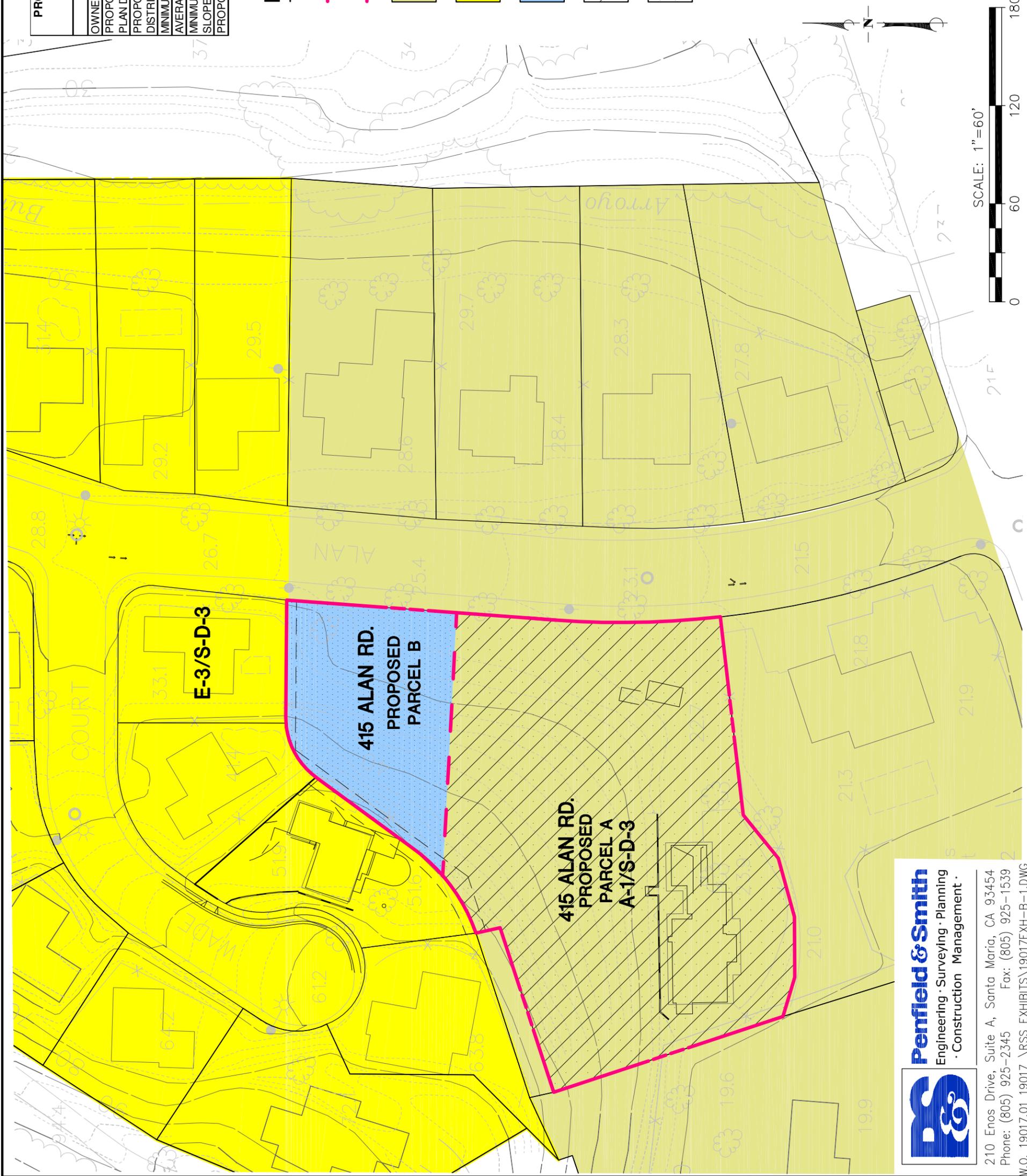
210 Enos Drive, Suite A, Santa Maria, CA 93454  
 Phone: (805) 925-2345 Fax: (805) 925-1539  
 W.O. 15241.01 15241\EXHIBIT\15241EXHA.DWG



PROPOSED CONDITIONS FOR 415 ALAN ROAD FOR CONSIDERATION OF THE REZONE AND GENERAL PLAN AMENDMENT	
PARCEL A	PARCEL B
OWNER ANDREW SEYBOLD	ANDREW SEYBOLD
PROPOSED GENERAL PLAN DESIGNATION (1 UNIT PER ACRE)	RESIDENTIAL (5 UNITS PER ACRE)
PROPOSED ZONE A-1/S-D-3	E-3/S-D-3
MINIMUM LOT AREA 43,560 S.F. (1 ACRE)	7,500 S.F. (0.17 ACRE)
AVERAGE SLOPE 14.40%	19.90%
MINIMUM LOT AREA WITH SLOPE DENSITY FACTOR 65,430 S.F. (1.5 ACRES)	11,250 (0.26 ACRE)
PROPOSED LOT AREA 46,948 S.F. (1.08 AC.)	12,709 S.F. (0.29 AC.)

### LEGEND

-  PROPOSED PROPERTY LINE
-  EXISTING PROPERTY LINE
-  EXISTING A-1/S-D-3 ZONE
-  EXISTING E-3/S-D-3 ZONE
-  AREA OF PROPOSED REZONE FROM A-1/S-D-3 TO E-3/S-D-3
-  PROPOSED PARCEL A
-  PROPOSED PARCEL B




**Penfield & Smith**  
Engineering · Surveying · Planning  
· Construction Management ·

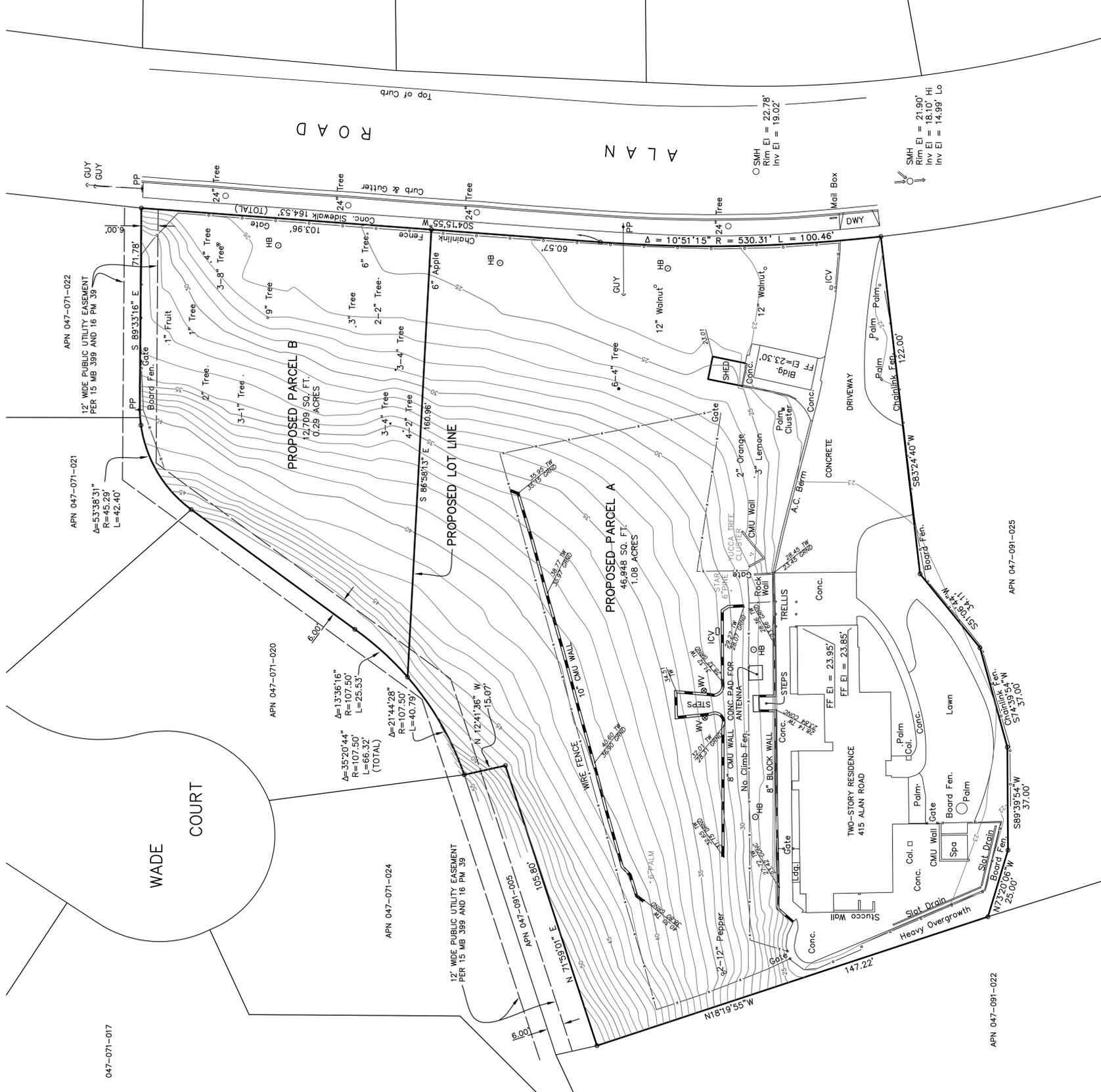
210 Enos Drive, Suite A, Santa Maria, CA 93454  
Phone: (805) 925-2345 Fax: (805) 925-1539  
W.O. 19017.01 19017 \RSS EXHIBITS\19017EXH-B-1.DWG

## EXHIBIT B-1 SEYBOLD PROPOSED CONDITIONS SUBDIVISION AND REZONE APN 047-091-024

CITY OF SANTA BARBARA, CALIFORNIA  
MAY 2009







**LEGEND**

- PP = POWER POLE
- ⊕ = GUY ANCHOR
- HB = HOSE BIB
- = TOP OF WALL
- GRND = GROUND
- CONC = CONCRETE
- FF = FINISHED FLOOR
- SMH = SEWER MANHOLE
- WV = WATER VALVE
- ICV = IRRIGATION CONTROL VALVE

**NOTES**

1. ZONING: EXISTING PARCEL: A-1/SD-3  
PROPOSED PARCEL A: A-1/SD-3  
PROPOSED PARCEL B: PROPOSED REZONE TO E-3/SD-3  
(SEE SEPARATE EXHIBIT FOR REZONING PROPOSAL)
2. WATER: SANTA BARBARA CITY
3. SEWER: SANTA BARBARA CITY
4. GAS: SOUTHERN CALIFORNIA GAS
5. ELECTRIC: SOUTHERN CALIFORNIA EDISON
6. THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON THE NATIONAL GEODESIC SURVEY OF 1983 AND IS DATED OCTOBER 04, 2002 AND SUPPLEMENTED BY A FIELD SURVEY UNDERTAKEN BY PENFIELD AND SMITH, JANUARY 04, 2005.
7. THE BASIS OF BEARINGS FOR THIS SURVEY IS CCS 83, ZONE 18N. THE CONTROL POINTS SHOWN ON THE MAP ARE FROM THE BARBARA CONTROL NETWORK AS SHOWN ON THE MAP FILED IN BOOK 147, PAGES 70 THROUGH 74, OF RECORD OF SURVEYS. DISTANCES HAVE BEEN SCALED FROM GRID TO GROUND BY A COMBINED FACTOR OF 1.0005553 COMPUTED AT CONTROL POINT 109547 FROM THE GRID BEARINGS SHOWN ON MAP FOR TRACT 20,191, BOOK 95, PAGES 48 AND 49, OF MAPS.
8. VERTICAL DATUM IS NAVD 83, BASED UPON SEON STATION 0029. LOCAL BENCHMARK IS A FOUND LEAD AND TAG, PT. NO. 100. MARKING IS 23.877 U.S. SURVEY FEET.
9. THIS TENTATIVE MAP WAS PREPARED IN CONJUNCTION WITH A PRELIMINARY TITLE REPORT ISSUED BY FIDELITY NATIONAL TITLE COMPANY, JANUARY 20, 2005, AS PART OF THE PROJECT. THE PROJECT, HAVING AN ELEVATION OF 23.877 U.S. SURVEY FEET.

**OWNER'S STATEMENT:**

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE AN INTEREST IN THE LAND AND INCLUDED THEREIN. WE HAVE SHOWN WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINES.

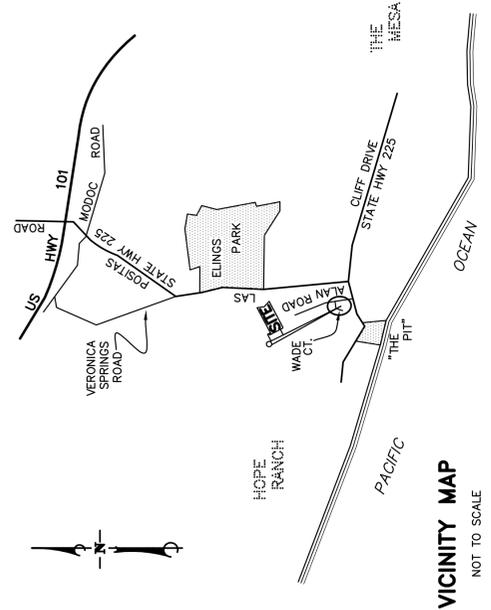
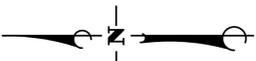
BY: ANDREW M. SEYBOLD  
 BY: LINDA M. SEYBOLD  
 415 ALAN ROAD  
 STREET  
 DATE: PHONE:  
 SANTA BARBARA CA 93109  
 CITY STATE ZIP

**AREAS:**

**EXISTING LOT 1, TRACT 20,191**  
 TOTAL AREA: 1.37 ACRES (GROSS AND NET)  
 AVERAGE SLOPE: 15.6%

**PROPOSED PARCEL A**  
 TOTAL AREA: 1.08 ACRES (GROSS AND NET)  
 AVERAGE SLOPE: 14.4%

**PROPOSED PARCEL B**  
 TOTAL AREA: 0.29 ACRES (GROSS AND NET)  
 AVERAGE SLOPE: 19.9%



**TENTATIVE PARCEL MAP NO. 20,XXX**  
 BEING A DIVISION OF LOT 1 OF TRACT 20,191  
 IN THE CITY OF SANTA BARBARA, STATE OF CALIFORNIA,  
 RECORDED IN BOOK 95, PAGES 48 AND 49 OF MAPS  
 SCALE: 1"= 20'  
 MAY 2009

PREPARED UNDER THE DIRECTION OF:

KENNETH S. HUGHES PLS 6170  
 LICENSE EXPIRATION  
 DATE: 3/31/10



II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
None.
- B. Announcements and appeals.  
None.
- C. Comments from members of the public pertaining to items not on this agenda.  
Chair Larson opened the public hearing at 1:07 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEMS:

ACTUAL TIME: 1:07 P.M.

- A. APPLICATION OF PATSY STADELMAN, BROWNSTEIN HYATT FARBER SCHRECK, LLP, AGENT FOR ANDREW M. SEYBOLD, 415 ALAN ROAD, APN 041-091-024, A-1/SD-3, ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2009-00083)

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

Case Planner: Kathleen Kennedy, Associate Planner  
Email: [KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Steve Amerikaner, Attorney, gave the applicant presentation joined by Andrew Seybold, Property Owner.

Chair Larson opened the public hearing at 1:29 P.M. and acknowledged the correspondence received.

Gill Barry, neighbor, spoke in opposition to the project on behalf of neighbor Dr. Timothy Rodgers, who could not be present at the meeting. He cited concerns over the lot split and increased density and stated that a previous condition of approval prohibited any further subdivision of the parcel.

With no one else wishing to speak, the public hearing was closed at 1:33 P.M.

Scott Vincent, Assistant City Attorney, answered Planning Commission questions about how the slope density provisions of the City's Ordinance apply to the project. Mr. Vincent also stated that the City cannot place a condition on a property that would not allow an owner to request further division of the property.

The Commission made the following comments:

1. Commissioner Lodge was not in support because it would become denser.
2. Commissioner White concurs but may be in support of a secondary unit in the future.
3. Commissioner Bartlett was in support because the new lot would conform and the applicant is willing to pay in-lieu fees and construct a green building. Need to fix the rules.
4. Commissioner Bartlett suggested that the General Plan and Zoning inconsistencies in this area be addressed in the future.
5. Commissioner Thompson suggested that the in-lieu fee option be explored.

**MOTION: Lodge/White**

**Assigned Resolution No. 025-09**

Denied the initiation of a Zone Change, General Plan Amendment and Local Coastal Program Amendment for the proposed project as recommended in the Staff Report.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Bartlett/Thompson) Abstain: 0 Absent: 2 (Jacobs/Jostes)

Chair Larson announced the ten calendar day appeal period.



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 025-09

415 ALAN ROAD

ZONE CHANGE, GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT

JUNE 11, 2009

**APPLICATION OF PATSY STADELMAN, BROWNSTEIN HYATT FARBER SCHRECK, LLP, AGENT FOR ANDREW M. SEYBOLD, 415 ALAN ROAD, APN 041-091-024, A-1/SD-3, ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2009-00083)**

The proposal is a request to initiate a Zone Change, General Plan Amendment and Local Coastal Program Amendment for a portion of the parcel (proposed parcel B) located at 415 Alan Road, from A-1/SD-3 (One-Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One-Family Residence/Coastal Overlay Zone) and from Residential, one unit per acre to Residential, five units per acre.

If the initiation requests are approved, the proposed project would also require a Tentative Subdivision Map to allow a subdivision of the parcel into two lots, a Lot Area Modification to allow less than the required lot area for one lot (proposed parcel A) and a Coastal Development Permit.

The initiation requests are as follows:

1. Initiation of a Zone Change from A-1/SD-3 (One Family Residence/Coastal Overlay Zone) to E-3/SD-3 (One Family Residence/Coastal Overlay Zone);
2. Initiation of a General Plan Amendment from Residential, One unit per acre to Residential, Five units per acre; and
3. Initiation of a Local Coastal Program Amendment to accept the Zone Change.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and 1 person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 4 2009.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Steven Amerikaner
  - b. Steve H. Dougherty, via email
  - c. Richard B. Tanner, Santa Barbara, CA

4. Correspondence received in opposition to the project:
- b. Judy Orias, Allied Neighborhood Association, via email
  - c. Herbert L. Gravitz and Julie Borden, via email
  - d. Timothy Rodgers, M. D., via email
  - e. Paula Westbury, Santa Barbara, CA

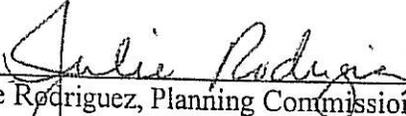
**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

Denied the initiation of the Zone Change, General Plan Amendment and Local Coastal Program Amendment.

This motion was passed and adopted on the 11th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Bartlett, Thompson) ABSTAIN: 0 ABSENT: 2 (Jacobs, Jostes)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

**Speakers:**

Staff: Interim Finance Director Robert Samario, Police Chief Camerino Sanchez, Library Director Irene Macias, Principal Engineer John Ewasiuk.

**Motion:**

Councilmembers Horton/Schneider to approve the recommendations; Resolution No. 09-089.

**Vote:**

Unanimous roll call vote .

**PUBLIC HEARINGS**

16. Subject: Appeal Of Planning Commission Decision For 415 Alan Road (640.07)

Recommendation: That Council deny the appeal of Steven Amerikaner, agent for Mr. and Mrs. Andrew Seybold, and uphold the Planning Commission decision to deny the initiation of the Zone Change, General Plan Amendment and Local Coastal Program Amendment at 415 Alan Road.

2009 NOV 10 CAR 415 ALAN RD APPEAL - 1.DOC  
2009 NOV 10 CAR 415 ALAN RD APPEAL - 2.PDF  
2009 NOV 10 CAR 415 ALAN RD APPEAL - 3.PDF  
2009 NOV 10 CAR 415 ALAN RD APPEAL - 4.PDF

**Documents:**

- November 10, 2009, report from the Community Development Director.
- November 10, 2009, PowerPoint presentation prepared and made by Staff.
- November 10, 2009, PowerPoint presentation submitted by Steven Amerikaner.
- Affidavit of Publication.
- May 5, 2009, letter from Richard B. Tanner.
- November 2, 2009, letter from Steve H. Dougherty.

Councilmember Williams left the meeting at 3:04 p.m. and returned at 3:09 p.m.

**Public Comment Opened:**

3:04 p.m.

**Speakers:**

- Staff: Associate Planner Kathleen Kennedy, City Planner Bettie Weiss, Assistant City Attorney N. Scott Vincent.
- Planning Commission: Commissioner Sheila Lodge.
- Appellant/Applicant: Steven Amerikaner, Andrew Seybold.

**Public Comment Closed:**

3:31 p.m.

**Motion:**

Councilmembers Falcone/House to uphold the appeal and to initiate the Zone Change, General Plan Amendment and Local Coastal Program Amendment at 415 Alan Road.

**Amendment Motion:**

Councilmembers Falcone/House to uphold the appeal and to initiate the Zone Change, the General Plan Amendment and Local Coastal Plan Program Amendment at 415 Alan Road, and request that staff present to Council what designations the parcel should have in order to meet the applicant's interest and what substantiation would actually be made to ensure that the new unit is a middle income unit in terms of size or whatever else is determined in a deliberation with the applicant.

**Vote on Amendment Motion:**

Majority voice vote (Noes: Councilmember Horton, Mayor Blum).

**MAYOR AND COUNCIL REPORTS****17. Subject: Interviews For City Advisory Groups (140.05)****Recommendation: That Council:**

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 17, 2009, at 6:00 p.m.

(Estimated Time: 4:00 p.m.)

2009 NOV 10 CAR INTERVIEWS FOR CITY ADVISORY GROUPS - 1.DOC

2009 NOV 10 CAR INTERVIEWS FOR CITY ADVISORY GROUPS - 2.DOC

**Documents:**

- November 10, 2009, report from the Administrative Services Director.
- November 10, 2009, resume submitted by Chris Casebeer.



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** February 24, 2010  
**AGENDA DATE:** March 3, 2010  
**PROJECT ADDRESS:** 415 Alan Road (MST2009-00083)

**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Peter Lawson, Associate Planner *PL*

### I. PROJECT DESCRIPTION

The project consists of a subdivision of a 1.37 acre parcel that is currently developed with a single family residence with a garage. The subdivision would result in the creation one 45,056 square foot lot (Proposed Parcel A), with the existing single-family residence remaining on this lot, and one 14,601 square foot lot (Proposed Parcel B), which would be vacant. A development restriction of a single story, 2,000 s.f. maximum size residence with a 500 square foot garage, which would be constructed between the 40 foot contour line and the sidewalk is proposed. Access to each of the proposed lots would be from Alan Road.

As part of the project, a General Plan/Local Coastal Plan Amendment and a Rezone are being requested for the proposed northern lot, and a lot area Modification is being requested for the proposed southern lot to be less than the minimum size required for slope density.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Coastal Commission:**

1. General Plan Amendment to change the land use designation of the newly created vacant lot (Parcel B) from Residential, one unit per acre to Residential, three units per acre, (8,712 sq. ft. per unit) (SBMC §28.07);
2. Local Coastal Plan Amendment to change the land use designation of the newly created vacant lot (Parcel B) from Residential, one unit per acre to Residential, three units per acre, (8,712 sq. ft. per unit) (SBMC §28.07) and to change the zoning map designation as described below;
3. Zoning Map Amendment to rezone proposed Parcel B from A-1/ SD-3 (Single Family Residential), to E-3/ SD-3 (Single Family Residential) (SBMC, §28.92.020);

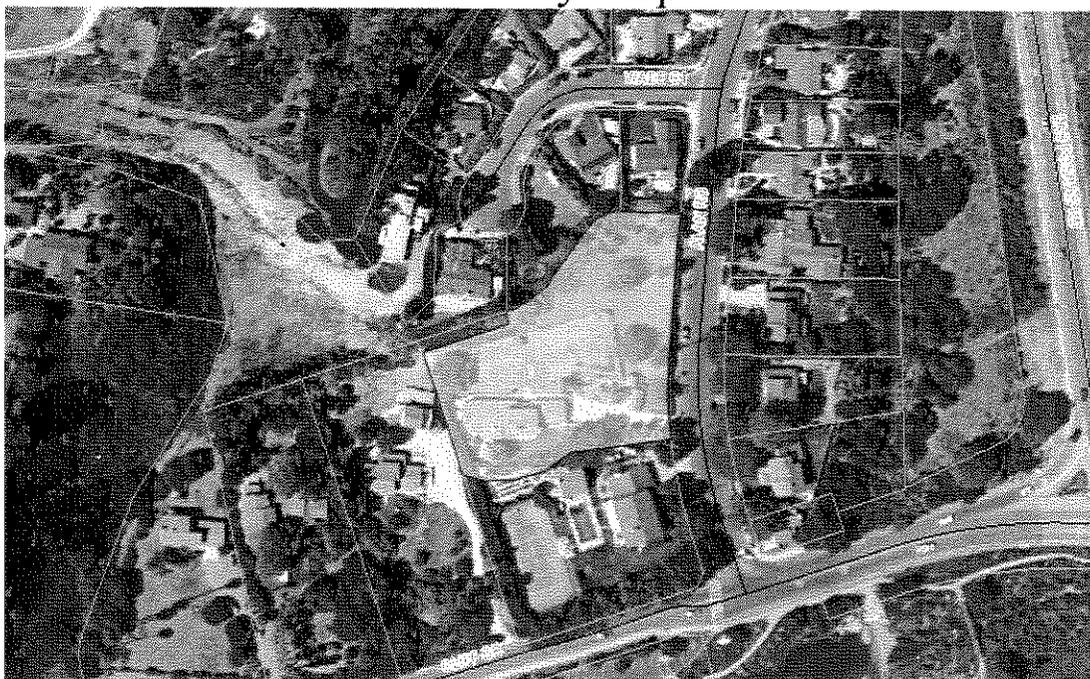
**Actions by the Planning Commission, contingent upon approval of the actions listed above:**

4. A lot area Modification to allow proposed Parcel A to be less than the required lot size of 1.5 acres is required for lots with slopes of 10%-20% (SBMC §28.92.026.A);
5. A Tentative Subdivision Map to allow the division of one (1) lot into two (2) parcels (SBMC 27.07);
6. A Coastal Development Permit for the development within the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

**III. RECOMMENDATION**

City staff is supportive of the proposed two-lot subdivision. With City Council and Coastal Commission approval of the requested re-zone of proposed Parcel B from A-1/SD-3, to E-3/ SD-3 and accompanying General Plan/Local Coastal Plan land use designation amendment from Residential, one unit per acre to Residential, three units per acre, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. The project would result in a net gain of one residential unit in the City's housing stock, and the density of the proposed subdivision would be compatible with the surrounding neighborhood. Future development of the lot would be subject to design review by the Single Family Design Board to ensure compatibility with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission recommend to the City Council the approval of the re-zone and General Plan and Local Coastal Plan Map Amendments, and approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

**Vicinity Map**



**APPLICATION DEEMED COMPLETE:** August 10, 2010  
**DATE ACTION REQUIRED PER MAP ACT:** March 3, 2011

**IV. BACKGROUND INFORMATION**

The project site was originally comprised of 2.37 acres and developed with a single-family residence with a garage and accessory structure. A two lot subdivision was approved and was recorded in May of 1978 (FM No. 20,191), which left the residence on a 1.37-acre lot, the subject of the current proposal, and a vacant 1-acre lot to the south. The parcel to the south, which is bounded by Cliff Drive and Alan Road, was later developed with a single-family residence.

Since 2003, the applicant has proposed to subdivide the subject 1.37-acre lot into two parcels through various configurations. For example, one proposal included adjusting lot lines with adjacent lots to achieve a lot configuration consistent with the zoning ordinance. The most recent proposal included a two lot subdivision in the same configuration, as currently proposed, along with ordinance and land use plan changes.

Staff did not support the project and recommended denial of the applicant's request to initiate the Zone Change, General Plan Amendment and Local Coastal Plan Amendment of the Zoning Ordinance and General Plan. On June 11, 2009, the Planning Commission concurred with the Staff recommendation and voted 3-2-2 to deny the request (3 in favor, 2 against, 2 absent). The applicant appealed this decision to City Council. On November 9, 2009, Council upheld the appeal of the applicant and initiated the Zone Change, General Plan Amendment and Local Coastal Plan Amendment and directed staff to process the lot split application.

**V. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

Applicant:	Patsy Stadleman, Agent	Property Owner:	Andrew Seybold
Parcel Number:	047-091-024		
Adjacent Land Uses:			
	North - Residential	East - Residential	
	South - Residential	West - Residential	

**EXISTING PARCEL**

Zone District	A-1/ SD-3
Existing Use	Residential
General Plan Designation	Residential, one unit per acre
Topography	15.6%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)
Lot area	59,657 sq. ft. (1.37 acres)
Zoning	<b>Nonconforming to Lot Area</b>
General Plan	<b>Conforming to Density</b>

**PROPOSED SUBDIVISION - TWO LOTS**

	<b>Proposed Parcel A</b>	<b>Proposed Parcel B</b>
Zone District	A-1/ SD-3	E-3/ SD-3
Proposed Use	Residential	Residential
General Plan Designation	Residential, one unit per acre	Residential, three units per acre
Slope	14.40%	19.90%
Minimum lot area required (with slope density factor of 1.5)	65,340 sq. ft. (1.5 acres)	11,250 sq. ft. (0.26 acres)
Lot area	45,056 sq. ft. (1.03 acres)	14,601 sq. ft. (0.34 acres)
Zoning	<b>Nonconforming to Lot Area</b>	<b>Conforming to Lot Area</b>
General Plan	<b>Conforming to Density</b>	<b>Conforming to Density</b>

**B. PROJECT STATISTICS**

**EXISTING PARCEL**

Living Area	3,080 square feet
Garage	530 square feet
Accessory Space	250 square feet

**PROPOSED SUBDIVISION - TWO LOTS**

	<b>Proposed Parcel A</b>	<b>Proposed Parcel B</b>
Living Area	3,080 s.f. house	No Development
Garage	530 s.f. Garage	No Development
Accessory Space	250 s.f. Accessory Space	No Development

**VI. ZONING ORDINANCE CONSISTENCY**

The project would result in the creation of two lots. Proposed Parcel A would include an existing residence, a garage and an accessory structure, and Proposed Parcel B would be vacant. The proposed project would meet the requirements of the Municipal Code, with the exception of Proposed Parcel A. Proposed Parcel A would be 1.03 acres, which is consistent with the minimum required lot size of the A-1/SD-3 Zone District and the existing development of this lot is consistent the zone district. However, Proposed Parcel A does not meet the slope density requirement of 1.5 times the minimum lot area for parcels with slopes between 10% - 20%, and therefore requires a lot area Modification. Proposed Parcel B would be consistent with the minimum lot size of the recommended zoning of E-3/SD-3, including the slope density requirement of 1.5 times the required minimum lot area.

**VII. ISSUES**

**A. DESIGN REVIEW**

Consistent with §22.69.020.D, Neighborhood Preservation - Single Family Residential Unit Design Review, Subdivision Grading Plans, this project is not subject to design review since

there is no grading associated with the proposed subdivision. Any future development is subject to review by the Single Family Design Board.

#### **B. COMPLIANCE WITH THE GENERAL PLAN/LOCAL COASTAL PLAN**

The project site is located within the General Plan designated Campanil Area and Component 1 of the Local Coastal Plan. This area is roughly bounded by the western City limits, Arroyo Burro Creek to the east and north and the shoreline to the south. Within this bounded area there are a mixture of large lot and small lot subdivisions. As described in the background section, the subject lot was created from a larger lot in 1978. A subdivision of 114 lots, known as the Braemar Park Tract, is located immediately to the north of the project site and is comprised of 10,000 square foot lots. The Land Use Element describes the Braemar Tract as being a picture of improper subdivision techniques and this description is carried over to the Local Coastal Plan. The main concern with the Braemar Park Tract is the size of the lots relative to the steep slopes found in parts of the tract.

The project as proposed would include a General Plan Amendment and Local Coastal Plan Amendment for Proposed Parcel B, change the designation from one unit per acre to three units per acre. If approved, the proposed 14,810 square foot lot would be consistent with the new General Plan and Local Coastal Plan designation. The project would also be consistent with the intent of the Land Use Element by avoiding development on slopes and limiting the scale of future development. As part of the project, Proposed Parcel B would include a deed restricted development size. The development would be restricted, by a condition of approval, to the area between the forty foot contour line and the public street, and the improvements would be restricted to a 2,000 square foot house (approximately 46% of the maximum FAR) and a 500 square foot garage.

#### **C. ENVIRONMENTAL REVIEW**

The proposed subdivision is exempt from further environmental review under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3). This section states that:

“The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The proposed project qualifies for this exemption because Proposed Parcel A is currently developed with a single-family residence, which is consistent with the development of the surrounding neighborhood. Proposed Parcel B is vacant, and with the proposed development restriction of a single story, 2,000 square foot residence with a 500 square foot garage would be developed in an area that avoids slopes in excess of 20%, would not require excessive grading, and is located in a disturbed area devoid of native vegetation. The lot is over 200 feet from Arroyo Burro Creek and associated riparian areas. A soils report and archeology report were prepared for proposed Parcel B, and no unsuitable soils or archeological resources were discovered. Both parcels are served by existing public services and the surrounding

intersections can accept an additional residential development. Therefore the subdivision and additional building location would not have a significant effect on the environment.

## **VIII. RECOMMENDATIONS TO COUNCIL**

Staff recommends that the Planning Commission make the following recommendations to the City Council for the following reasons:

### **A. GENERAL PLAN AND LOCAL COASTAL PLAN AMENDMENTS**

**Change the land use designation of Proposed Parcel B from Residential - 1 unit per acre to Residential - 3 units per acre.** The proposed parcel would be consistent with the density requirement of 3 units per acre. While the adjacent parcels in the Braemar Park Tract would continue to be under the General Plan designation of one unit per acre, it is anticipated that under Plan Santa Barbara update, this tract and surrounding parcels would also be designated 3 units per acre. Finally, this designation would be consistent and compatible with all of the development and land uses in this neighborhood, which are comprised of lots of 9,000 to 12,000 square feet.

### **B. ZONING MAP AMENDMENT**

**Change the zoning designation of Proposed Parcel B from A-1/S-D-3 One Family Residential Zone/Coastal Overlay Zone to E-3/S-D-3, One Family Residence Zone/Coastal Overlay Zone.** This residential zoning designation would be consistent with the proposed General Plan and Local Coastal Plan designation of Residential, 3 units per acre and would be consistent with the Local Coastal Plan text discussion of development in the Braemar Park Tract area. Additionally, the proposed zone would be consistent with surrounding zoning designations. This designation would also be consistent and compatible with adjacent and nearby development, land uses and zoning designations, located to the north of the subject parcel.

## **IX. FINDINGS**

The Planning Commission finds the following:

### **A. MODIFICATION LOT AREA (SBMC § 28.92.110.2)**

The request for a slope density, lot area Modification for proposed Parcel A is consistent with the intent and purpose of Title 28, Zoning Ordinance and is necessary to secure an appropriate improvement on a lot, and promote uniformity of improvement. The purpose of slope density is to provide more options to locate development on a lot to minimize grading and visual impacts. Proposed Parcel A would include the existing residence, garage and accessory structure. The visual landscape of the lot would remain unchanged and there would be no impacts from grading, since no additional development is proposed. Additionally, the development is approximately 75% of the recommended Floor Area Ratio, which is less aggressive than the surrounding large lot development. The proposed 1.03-acre lot is similar in size to the parcels located immediately to the west, south and north and two to three times the size of parcels located to the east.

**B. THE TENTATIVE MAP (SBMC §27.07.100)**

Proposed Parcel A

If approved as proposed, Parcel A of the Tentative Subdivision Map would be consistent with the current General Plan and Local Coastal Plan of the city of Santa Barbara because it would meet the density requirement of one unit per acre. The project would also be consistent with underlying lot size requirement of the A-1 Zone District.

The site is current developed with a single-family residence and is physically suited for the site. It is served by adequate City services, has adequate access and complies with all applicable regulations. No additional development is proposed at this time. Because the new parcel does not propose any new development, the project will not cause substantial environmental damage, such as impacts to the nearest marine environment, and associated improvements will not cause serious public health problems. The existing driveway from Alan Road provides adequate access to the site and does not interfere with any easements.

Proposed Parcel B

If approved as proposed, Parcel B of the Tentative Subdivision Map would be consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara. The proposed amendments would change the General Plan land use designation from one unit per acre to three units per acre.

The proposed parcel is physically suitable for the proposed development the project and is consistent with the provisions of the Municipal Code and the General Plan because there would be available level area to develop a residence without requesting Modifications. The proposed use is consistent with the vision for this neighborhood of the General Plan because the size of the lot is within range of the adjacent lots within the Braemar Park Tract, which begins on the northern property line. This tract is comprised of single and two-story development ranging in size of 1,500 to 3,000 square feet. While most of the Campanil Neighborhood is more semi-rural, the Braemar Tract includes more urban public improvements such as sidewalks, streetlights and public sewer, which extent the length of the project site frontage.

Future development of the lot will not cause substantial environmental damage because it will avoid steep slopes and still be consistent with all applicable provisions of the Ordinance. Future improvements of the lot will not cause serious public health problems because all public services are available to serve the parcel. To ensure that there will be minimal impacts, Proposed Parcel B includes a development restriction of a 2,000 square foot single story residence with a 500 square foot garage and a requirement that this development shall be located in an area between the forty-foot contour line and the public street (Exhibit A). There is adequate access to the site directly from Alan Road and there are existing pedestrian improvements along the front of the proposed parcel.

**A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.060)**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended.

1. The project is consistent with the policies of the California Coastal Act. The project will not impact coastal access, since it is located on the north side of Cliff Drive and there are no recreational facilities on site. The project will not impact the marine environment due to the distance from the Coastline and Arroyo Burro Creek. Future development of the site will comply with applicable storm water management practices. While no development is proposed at this time, the project site is located within a developed neighborhood with public sidewalks, lighting and all public services available adjacent to the lot. There would be no visual impacts of the coastal area. The subdivision includes one lot that is developed with a single-family residence and the other lot would be a vacant sloping lot immediately adjacent to a public street. The project is not located within a hazards zone and future development would comply with all applicable energy codes.

The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation. The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite. The project would not result in a negative impact to recreational activities at nearby Douglas Family Preserve or Henry's Beach, and, due to its location on the northeast side of Cliff Drive, the project does not have the potential to affect public access to the coast.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. The subdivision would result in one lot developed with an existing residence with a garage and the other would be vacant. The applicant has demonstrated that adequate off street parking would be available for the vacant lot. The additional vacant lot would not result in impacts to recreational facilities. Public sidewalks are located along the front of the vacant parcel and passive outdoor recreational opportunities are near the site. While no development is proposed, the vacant parcel will be restricted to 2,500 square feet of total development, which is consistent with the character of the neighborhood. Additionally, given the location of the project site, views to and from the coastline would not be impacted. Finally, any future development would be required to underground the utilities.

**Exhibits:**

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated March 31, 2010

**PLANNING COMMISSION CONDITIONS OF APPROVAL**

415 ALAN ROAD

TENTATIVE SUBDIVISION MAP, MODIFICATION, GENERAL PLAN & LOCAL COASTAL PLAN AMENDMENT  
ZONING MAP AMENDMENT & COASTAL DEVELOPMENT PERMIT

MARCH 3, 2011

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all additional land use approvals. Refer to condition B "Approval Contingent Upon Adoption of General Plan/Local Coastal Plan Amendment."
  2. Pay Land Development Team Recovery Fee.
  3. Make application and obtain a Public Works Permit (PBW) for all required public improvements as identified in condition D.6 "Alan Road Public Improvements," and **complete** said improvements. Refer to condition E "Requirements Prior to Permit Issuance."
  4. Make application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents. Refer to conditions D "Public Works Submittal for Parcel Map Approval" and F "Prior to Recordation of Map."
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Approval Contingent Upon Adoption of Zoning and General Plan Map and Local Coastal Program Amendment.** Approval of the subject project is contingent upon City Council approval of the Zoning, General Plan Map and Local Coastal Program Amendments, and California Coastal Commission approval of the Local Coastal Program Amendment.
- C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on March 3, 2011 is limited to a two lot subdivision, creating one 45,056 square foot lot, with an existing single family residence remaining on this lot, and one 14,601 square foot lot, which would be vacant. No additional development is proposed, as shown on the tentative subdivision map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Future Development.** All future development on Proposed Parcel A shall be subject to the following conditions:

- a. All future construction shall comply with the applicable conditions of approval contained in Sections F. "Requirements Prior To Permit Issuance."
  - b. All future development shall be located between the forty foot contour line and the public street.
  - c. Future development of the lot shall be limited to following: 1) A single story residence not to exceed 2,000 square feet, 2) A garage not to exceed 500 square feet, 3) A driveway providing access to the development and 4) hardscape, landscaping and other at grade type of uses (e.g. pool).
3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- D. **Public Works Submittal For Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval prior to processing the approval of the Parcel Map:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
  3. **Alan Road Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Alan Road. As determined by the Public Works Department, the improvements shall include the following: saw-cut and replace a minimum of 6 panels of cracked, uplifted or otherwise damaged sidewalk, and grind the edges of approximately 6 additional panels of sidewalk that are uplifted at the joints under the direction of the Public Works Inspector. All work in the public right-of-way requires a Public Works Permit.
  4. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$15,000 to the Community Development Department prior to Certificate of Occupancy of the future development of Proposed Parcel A.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for public improvement permits pulled prior to recordation of the Parcel Map. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Public Improvement Plans.** A site plan showing required public improvements, identified in condition D.6 "Alan Road Public Improvements", shall be submitted to the Public Works Department for review, approval, and issuance of a Public Works permit.

2. **Community Development Department.**

- a. **Conditions on Plans/Signatures.** The final Planning Commission / Staff Hearing Officer / City Council Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

F. **Prior to Recordation of the Map.** Prior to recordation of the Map, the Owner of the Real Property shall complete the following:

- 1. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.

G. **General Conditions.**

- 1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
- 2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid prior to issuance of any building permit or recordation of the Map, whichever comes first.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF APPROVAL TIME LIMITS:**

The Planning Commission's action approving the Modification or shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

- 1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
- 2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

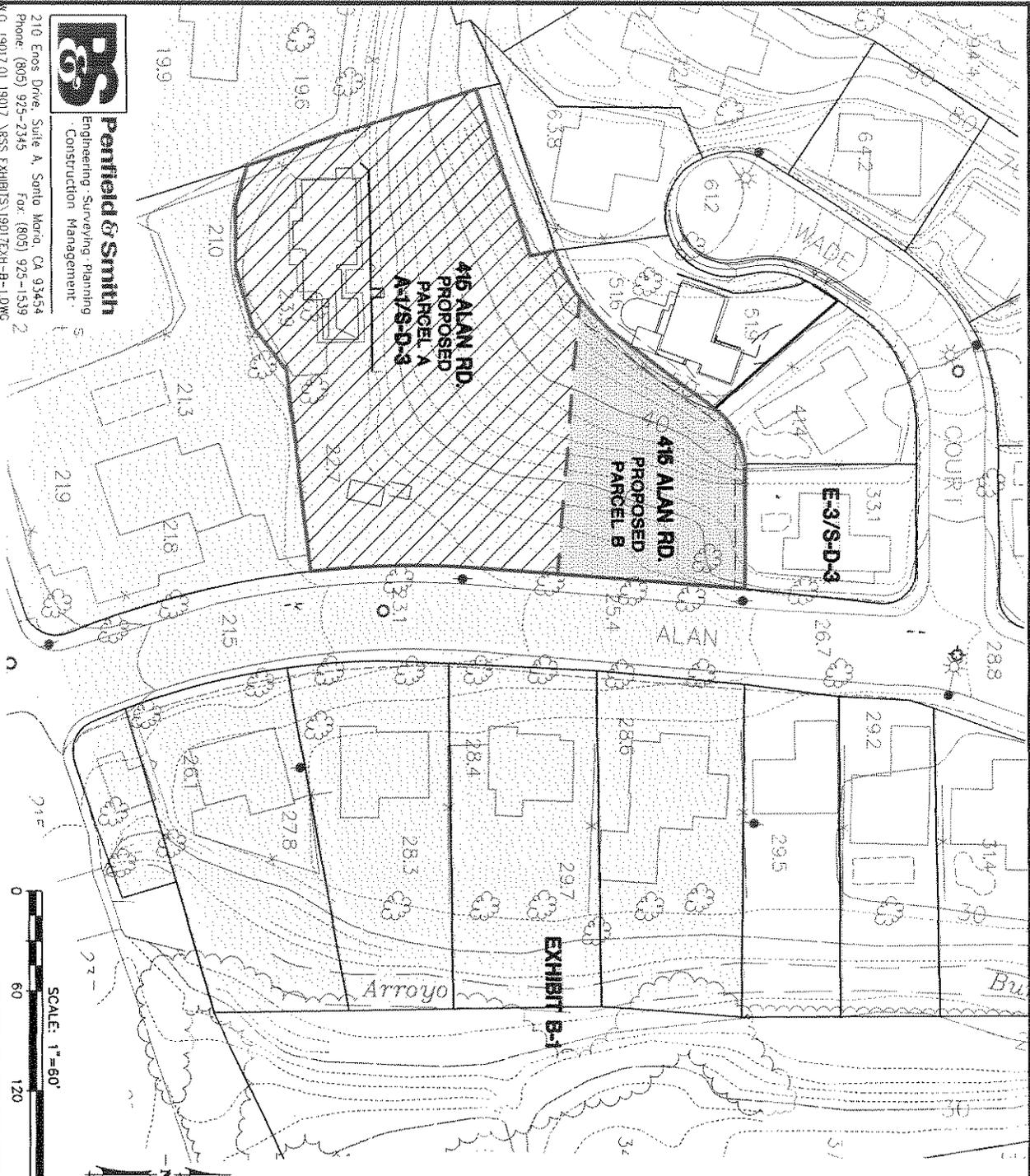
**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



**Penfield & Smith**  
 Engineering - Surveying - Planning  
 Construction Management

210 Erns Drive, Suite A, Santa Monica, CA 93454  
 Phone: (805) 925-2345 Fax: (805) 925-1539  
 M.O. 19017.01 19017 1855 EXHIBITS\19017EXH-B-1-DWG



CITY OF SANTA BARBARA, CALIFORNIA  
 FEBRUARY 2011

**EXHIBIT B-1**  
**SEYBOLD PROPOSED CONDITIONS**  
**SUBDIVISION AND REZONE**  
**APN 047-091-024**

	PROPOSED PROPERTY LINE
	EXISTING PROPERTY LINE
	EXISTING A-1/S-D-3 ZONE
	EXISTING E-3/S-D-3 ZONE
	AREA OF PROPOSED REZONE FROM A-1/S-D-3 TO E-3/S-D-3
	PROPOSED PARCEL A
	PROPOSED PARCEL B

PROPOSED CONDITIONS FOR 415 ALAN ROAD REZONE AND GENERAL PLAN AMENDMENT			
PARCEL A	PARCEL B		
PROPOSED GENERAL PLAN DESIGNATION	RESIDENTIAL (11 UNITS PER ACRE)	RESIDENTIAL (13 UNITS PER ACRE)	
PROPOSED ZONE DISTRICT	A-1/S-D-3	E-3/S-D-3	
MINIMUM LOT AREA	43,260 S.F. (1.1 AC)	7,300 S.F. (0.17 AC)	
AVERAGE SLOPE	14.3%	19.5%	
MINIMUM LOT AREA WITH SLOPE DENSITY FACTOR	65,340 S.F. (1.5 AC)	11,250 (0.26 AC)	
PROPOSED LOT AREA	45,056 S.F. (1.03 AC)	14,601 S.F. (0.34 AC)	

**LEGEND**



March 31, 2010

CITY OF SANTA BARBARA  
PLANNING DIVISION

**VIA HAND DELIVERY**

Honorable Chair Jostes and Members of the Planning Commission  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Patsy Stadelman, AICP  
Land Use Planner  
805.882.1424 tel  
805.965.4333 fax  
PStadelman@bhfs.com

RE: Seybold Lot Split, Zone Change, General Plan and Local Coastal Plan Amendments  
415 Alan Road, APN 047-091-024  
MST # 2009-00083

Dear Chair Jostes and Members of the Planning Commission:

Brownstein Hyatt Farber Schreck, LLP submits the enclosed Planning Commission/DART application on behalf of Andrew and Linda Seybold, owners of property located at 415 Alan Road. The Seybolds are proposing a Lot Split, Zone Change, General Plan and Local Coastal Plan Amendments of their property which would result in one new developable residential parcel.

On November 10, 2009 the City Council upheld an appeal of the Planning Commission's June 11, 2009 decision and initiated a Zone Change, General Plan Amendment and Local Coastal Plan Amendment for APN 047-091-024. This letter and accompanying enclosures describe the proposed project and the reasons we believe the proposal is consistent with City policies and regulations and the Subdivision Map Act.

**Project Description**

The proposed project includes subdivision of the 415 Alan Road parcel (APN 041-091-024), resulting in one new developable lot; a rezone of the newly created parcel from A-1/S-D-3, One-Family Residence and Coastal Overlay Zones, to E-3/S-D-3, One-Family Residence and Coastal Overlay Zones; and General Plan and Local Coastal Plan Amendments to change the land use designation of the rezoned parcels from 1 dwelling unit per acre to either 3 or 5 dwelling units per acre as further discussed below. The proposed project would require a Tentative Parcel Map, Coastal Development Permit, Lot Area Modification, Zone Change, and General Plan and Local Coastal Plan Amendments.

The 415 Alan Road parcel is 59,657 square feet (1.37 acres) and is currently developed with one approximately 2200 square foot single family home with an attached garage and an approximately 250 square foot accessory structure toward the southern half of the property. The northern half of the property is undeveloped and contains fruit trees, grasses and shrubs. The average slope of the parcel is 15.6 percent. Single family residential uses surround the project site. The subject property and the area to the south, southwest and east is zoned A-1/S-D-3. The area to the north and northwest of the subject property is zoned E-3/S-D-3. The entire area has a land use designation of 1 dwelling unit per acre. However, much of the surrounding development is not consistent with the zoning and/or land use designation. The average parcel size within the surrounding area is less than 14,000 square feet.

The size of the existing 415 Alan Road parcel conforms to the minimum one acre parcel size standard of the A-1 zone district but is smaller than the 1.5 acres required under the city's slope density ordinance. The proposed lot split would result in two parcels: Parcel A would contain the existing

dwelling and accessory structure and be 45,056 square feet in size (1.03 acres) and Parcel B would be 14,601 square feet (0.34 acre) in size. With a rezone and land use designation change to E-3/S-D-3 and 3 dwelling units per acre, respectively, Parcel B would conform with the minimum 7,500 parcel size standard of the E-3 zone district and would satisfy the 11,250 square foot slope density standard for a lot with an average slope between 10 and 20 percent. Parcel A would continue to conform with the minimum lot area of the A-1 zone district; however, it would continue to be smaller than the required size per the slope density ordinance. We are requesting a Modification to allow the smaller lot area on this already developed lot.

Parcel B could also be configured to meet the parcel size and slope density standards for 5 dwelling units per acre land use designation which would be consistent with the actual density of the surrounding neighborhood. The City Council did not identify a preferred density at the June 11 hearing, but instead directed us to work with staff to determine the appropriate density, balancing factors including compatibility with the surrounding neighborhood, consistency with designations in other similar areas of the City, and good planning principles. Based on discussions with you and Ms. Weiss, it is our understanding that staff prefers a land use designation of 3 dwellings per acre for consistency with designations in other hillside areas of the City. This is also consistent with the General Plan Update's proposed land use designation for the surrounding developed neighborhood, including the Braemar Tract and the parcels on Alan Road directly across the street from the subject property. Should staff's opinion regarding the preferred land use designation change after further review of the project, we are willing to consider a change to the proposal so long as it continues to achieve the goal of creating one new developable residential lot.

No development is proposed at this time, however the project would result in the creation of one new developable single family residential lot (Parcel B). Future development on Parcel B would be subject Single Family Design Board approval and require a Coastal Development Permit. Vegetation on the site currently includes fruit trees, grasses and shrubs, some of which would be removed to allow construction of a home. Some grading would also likely be required for the future development. The home would be served by existing utilities (sewer, water, electricity, phone) located along Alan Road and vehicular access would be from Alan Road.

### **Home Size Restriction**

At the November 10, 2009 City Council hearing, the Council directed staff and the Seybolds to work together to determine whether a unit size or other restrictions on the future development could result in a home that provides a substantial community benefit.

We propose to limit the house to 2000 square feet with a garage of 540 square feet or less, which would result in a floor-to-lot area ratio of 0.17. In addition, the house would be limited to a maximum of one story and include solar panels and other energy efficient measures to make it a sustainable home.

The average size of the homes on the 20 closest lots in the neighborhood is 2540 square feet with a floor-to-lot area ratio of 0.17, so the future home on Parcel B would fit seamlessly within the neighborhood. Using the Single Family Design Review Board's practice of limiting the maximum home size to 85 percent of the maximum FAR, a 3676 square foot house could be built on this 14,601 square foot parcel. Therefore, a 2540 square foot house is a 31 percent smaller than what could be built on a lot of this size.

Limiting the size and incorporating sustainable and energy efficient features will result in a home that demands far fewer resources than the typical home making this infill development a model of modest-size sustainable housing for the community, thereby providing a substantial benefit to the community.

### **Pre-Application Review Comments**

The project has changed somewhat since the Pre-Application Review, therefore, most of the comments contained in the March 13, 2009 PRT letter are no longer applicable to the proposed project. We incorporated the applicable information requested in the Engineering Division Handout in the Tentative Map.

### **Project Benefits and Required Findings**

The proposed project would allow for the future construction of a new modest-sized single-family home in this nearly built-out neighborhood. The Seybolds plan to build a one-story, three to four bedroom home that is compatible with the character and scale of surrounding homes. This would be a "smart home," showcasing the most current home automation technologies and including solar power and many other energy efficient and sustainable features

**1. The proposed project would facilitate better use of an odd-shaped lot and more efficient use of scarce vacant land in the City.** The proposed new parcel already appears to be a separate lot because it is physically separated from the existing house and yard area. The established infrastructure and lack of significant natural resources on the property make this an ideal location for infill development that fits with the existing scale and character of the neighborhood. The enclosed conceptual site plan shows the approximate size and location of the home that would be developed on Parcel B.

**2. Santa Barbara needs housing and this proposal will create an additional modest-sized residential unit.** The City is suffering from a severe shortage of middle-class housing opportunities, which is one of the reasons for the high cost of housing. Infill sites, such as this one, offer the opportunity to fit new housing into the City without expanding its boundaries or converting dedicated open space. As stated above, the Seybolds are willing to limit the size of the future home on the property to 2000 square feet to ensure the new home fit seamlessly with the neighborhood and provide a housing opportunity for a middle-class Santa Barbara family.

**3. The proposal takes advantage of an infill housing opportunity while not changing the character of the neighborhood.** There are relatively few places in the City where additional housing can be provided without changing the character of the neighborhood, and this is one of those places. The proposed new 14,601 square foot parcel is slightly larger than surrounding properties and conforms to slope density standards

**4. The proposal is consistent with the principles of Plan Santa Barbara.** The Plan SB "Policy Preference Report," issued in January 2009 puts forth the following sustainability principle:

"Living Within Our Resources" means effectively managing growth and in-fill development to conserve the community's natural, physical and historic resources for present and future generations. Challenges between future development and resource use must be met with creative solutions that meet the multiple objectives of preserving historic resources and community character, retaining a diverse population and culture, and allowing sufficient growth to propel a steady economy" (page 19).

Further, the report calls for incentives to encourage smaller, 'affordable-by-design' homes:

"Incentives for Affordable-by-Design Units. Prepare design standards and codify incentives for market rate developers to build smaller, 'affordable-by-design' residential units that better meet the needs of our community. Incentives could include higher allowable densities, less required parking, etc." (Housing Policy H5, page 54).

This proposal affords the opportunity to put these stated goals into action.

### **Conclusion**

We respectfully submit that the project is consistent with all applicable policies and standards of the Zoning Ordinance, General Plan and Local Coastal Plan and all the findings for approval of the Tentative Map, Coastal Development Permit, Lot Area Modification, General Plan and Coastal Plan Amendments can be made. In addition the project supports the goals of Plan Santa Barbara to promote infill housing opportunities and living within our resources.

The project would improve the Alan Road neighborhood and benefit the City by creating a new infill property that fits within the existing neighborhood and provides a sustainable, energy-efficient home for a middle-class family. The proposed new lot has ready access from Alan Road and would connect to the existing water and sewer infrastructure on Alan Road. Further, there are no significant natural resources on the property which could be adversely affected by future development.

Thank you for your time and consideration of this proposal.

Sincerely,



Patsy Stadelman, AICP  
Land Use Planner

cc: Andrew Seybold

Enclosures: Planning Commission Submittal Cover Sheet  
Master Application  
Coastal Development Permit Application  
Hazardous Waste and Substances Form  
Check for application fees (\$56,685)  
PRT Letter, dated March 13, 2009  
Tentative Parcel Map (1 reduced, 10 full-size copies)  
Conceptual Site Plan for Parcel B (1 copy)  
Updated Preliminary Title Report (2 copies)  
Project and Context Photos (1 copy)  
Property Owner and Tenant Mailing Labels  
Mailing Label Affidavit



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

March 3, 2011

**ACTUAL TIME: 1:32 P.M.**

A. **APPLICATION OF PATSY STADELMAN, BROWNSTEIN HYATT FARBER SCHRECK, LLP, AGENT FOR ANDREW M. SEYBOLD, 415 ALAN ROAD, APN 041-091-024, A-1/SD-3, ONE-FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, ONE UNIT PER ACRE (MST2009-00083)**

The project consists of a lot split of a 1.37 acre parcel that is currently developed with a single family residence with a garage. The lot split would result in the creation of one 45,056 square foot lot (Proposed Parcel A), with the existing single-family residence remaining on this lot, and one 14,601 square foot lot (Proposed Parcel B), which would be vacant. A development restriction of a single story, 2,000 square foot (s.f.) maximum size residence with a 500 s.f. garage, which would be constructed on slopes of less than 20% is proposed for Parcel B. Access to each of the proposed lots would be from Alan Road.

A General Plan/Local Coastal Plan Amendment and a Rezone for the proposed northern lot (Proposed Parcel B) were initiated by City Council on November 10, 2009.

The discretionary applications required for this project are the following:

**Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and/or Coastal Commission:**

1. General Plan Amendment to change the land use designation of the newly created vacant lot (Proposed Parcel B) from Residential, one unit per acre to Residential, three units per acre, (14,520 sq. ft. per unit) (SBMC §28.07); and
2. Local Coastal Plan Amendment to change the land use designation of the newly created vacant lot (Proposed Parcel B) from Residential, one unit per acre to Residential, three units per acre, (14,520 sq. ft. per unit) (SBMC §28.07) and to change the zoning map designation as described below; and
3. Zoning Map Amendment to rezone proposed Parcel B from A-1/ SD-3 (Single Family Residential), to E-3/ SD-3 (Single Family Residential) (SBMC, §28.92.020).

Actions by the Planning Commission, contingent upon recommendation of the actions listed above:

4. A Lot Area Modification to allow proposed Parcel A to be less than the required lot size of 1.5 acres necessary to be consistent with the slope density (SBMC §28.92.026.A); and
5. A Tentative Subdivision Map to allow the division of one (1) lot into two (2) parcels (SBMC 27.07).
6. A Coastal Development Permit for the development within the non-appealable jurisdiction of the Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15061(b)(3).

Case Planner: Peter Lawson, Associate Planner

Email: PLaweson@SantaBarbaraCA.gov Phone: 805-564-5470, ext. 4565

Peter Lawson, Associate Planner, gave the Staff presentation.

Steve Amerikaner, Counsel for the Applicant, gave the applicant presentation, joined by Andrew Seybold, Applicant, and Patsy Stadelman, AICP, Land Use Planner, Brownstein Hyatt Farber Schreck, LLP.

Chair Jostes opened the public hearing at 2:01 P.M.

Julie Bowden, neighbor, spoke to the Commission with concerns and asked that if the Planning Commission approves the development, that the building structure be moved downward toward Hendry's Beach, and build back into the hillside to allow for more natural view preservation.

With no one else wishing to speak, the public hearing was closed at 2:03 P.M.

In response to Commissioner Jordan's inquiry regarding future development on Parcel B, Mr. Amerikaner stated that the Applicant is prepared to include a deed restriction on Parcel B that would limit the size of the future development.

Some Commissioners expressed support for the project, with elimination of Condition D.4., the inclusionary fee, and one Commissioner supported recording a deed restricting the amount of development on Parcel B offered by the Applicant. Three of the Commissioners were concerned with the request for a Lot Area Modification for Parcel A and could not make the findings for a positive recommendation to City Council for the General Plan and Local Coastal Plan Amendment.

Because the Commission was divided on the project, Scott Vincent recommended that the Planning Commission first determine their recommendation to Council on the General Plan Amendment, the Zoning Map Amendment, and the Local Coastal Map Amendment; then determine a decision on the permit requests for the project.

**STRAW POLL:**

Support for the General Plan Amendment, Local Coastal Plan Amendment and Zoning Map Amendment.

Ayes: 2 (Barlett, Jordan)      Noes: 3 (Larson, Lodge, Jostes)      Abstain: 0  
Absent: 2 (Jacobs, Schwartz)

**STRAW POLL:**

Presuming that a General Plan Amendment were approved by City Council, could the Commission make findings for the Lot Area Modification to accommodate the project to be consistent with zoning and the General Plan as changed.

Ayes: 2 (Barlett, Jordan)      Noes: 3 (Larson, Lodge, Jostes)      Abstain: 0  
Absent: 2 (Jacobs, Schwartz)

**MOTION: Lodge/Larson**

**Assigned Resolution No. 004-11**

Recommendation that City Council not adopt the General Plan Amendment, Zoning Map Amendment and Local Coastal Plan Amendment

This motion carried by the following vote:

Ayes: 3      Noes: 2 (Bartlett, Jordan)      Abstain: 0      Absent: 2 (Jacobs, Schwartz)

**MOTION: Lodge/Larson**

**Assigned Resolution No. 004-11**

Deny the Lot Area Modification, the Tentative Subdivision Map, and the Coastal Development Permit because the Planning Commission could not make the findings for a positive recommendation to City Council.

This motion carried by the following vote:

Ayes: 3      Noes: 2 (Barlett, Jordan)      Abstain: 0      Absent: 2 (Jacobs, Schwartz)

Chair Jostes announced the ten calendar day appeal period.

**Council Findings for Approval – 415 Alan Road****I. FINDINGS**

The Santa Barbara City Council finds the following:

**A. MODIFICATION LOT AREA (SBMC § 28.92.110.2)**

The request for a slope density, lot area Modification for proposed Parcel A is consistent with the intent and purpose of Title 28, Zoning Ordinance and is necessary to secure an appropriate improvement on a lot, and promote uniformity of improvement. The purpose of slope density is to provide more options to locate development on a lot to minimize grading and visual impacts. Proposed Parcel A would include the existing residence, garage and accessory structure. The visual landscape of the lot would remain unchanged and there would be no impacts from grading, since no additional development is proposed. Additionally, the development is approximately 75% of the recommended Floor Area Ratio, which is less aggressive than the surrounding large lot development. The proposed 1.03-acre lot is similar in size to the parcels located immediately to the west, south and north and two to three times the size of parcels located to the east.

**B. THE TENTATIVE MAP (SBMC §27.07.100)****Proposed Parcel A**

If approved as proposed, Parcel A of the Tentative Subdivision Map would be consistent with the current General Plan and Local Coastal Plan of the city of Santa Barbara because it would meet the density requirement of one unit per acre. The project would also be consistent with underlying lot size requirement of the A-1 Zone District.

The site is currently developed with a single-family residence and is physically suited for the site. It is served by adequate City services, has adequate access and complies with all applicable regulations. No additional development is proposed at this time. Because the new parcel does not propose any new development, the project will not cause substantial environmental damage, such as impacts to the nearest marine environment, and associated improvements will not cause serious public health problems. The existing driveway from Alan Road provides adequate access to the site and does not interfere with any easements.

**Proposed Parcel B**

If approved as proposed, Parcel B of the Tentative Subdivision Map would be consistent with the General Plan, Local Coastal Plan and the Zoning Ordinance of the City of Santa Barbara. The proposed amendments would change the Local Coastal Plan land use designation from one unit per acre to three units per acre.

The proposed parcel is physically suitable for the proposed development the project and is consistent with the provisions of the Municipal Code and the General Plan because there would be available level area to develop a residence without requesting Modifications. The proposed use is consistent with the vision for this neighborhood of the General Plan because the size of the lot is within range of the adjacent lots within the Braemar Park Tract, which begins on the northern property line. This tract is comprised of single and two-story

development ranging in size of 1,500 to 3,000 square feet. While most of the Campanil Neighborhood is more semi-rural, the Braemar Tract includes more urban public improvements such as sidewalks, streetlights and public sewer, which extend the length of the project site frontage.

Future development of the lot will not cause substantial environmental damage because it will avoid steep slopes and still be consistent with all applicable provisions of the Ordinance. Future improvements of the lot will not cause serious public health problems because all public services are available to serve the parcel. To ensure that there will be minimal impacts, Proposed Parcel B includes a development restriction of a 2,000 square foot single story residence with a 500 square foot garage and a requirement that this development shall be located in an area between the forty-foot contour line and the public street (Exhibit A). There is adequate access to the site directly from Alan Road and there are existing pedestrian improvements along the front of the proposed parcel.

**A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.060)**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended.

1. The project is consistent with the policies of the California Coastal Act. The project will not impact coastal access, since it is located on the north side of Cliff Drive and there are no recreational facilities on site. The project will not impact the marine environment due the distance from the Coastline and Arroyo Burro Creek. Future development of the site will comply with applicable storm water management practices. While no development is proposed at this time, the project site is located within a developed neighborhood with public sidewalks, lighting and all public services available adjacent to the lot. There would be no visual impacts on the coastal area. The subdivision includes one lot that is developed with a single-family residence and the other lot would be a vacant sloping lot immediately adjacent to a public street. The project is not located within a hazards zone and future development would comply with all applicable energy codes.

The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation. The project will not significantly impact existing recreation opportunities as there are no such activities currently occurring onsite. The project would not result in a negative impact to recreational activities at nearby Douglas Family Preserve or Henry's Beach, and, due to its location on the northeast side of Cliff Drive, the project does not have the potential to affect public access to the coast.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code. The subdivision would result in one lot developed

with an existing residence with a garage and the other would be vacant. The applicant has demonstrated that adequate off street parking would be available for the vacant lot. The additional vacant lot would not result in impacts to recreational facilities. Public sidewalks are located along the front of the vacant parcel and passive outdoor recreational opportunities are near the site. While no development is proposed, the vacant parcel will be restricted to 2,500 square feet of total development, which is consistent with the character of the neighborhood. Additionally, given the location of the project site, views to and from the coastline would not be impacted. Finally, any future development would be required to underground the utilities.

**CITY COUNCIL DRAFT CONDITIONS OF APPROVAL**

415 ALAN ROAD

*TENTATIVE SUBDIVISION MAP, MODIFICATION, & LOCAL COASTAL PLAN AMENDMENT**ZONING MAP AMENDMENT & COASTAL DEVELOPMENT PERMIT*

JANUARY 31, 2012

- I. In consideration of the project approval granted by the City Council and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all additional land use approvals. Refer to condition B “Approval Contingent Upon Adoption of Local Coastal Plan Amendment.”
  2. Make application and obtain a Public Works Permit (PBW) for all required public improvements as identified in condition D.3 “Alan Road Public Improvements,” and **complete** said improvements. Refer to condition E “Requirements Prior to Permit Issuance.”
  3. Make application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents. Refer to conditions D “Public Works Submittal for Parcel Map Approval” and F “Prior to Recordation of Map.”
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Approval Contingent Upon Adoption of Local Coastal Program Amendment.** Approval of the subject project is contingent upon California Coastal Commission approval of the Local Coastal Program Amendment.
- C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the City Council on January 31, 2012 is limited to a two lot subdivision, creating one 45,056 square foot lot, with an existing single family residence remaining on this lot, and one 14,601 square foot lot, which would be vacant. No additional development is proposed, as shown on the tentative subdivision map signed by the Mayor of the City Council on said date and on file at the City of Santa Barbara.
  2. **Future Development.** All future development on Proposed Parcel B shall be subject to the following conditions:
    - a. All future construction shall comply with the applicable conditions of approval contained in Sections F. “Requirements Prior to Permit Issuance.”
    - b. All future development shall be located between the forty foot contour line and the public street.

- c. Future development of the lot shall be limited to following: 1) A single story residence not to exceed 2,000 square feet, 2) A garage not to exceed 500 square feet, 3) A driveway providing access to the development, and 4) hardscape, landscaping and other at-grade types of uses (e.g. pool).
  3. **Inclusionary Housing Fee.** Owner shall pay the required inclusionary housing fee (calculated as \$15,500 at the time of City Council approval) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the future development of Proposed Parcel B.
  4. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- D. **Public Works Submittal For Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval prior to processing the approval of the Parcel Map:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
  2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
  3. **Alan Road Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Alan Road. As determined by the Public Works Department, the improvements shall include the following: saw-cut and replace a minimum of 6 panels of cracked, uplifted or otherwise damaged sidewalk, and grind the edges of approximately 6 additional panels of sidewalk that are uplifted at the joints under the direction of the Public Works Inspector. All work in the public right-of-way requires a Public Works Permit.
- E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for public improvement permits pulled prior to recordation of the Parcel Map. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**

- a. **Public Improvement Plans.** A site plan showing required public improvements, identified in condition D.3 “Alan Road Public Improvements”, shall be submitted to the Public Works Department for review, approval, and issuance of a Public Works permit.

2. **Community Development Department.**

- a. **Conditions on Plans/Signatures.** The final City Council Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

---

Property Owner

Date

---

Contractor

Date

License No.

---

Architect

Date

License No.

---

Engineer

Date

License No.

- F. **Prior to Recordation of the Map.** Prior to recordation of the Map, the Owner of the Real Property shall complete the following:

- 1. **Complete Public Improvements.** Public improvements, as shown in the building plans, including utility service undergrounding and/or installation of street trees and street lights, shall be completed.

- G. **General Conditions.**

- 1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
- 2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the City Council.

- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the City Council Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF APPROVAL TIME LIMITS:**

The City Council's action approving the Modification or shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The City Council's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission / Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS  
(S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

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

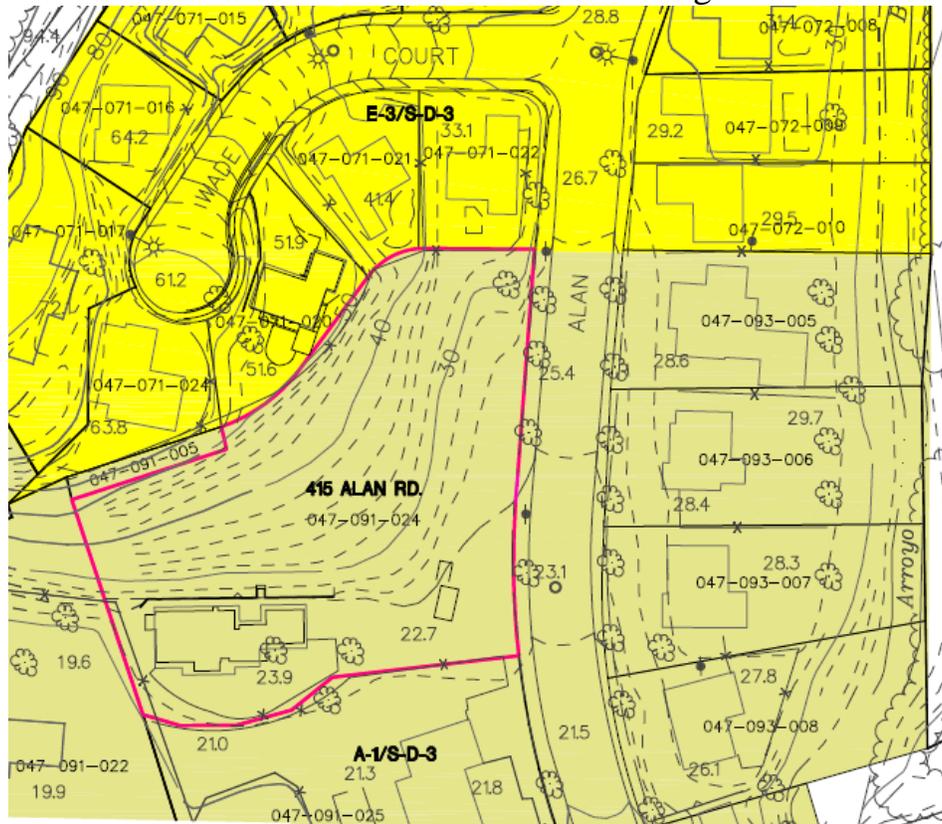
AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO THE REZONING OF PROPERTY AT 415 ALAN ROAD – PARCEL B

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

SECTION 1. Sectional Zone Map SE02 of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended by changing the zoning of a portion of the property located at 415 Alan Road (Parcel B) from A-1/SD-3 to E-3/SD-3 as indicated in the attached Exhibit A.

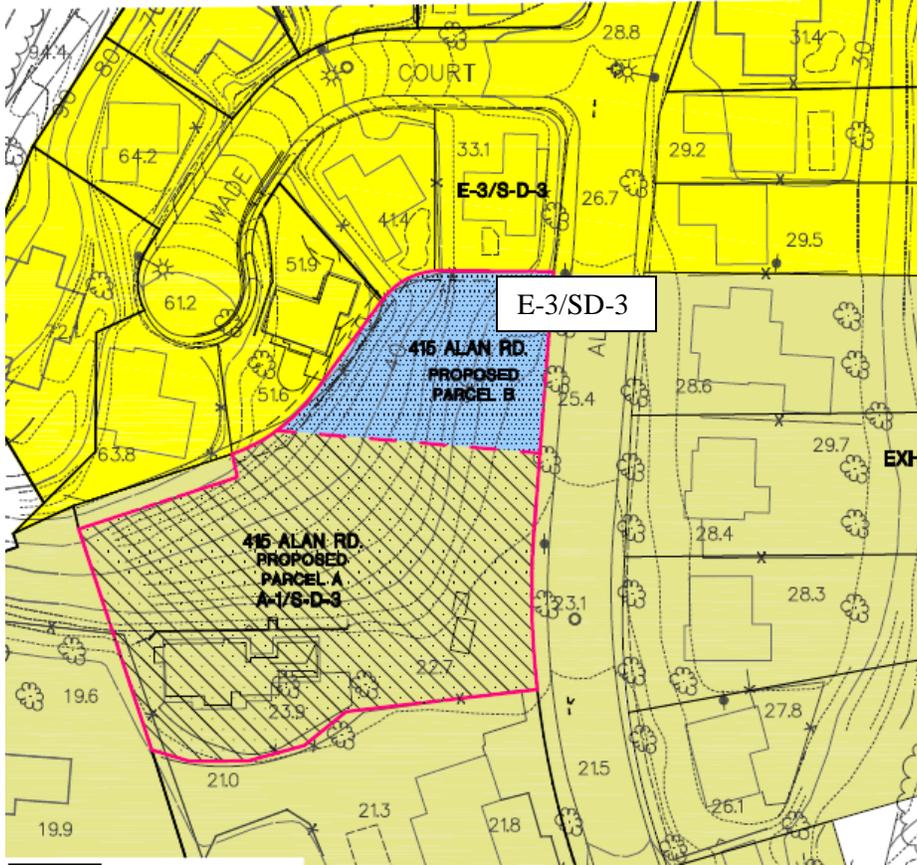
# EXHIBIT A

## 415 Alan Road Current Zoning



## 415 Alan Road Proposed Zoning Change

**EXHIBIT A**



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA APPROVING A LOCAL COASTAL  
PROGRAM AMENDMENT FOR THE PROPERTY AT  
415 ALAN ROAD – PARCEL B

WHEREAS, the City accepted an application from Patsy Stadleman, Agent for Andrew Seybold, in order to process a request for a Local Coastal Program Amendment for a property located at 415 Alan Road;

WHEREAS, the Planning Commission held a duly noticed public hearing to consider a request for initiation on June 11, 2009 and no one spoke regarding the project;

WHEREAS, on June 11, 2009, the Planning Commission denied a request to initiate a General Plan Amendment, a Rezone and a Local Coastal Program Amendment;

WHEREAS, the City Council held a duly noticed public period to consider an appeal of the Planning Commission decision by the applicant on November 9, 2009 and no one spoke regarding the project;

WHEREAS, on November 9, 2009, the City Council upheld the appeal of the applicant and initiated General Plan Amendment, a Rezone and a Local Coastal Program Amendment of the subject parcel;

WHEREAS, the Planning Commission held a duly noticed public hearing to consider a request for initiation on March 3, 2011, and one person spoke regarding the project;

WHEREAS, on March 3, 2011, the Planning Commission denied a request for a Lot Area Modification, a Tentative Subdivision Map and a Coastal Development Permit because a majority could not support a recommendation of approval of a General Plan Amendment, a Rezone and a Local Coastal Program Amendment;

WHEREAS, on March 11, 2011, Steve Amerikaner of Brownstein Hyatt Farber Schreck, LLP on behalf of Andrew Seybold appealed the Planning Commission approval of the project;

WHEREAS, on January 31, 2012, the City Council held a duly noticed public hearing on the appeal. After the public hearing, the City Council upheld the appeal and approved the Lot Area Modification (Parcel A), a Tentative Subdivision Map and a Coastal Development Permit;

WHEREAS, the City Council held a duly noticed public hearing on January 31, 2012, to consider a Local Coastal Program amendment proposed in conjunction with the project, and concluded that the Local Coastal Program amendment is consistent with the goals and objectives of the City's General and Local Coastal Plans;

WHEREAS, the City Council has conducted a duly noticed public hearing pursuant to the provisions of Chapter 3, Title 7 of the Government Code of the State of California;

WHEREAS, the City Council has received and accepted a proposed amendment to the current Zoning Map; and

WHEREAS, the City Council has reviewed and considered all materials and exhibits in the current record relative to this amendment, including, the project, and all staff reports.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Santa Barbara as follows:

**Section 1.** The Local Coastal Program of the City of Santa Barbara is hereby amended to change the land use designation of the northerly portion of APN 041-091-024 (Parcel B) to Residential (three (3) units per acre).

**Section 2.** The Local Coastal Program of the City of Santa Barbara is hereby amended to change the Zoning Designation of the northerly portion of APN 041-091-024 (Parcel B) to E-3/SD-3 (Single Family Residential, Coastal Zone).

**Section 3.** The City Council makes the following findings with respect to amending the City's Local Coastal Program:

A. Local Coastal Program Amendment:

1. The amendment is consistent with the policies of the California Coastal Act.
2. The amendment is consistent with the City of Santa Barbara Local Coastal Plan Map.
3. The amendment is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because the project will not impede public access to the coast, and there will be minimal effects on public recreation.

**Section 4.** This resolution shall not take effect unless and until the Rezone Ordinance (City Ordinance No. \_\_\_ as introduced on January 31, 2012) has been duly adopted by the City Council.



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

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 31, 2012

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**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 General bargaining unit, the Supervisory bargaining unit, and the Police Management bargaining unit and regarding discussions with confidential employees and unrepresented management about salaries and fringe benefits.

**SCHEDULING:** Duration, 45 minutes; anytime

**REPORT:** None anticipated

**PREPARED BY:** Kristy Schmidt, Employee Relations Manager

**SUBMITTED BY:** Marcelo López, Assistant City Administrator

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 31, 2012

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Conference With Legal Counsel - Anticipated Litigation

**RECOMMENDATION:**

That Council hold a closed session to consider initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code and take appropriate action as needed. (one potential case)

**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:** January 31, 2012  
**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 *Santa Barbara Channelkeeper v. City of Santa Barbara*, USDC Case No. CV-1103624 JHN (AGRx)

**SCHEDULING:**

Duration: 15 minutes; anytime

**REPORT:**

None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

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