

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**OCTOBER 23, 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 meeting begins 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 City Council 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 City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's 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 City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council 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 City Council, 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 City Council 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 City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, 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 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 City 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 for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

12:30 p.m. - Ordinance Committee Meeting, Council Chamber

2:00 p.m. - City Council Meeting

ORDINANCE COMMITTEE MEETING - 12:30 P.M. IN THE COUNCIL CHAMBER (120.03)

Subject: Zoning Ordinance Amendment, Municipal Code Section 28.87.300, Pertaining To Non-Residential Construction Projects

Recommendation: That the Ordinance Committee:

- A. Consider a proposed amendment to Santa Barbara Municipal Code Title 28 (The Zoning Ordinance) to extend the time limit for regulations pertaining to Non-Residential Construction Projects; and
- B. Make a recommendation to City Council for Ordinance adoption.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring October 22-31, 2012, As National Red Ribbon Week (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. **Subject: Approval Of Final Map And Execution Of Agreements For 822 And 824 East Canon Perdido Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,804 and standard agreements relating to the approved subdivision at 822 and 824 East Canon Perdido, and authorize the City Engineer to record a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete and accepted by the City.

3. **Subject: Contract For Construction Of The Community Development Block Grant 2012/2013 Sidewalk Access Ramp Project (530.04)**

Recommendation: That Council:

- A. Award a contract with Tomar Construction, Inc., waiving minor irregularities, in their low bid amount of \$89,535 for construction of the Community Development Block Grant 2012/2013 Sidewalk Access Ramp Project, Bid No. 3671; and

(Cont'd)

CONSENT CALENDAR (CONT'D)

3. (Cont'd)

- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$13,430 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.

4. **Subject: Introduction Of Ordinance For A Lease Agreement With Reson, Inc. (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 Reson, Inc., dated as of November 29, 2012, at a Monthly Rental of \$24,313 for 4,800 Square Feet of Building 223 and 4,020 Square Feet of Adjacent Yard at 94 Frederick Lopez Road, and 10,800 Square Feet of Building 114 at 100 Frederick Lopez Road, at the Santa Barbara Airport, for Operation of an Acoustical Research and Design Facility.

NOTICES

- 5. The City Clerk has on Thursday, October 18, 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 ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

6. **Subject: Central Coast Collaborative On Homelessness (C³H) (660.04)**

Recommendation: That Council:

- A. Authorize the City Administrator, subject to City Attorney approval as to form, to execute a Memorandum of Understanding with the Northern Santa Barbara County United Way (NSBCUW) for the Central Coast Collaborative on Homelessness (C³H) effort;

(Cont'd)

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT (CONT'D)

6. (Cont'd)

- B. Appoint two members of Council to the C³H Policy Council; and
- C. Withdraw City Council and staff participation in the South Coast Homeless Advisory Committee concurrent with the formation of the C³H Policy Council.

MAYOR AND COUNCIL REPORTS

7. Subject: Request From Mayor Schneider And Councilmember Hotchkiss Regarding Economic Forecast Presentation (150.04)

Recommendation: That Council consider the request from Mayor Schneider and Councilmember Hotchkiss regarding the local economic forecast and any economic impacts the Chumash Camp 4 Project would have on the City of Santa Barbara.

PUBLIC HEARINGS

8. Subject: Proposed Landmark Designation Of The Central Library, Faulkner Gallery And The Corymbia (Eucalyptus) Citriodora Trees At 40 East Anapamu Street (640.06)

Recommendation: That Council:

- A. Consider recommendations of the Historic Landmarks Commission, the Library and Parks and Recreation Department Heads, the Library Board of Trustees and comments from the Parks and Recreation Commission on the proposed designation of the Central Library, Faulkner Gallery and the thirteen (13) Corymbia (Eucalyptus) Citriodora trees;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Central Library and Faulkner Gallery at 40 East Anapamu as a City Landmark;
- C. Provide direction to revise resolution if changes are desired regarding designating the thirteen (13) Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street as a City Landmark; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street as a City Landmark.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

9. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Firefighters Association, the Police Management Association, and the new Fire Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

10. 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 *Citizens Planning Association, et al., v. Peak-Las Positas Partners, et al.*, SBSC Case No. 1301176.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 23, 2012
TIME: 12:30 p.m.
PLACE: Council Chambers

Grant House, Chair
Frank Hotchkiss
Randy Rowse

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEM FOR CONSIDERATION

**Subject: Zoning Ordinance Amendment, Municipal Code Section 28.87.300,
Pertaining To Non-Residential Construction Projects**

Recommendation: That the Ordinance Committee:

- A. Consider a proposed amendment to Santa Barbara Municipal Code Title 28 (The Zoning Ordinance) to extend the time limit for regulations pertaining to Non-Residential Construction Projects; and
- B. Make a recommendation to City Council for Ordinance adoption.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 23, 2012

TO: Ordinance Committee

FROM: Planning Division, Community Development

SUBJECT: Zoning Ordinance Amendment, Municipal Code Section 28.87.300, Pertaining To Non-Residential Construction Projects

RECOMMENDATION: That the Ordinance Committee:

- A. Consider a proposed amendment to Santa Barbara Municipal Code Title 28 (The Zoning Ordinance) to extend the time limit for regulations pertaining to Non-Residential Construction Projects; and
- B. Make a recommendation to City Council for Ordinance adoption.

DISCUSSION:

The City's non-residential growth management program is currently implemented through the Development Plan Review and Approval Ordinance SBMC 28.87.300 (DPO). This ordinance is set to expire on January 1, 2013. A one-year extension of the DPO is being requested to January 1, 2014 in order to complete the processing of the comprehensive DPO zoning amendments currently underway for compliance with the recently adopted General Plan policies related to the non-residential Growth Management Program.

This zoning ordinance section contains many key provisions including definitions, allocation categories such as Community Priority, Small Additions, etc., and standards for processing all non-residential projects in the city.

In November 1989, city voters approved an amendment to the City Charter establishing Section 1508 to regulate non-residential growth in the community (Measure E). The DPO implemented Measure E during its term and would have expired on January 1, 2010 with the sunset of Measure E; however, in July 2009, the Council granted a three year extension of the DPO as the Plan Santa Barbara process to adopt the General Plan was expected to be approved soon. The regulations were extended to January 1, 2013 and all other provisions of the Zoning Ordinance remained the same.

Staff is actively processing the overall zoning amendments necessary to carry out the General Plan policies related to non-residential growth that were adopted in December 2011. On May 17, 2012, the amendments to the City's Growth Management

Program were initiated by the Planning Commission. On June 21, 2012 and September 6, 2012, meetings were held with the Planning Commission concerning the traffic component of the Growth Management Program.

An ordinance becomes effective 30 days after adoption. Based on the current expiration date of the DPO, Council would need to adopt the revisions to the Growth Management Program before December 1 of this year in order for the new ordinance to be effective before the expiration of the DPO. While progress has been made in developing the new Growth Management Program, staff does not believe there is sufficient time between now and December 1 to conduct the necessary public hearings before the Planning Commission and City Council and to draft the final ordinance language in order to have the ordinance ready for adoption by December 1. Staff anticipates that Council adoption will happen by the spring of next year. Therefore, we recommend that the date specified in Section 28.87.300 be changed from January 1, 2013 to January 1, 2014.

Section 28.87.300 establishes that approvals under the ordinance shall not exceed three million square feet above the October 1988 baseline condition through January 1, 2013. This clause is proposed to be amended to change 2013 to 2014. Therefore, the ordinance would continue to cover the original three million square feet. Staff recommends that the ordinance continue to operate in the manner that it currently operates until 2014.

Pursuant to Section 28.87.300, the allocation from the Small Addition category was limited to no more than 30,000 square feet per year. Any portion of the annual allocation for Small Additions that remained at the end of the year was transferred to the Economic Development category. As a part of the extension granted in 2009, Council approved 90,000 square feet from the Economic Development category returned to the Small Addition category to cover the three year time extension.

Since January 1, 2010 to the present, a total of 20,022 square feet of the 90,000 has been allocated out of Small Additions to projects. A total of 45,118 square feet unused Small Addition square footage from 2010 and 2011 was returned to Economic Development. Staff is requesting that similarly, 30,000 square feet from the Economic Development category be returned to the Small Addition category to cover the one year time extension for the year 2013.

Since January 2010, 10,600 square feet has been allocated to Economic Development projects. Currently there are 503,828 square feet of unallocated Economic Development square footage. As before, the annual un-allocated Small Addition square feet would continue to be transferred into the Economic Development category. The entire amount of the proposed 30,000 square feet of re-allocation is contained within the original three million square feet as approved in the original Charter Section 1508 and implementing ordinances. This proposal in no way expands the amount of potential

non-residential development beyond the three million square foot limit originally set by Measure E.

The Planning Commission reviewed this extension request on September 20, 2012 and unanimously recommended approval of the one-year time extension.

BUDGET/FINANCIAL INFORMATION:

The processing of this proposed amendment is being done by existing City staff and the associated costs of public notices and meetings can be accommodated within the existing budget for the Community Development Department.

- ATTACHMENTS:**
1. Draft Ordinance
 2. Draft Resolution
 3. Projects with Preliminary or Final Economic Development Designations

PREPARED BY: Beatriz Gularte, Project Planner

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

APPROVED BY: City Administrator's Office

ORDINANCE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING SECTION 28.87.300 OF
CHAPTER 28.87 OF TITLE 28 OF THE MUNICIPAL CODE
REGARDING LIMITATIONS ON NON-RESIDENTIAL
DEVELOPMENT WITHIN THE CITY

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

SECTION ONE: Section 28.87.300 of Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code is hereby amended to read as follows:

28.87.300 Development Plan Review and Approval.

A. DEVELOPMENT PLAN.

1. Requirement for Development Plan.

a. Planning Commission Review Required. No application for a land use permit for a nonresidential construction project as defined in Subsection B of this Section will be accepted or approved on or after December 6, 1989 unless the project falls within one or more of the categories outlined in Paragraph 2 of this Subsection and defined in Subsection B of this Section. Before any nonresidential construction project is hereafter constructed in any zone including zones at the Santa Barbara Municipal Airport, a complete development plan for the proposed development shall be submitted to the Planning Commission for review and approval. In addition, before residential floor area in any building or structure located in any zone including zones at the Santa Barbara Municipal Airport is converted to nonresidential use, a complete development plan for the proposed conversion shall be submitted to the Planning Commission for review and approval. Before any transfer of existing development rights may be approved pursuant to Chapter 28.95, development plans for both the sending site(s)

and receiving site(s) as defined therein shall be approved by Planning Commission or City Council on appeal pursuant to this section.

Any nonresidential project except for Transfer of Existing Development Rights projects, which involves an addition of greater than three thousand (3,000) and less than ten thousand (10,000) square feet of floor area and which does not require the preparation of an Environmental Impact Report, shall be placed on the Planning Commission Consent Calendar for review and action. The only findings in Paragraph D.1 applicable to these projects are Findings d, e, f, and g. These findings shall be made at the time of Planning Commission approval.

b. Exceptions.

(1) Notwithstanding the provisions of Subparagraph a. of this Subsection, any nonresidential project which involves an addition of one thousand (1,000) square feet or less, and which does not require the preparation of an Environmental Impact Report, shall not be required to receive development plan approval.

(2) Notwithstanding the provisions of Subparagraph a. of this Subsection, any nonresidential construction project which involves the following shall not be required to receive development plan approval from the Planning Commission:

a. an addition of greater than one thousand (1,000) and less than or equal to three thousand (3,000) square feet of floor area, and;

b. does not require the preparation of an Environmental Impact Report, and;

c. does not require some other form of discretionary approval from the Planning Commission under other applicable provisions of this Code.

(3) Development plan approval for projects not requiring Planning

Commission approval under subparagraph (2) above shall be required from the Staff Hearing Officer if the application requires discretionary review by the Staff Hearing Officer under another provision of this Code. Otherwise, development plan approval for projects not requiring Planning Commission approval under subparagraph (2) above shall be required at the time of Preliminary Approval from the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district, or if the structure is a designated City Landmark. Such projects are subject to the findings in Subsection E of this Section and the provisions of Section 28.87.350.

2. Development Potential.

a. Nonresidential Construction Project. Nonresidential construction projects, as defined in Subsection B of this Section, shall be restricted to no more than three million (3,000,000) square feet until the year ~~2013~~2014. This allowable square footage shall be allocated in the following categories, as defined in Subsection B of this Section.

<u>Category</u>	<u>Square Footage</u>
Approved Projects	900,000 s.f.
Pending Projects	700,000 s.f.
Vacant Property	500,000 s.f.
Minor Additions	Exempt
Small Additions	600,000 s.f.
Community Priorities	300,000 s.f.

Small Additions shall be limited to no more than thirty thousand (30,000) square feet annually. Procedures for allocating square footage under these categories shall be established by resolution of City Council.

Notwithstanding the development restrictions established above, the Planning Commission or City Council on appeal may approve nonresidential development projects determined by the City Council to promote Economic

Development. However, the total development square footage of all Economic Development Projects approved prior to January 1, ~~2013~~2014, shall not exceed the total square footage of "Approved" or "Pending" projects which have expired or been abandoned and any unused development square footage remaining from the annual allotment in the "Small Additions" category as of the date the Planning Commission or City Council on appeal approves a particular Economic Development Project. Nothing herein shall be deemed to authorize the approval of nonresidential development totalling in excess of three (3) million square feet above the October 1988 baseline condition until January 1, ~~2013~~2014.

b. Other Nonresidential Development. Other nonresidential development may occur so long as it falls within the following categories, as defined in Subsection B of this Section.

- (1) Government Displacement Project.
- (2) Hotel Room for Room Replacement Project.

B. DEFINITIONS.

1. Approved Projects or Revisions thereto. A project which satisfies any of the following criteria:

a. An application for a land use permit for the project (other than an application for Specific Plan approval) which was approved on or before October 26, 1989 and the approval is still valid.

b. The project pertains to implementation of a Specific Plan which was approved prior to April 16, 1986, and the Plan required the construction of substantial circulation system improvements, and all of those improvements were either:

- (1) Installed prior to the effective date of this ordinance; or
- (2) Subsequently constructed pursuant to an Owner Participation

Agreement (OPA) and installed prior to the approval of any development plan(s).

c. The project consists of a revision to a project which qualifies under either Subparagraph a. or b. of this Paragraph B.2, provided the revision will result in no increase in floor area over the approved amount. Once a revision to a project has been approved that reduces the floor area from the originally approved amount, the unused floor area shall not be reallocated to the project as part of a future revision. The unused floor area shall be available for Economic Development Projects.

2. Community Priority. A project which has been designated by the City Council as a community priority necessary to meet a present or projected need directly related to public health, safety or general welfare.

3. Economic Development Project. A project which has been designated by the City Council as a project that is consistent with the City Charter, General Plan and this Title, will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base. An Economic Development Project should also accomplish one or more of the following:

a. Support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; or

b. Provide new recreational, educational, or cultural opportunities for City residents and visitors; or

c. Provide products or services which are currently not available or are in limited supply either locally or regionally.

For purposes of this Section, "standard of living" is defined as wages, employment, environment, resources, public safety, housing, schools, parks and

recreation, social and human services, and cultural arts.

4. Floor Area. Floor Area is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of the area occupied by the surrounding walls, vent shafts and courts, or areas or structures used exclusively for parking. Nonhabitable areas used exclusively for regional public utility facilities shall not count toward the calculation of floor area. Any floor area which was constructed, approved, demolished or converted in violation of any provision of this Municipal Code, shall not give rise to any right to rebuild or transfer floor area.

5. Floor Area Ratio. The area expressed as the ratio of floor area to total square footage of a parcel.

6. General Welfare. A community priority project which has a broad public benefit (for example: museums, child care facilities, or community centers) and which is not principally operated for private profit.

7. Government Displacement Project. A project which involves the relocation, replacement, or repair of a structure or use acquired, removed or damaged by direct condemnation or negotiated acquisition by the government (federal, state or local), provided the square footage of a project constructed to replace a building acquired or removed by the government does not exceed the square footage of the building so acquired or removed.

8. Hotel Room for Room Replacement Project. A project which consists of replacement or remodeling of existing hotel rooms at the same location on a room for room basis.

9. Land Use Permit. A governmental decision concerning a permit, license, certificate, or other entitlement for use of land, including a conditional use permit,

variance, modification, development plan, specific plan, general plan amendment, coastal development permit, conversion permit, subdivision map (except those creating new single family lots), building permit, grading permit, demolition permit, water service connection or any similar approval or use.

10. Minor Addition. A project which consists of a minor addition defined as:

a. A nonresidential addition of one thousand (1,000) square feet or less of floor area to an existing structure; or

b. Construction of a free standing nonresidential structure of one thousand (1,000) square feet or less of floor area on a parcel containing another structure; or

c. Conversion of residential floor area to no more than one thousand (1,000) square feet of nonresidential floor area; or

d. Concurrent construction of nonresidential floor area of one thousand (1,000) square feet or less associated with a new structure constructed under the Approved, Pending, Community Priority or Vacant Property categories.

e. The one thousand square foot limitation defined in subparagraphs a. through d. above is a cumulative total available per parcel. Once a cumulative total of 1,000 square feet of Minor Additions has been reached, any further additions up to a total of 3,000 square feet (including the Minor Additions) shall be allocated from the Small Addition category.

(1) EXCEPTION: If an existing or proposed building occupies two or more parcels created prior to October 1988, the maximum square footage available for a Minor Addition shall equal the sum of the Minor Additions which could be approved on the individual parcels pursuant to the findings in Subsection E of this Section. For parcels created after October 1988, any remaining Minor Addition allocation shall be divided evenly between all of the parcels created from each parcel eligible for a Minor

Addition. The remaining allocation may be divided in a different manner between the parcels created if this division is executed in a legal instrument that is recorded with the County recorder and approved as to form by the City Attorney for each parcel involved at the time of recordation of the Final or Parcel map for the subdivision.

11. Nonresidential Construction Project. A project, or portion thereof, which consists of the construction of or addition of new floor area for other than residential use or the conversion of existing residential floor area to nonresidential use. Repair or replacement of existing floor area is not included in the calculation of new floor area for the purpose of this Section.

12. Pending Project or Revisions thereto. A project which satisfies any of the following criteria:

a. An application for a land use permit for the project was accepted on or before October 26, 1989 and the application: (1) has not been denied by the City; (2) has not been withdrawn by the applicant; (3) has not yet received City approval or (4) has received City approval after October 26, 1989 and that approval is still valid.

b. The project pertains to implementation of a Specific Plan which was approved prior to April 16, 1986 and the project does not qualify under Subparagraph 1.b. of this Subsection.

c. The project consists of a revision to a project which qualifies under either Subparagraph a. or b. of this Paragraph 12, provided the revision will result in no increase in floor area over the amount shown on the pending application. Once a revision to a project has been approved that reduces the floor area from the originally approved amount, the unused floor area shall not be reallocated to the project as part of a future revision. The unused floor area shall be available for Economic Development Projects.

13. Residential Unit: A dwelling unit as defined in Chapter 28.04, but not including any of the following:

a. A hotel or boarding house as defined in Chapter 28.04 which includes a motel, bed and breakfast inn, or similar facility in which the average duration of stay of the residents, during the six month period prior to February 1, 1990, was less than thirty (30) days.

b. A mobile-home or recreation vehicle as defined in Chapter 28.04.

14. Small Addition. A project which consists of a small addition defined as:

a. A nonresidential addition of more than one thousand (1,000) and less than or equal to three thousand (3,000) square feet of floor area to an existing structure; or

b. Construction of a free standing nonresidential structure of more than one thousand (1,000) and less than or equal to three thousand (3,000) square feet of floor area on a parcel containing another structure; or

c. Conversion of residential floor area to more than one thousand (1,000) and less than three thousand (3,000) square feet of nonresidential floor area; or

d. Concurrent construction of nonresidential floor area of more than one thousand (1,000) and less than or equal to three thousand (3,000) square feet associated with a new structure constructed under the Approved, Pending, Community Priority or Vacant Property categories.

e. The limitations on floor area defined in subparagraphs a. through d. above establish the cumulative total available per parcel. In any case, the combined total of Minor and Small Additions shall not exceed a cumulative total of three thousand (3,000) square feet.

(1) EXCEPTION: In the case where an existing or proposed building occupies two or more parcels created prior to October 1988, the maximum square

footage available for a Small Addition shall equal the sum of the Small Additions which could be approved on the individual parcels pursuant to the findings in Subsection E of this Section. For parcels created after October 1988, any remaining Small Addition allocation shall be divided evenly between all of the parcels created from each parcel eligible for a Small Addition. The remaining allocation may be divided in a different manner between the parcels created if this division is executed in a legal instrument that is recorded with the County recorder and approved as to form by the City Attorney for each parcel involved at the time of recordation of the Final or Parcel map for the subdivision.

f. Procedures for allocating square footage in the Small Addition category shall be established by resolution of the City Council.

15. Vacant Property. A project on a parcel of land which was vacant in October 1988, which consists of construction of a nonresidential structure with a floor area ratio of no more than 0.25.

C. REVIEW BY PRE-APPLICATION REVIEW TEAM. All nonresidential construction projects requiring the preparation of an Environmental Impact Report or involving greater than 3,000 square feet of floor area and subject to this Section shall be reviewed by the Pre-Application Review Team as provided in Chapter 27.07 of this Code.

D. STANDARDS FOR REVIEW. Unless specifically exempt, the following findings shall be made in order to approve a development plan submitted pursuant to this Section.

1. Findings:

a. The proposed development complies with all provisions of this Title; and

b. The proposed development is consistent with the principles of sound community planning; and

c. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood; and

d. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock; and

e. The proposed development will not have a significant unmitigated adverse impact on the City's water resources; and

f. The proposed development will not have a significant unmitigated adverse impact on the City's traffic; and

g. Resources will be available and traffic improvements will be in place at the time of project occupancy.

2. Potential for Overriding Considerations:

a. A finding of significant adverse impact under Subparagraph 1.c above can be overridden if it is determined that the economic, social or public benefits of the proposed development outweigh its significant adverse impacts.

b. A finding of significant adverse impact under Subparagraphs 1.a or 1.b above cannot be overridden.

c. A finding of unmitigated significant adverse impact under Subparagraphs 1.d, 1.e, 1.f, or 1.g above for a Minor Addition Project, Government Displacement Project or that portion of a project which qualifies as a Government Displacement Project, a Community Priority Project, and an Approved Project or Revision thereto can be overridden if it is determined that the benefits of the proposed development outweigh its significant adverse impacts.

3. Exception. Notwithstanding any provision of this Section to the contrary, a development plan shall not be denied based on a finding pursuant to Subparagraph 1.d of this Subsection E if (i) the plan incorporates revisions to a development plan approved by the Planning Commission under this Section prior to February 25, 1988, and (ii) the project shown on the plan will not generate a demand for new housing in excess of the demand generated by the previously approved project.

E. DEVELOPMENT PLAN NOTICE AND HEARING. The Staff Hearing Officer, Planning Commission, or City Council on appeal, shall hold a public hearing prior to taking action on any development plan. Notice of the public hearing shall be given in accordance with Section 28.87.380.

F. SUSPENSIONS AND APPEALS.

1. A decision by the Staff Hearing Officer under this Section may be suspended or appealed according to the provisions of Section 28.05.020.

2. A decision by the Planning Commission under this Section may be appealed according to the provisions of Chapter 1.30. In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Planning Commission regarding a decision of the Staff Hearing Officer shall be provided in the same manner as notice was provided for the hearing before the Planning Commission.

G. FEES. Fees for filing applications and appeals shall be established by resolution of the City Council.

H. EXPIRATION OF DEVELOPMENT PLANS. A development plan approved pursuant to this Section shall expire pursuant to the provisions of Section 28.87.350. For projects with floor area allocated from the Approved, Pending, Economic Development and Small Addition categories, the unused floor area shall be made

available for allocation to Economic Development Projects upon expiration of the development plan. For projects with floor area allocated from the Community Priority and Vacant Property categories, the unused floor area shall revert to the category from which the floor area was allocated upon expiration of the development plan.

I. MULTIPLE DEVELOPMENT PLANS. When more than one valid approved development plan exists for a lot, upon issuance of a building or grading permit for any work authorized by one of the approved development plans, all other development plans approved for that lot are deemed abandoned by the property owner. No building or grading permit shall be issued for any work authorized by a development plan following abandonment of that plan. For projects with floor area allocated from the Approved, Pending, Economic Development and Small Addition categories, any unused floor area shall be made available for allocation to Economic Development Projects upon abandonment of a development plan. For projects with floor area allocated from the Community Priority and Vacant Property categories, any unused floor area shall revert to the category from which the floor area was allocated upon abandonment of a development plan.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING PROCEDURES FOR ADMINISTRATION OF THE AMENDMENTS TO TITLES 28 AND 29 OF THE MUNICIPAL CODE IMPLEMENTING THE GENERAL PLAN UPDATE GROWTH DECISIONS AND ~~CHARTER SECTION 1508~~, AND RESCINDING RESOLUTION NO. 09-058

A. On April 27, 1989, the City Council adopted a series of recommendations on proposed amendments to the City's General Plan and instructed the staff to begin preparation of ordinances and resolutions to implement those recommendations.

B. On November 7, 1989, the voters of the City of Santa Barbara adopted a charter amendment restricting the amount of nonresidential growth which can occur over the next twenty years and directing the Council to adopt measures to assure that those restrictions are not exceeded.

C. On February 12, 1991, the City Council adopted amendments to the Zoning Ordinance to implement the Growth Decisions and Charter Section 1508.

D. On June 18, 1991, the City Council, recognizing the need to allow for large institutions to plan with a comprehensive, long range perspective, amended Resolution 91-017 in order to allow certain types of projects the ability to reserve square footage in the Community Priority Development Allocation Category.

E. On December 13, 1994, the City Council amended the City's S-D-2 Zone to eliminate development plan processing requirements which were different from the requirements of Municipal Code Section 28.87.300.

F. On November 7, 1995, the voters of the City of Santa Barbara amended Charter Section 1508 to create an "Economic Development" floor area allocation category in order to reallocate unused square footage from the "Approved," "Pending" and "Small Addition" allocation categories to nonresidential development projects which promote the economic development of the City.

G. In 1997, the City Council, recognizing the need to allow more flexibility for the expansion of existing businesses during times of economic growth, amended Resolution 96-027 to allow a greater number of Small Addition projects to proceed within the three million square foot growth cap established by Charter Section 1508.

H. In 1999, the City Council, recognizing the need to reaffirm the fairness of the allocation procedure for Small Addition square footage, amended Resolution 97-048 to allow Small Addition square footage to be allocated by lottery.

I. Pursuant to its own language, Charter Section 1508 ~~will sunset as of expired on~~ December 31, 2009.

J. In the Spring of 2007, the City Council initiated the public process for an update of the General Plan known as *Plan Santa Barbara*.

~~It is expected that *Plan Santa Barbara* will result in new policies concerning nonresidential growth during the *Plan Santa Barbara* planning period. *Plan Santa Barbara* will not be finished before the expiration of Charter Section 1508.~~

K. On July 14, 2009, the City Council adopted an ordinance amending Section 28.87.300 of the Municipal Code extending the regulations relating to nonresidential growth through January 1, 2013. The City Council extended Section 28.87.300 for the purpose of maintaining the status quo concerning nonresidential growth management until the completion of *Plan Santa Barbara* and to allow for the orderly implementation of the *Plan Santa Barbara* policies regarding nonresidential growth management.

L. In order to maintain the continued operation of the nonresidential growth regulations in their present form, the City Council hereby reallocated ~~ds~~ 90,000 square feet of floor area from the Economic Development category to the Small Additions category effective January 1, 2010 to cover the period from January 1, 2010 through January 1, 2013.

M. On December 1, 2011, the City Council adopted *Plan Santa Barbara*. The General Plan Update established new growth limitations for the next 20 years, along with policies and standards to implement the Growth Management Program. This new growth limitation necessitates amendments to the Development Plan Review and Approval Ordinance which are currently underway.

N. Staff recommends an additional extension of the current Development Plan Review and Approval ordinance for one more year to January 1, 2014 to allow completion of the Zoning Ordinance amendments consistent with the General Plan Update.

MO. This Resolution includes the administrative procedures necessary to implement the City's Development Plan Review and Approval ordinance –~~Charter Section 1508 and the Municipal Code provisions through January 1, 2013~~(Municipal Code Section 28.87.300) through January 1, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

The following are the administrative procedures required by ~~Charter Section 1508 and~~ SBMC §28.87.300:

1. Reallocation Floor Area from Economic Development Category to the Small Additions Category.

Pursuant to Municipal Code Section 28.87.300, 600,000 square feet of floor area was allocated to the Small Additions category for the period from 1989 through December 31, 2009. Section 28.87.300 limited Small Additions to no more than 30,000 square feet of floor area per year. At the end of each year, any unused square footage from the annual allotment for Small Additions was transferred to the Economic Development category. By December 31, 2009, the entire allocation of 600,000 square feet assigned to the Small Addition category will have been assigned or developed as Small Additions or transferred to the Economic Development category.

On July 14, 2009, the City Council adopted an ordinance extending the regulations found in Section 28.87.300 through January 1, 2013. In order to provide for a continued allotment of 30,000 square feet per year for Small Additions, 90,000 square feet of floor area is hereby reallocated from the Economic Development category to the Small Additions category, effective January 1, 2010.

On _____, the City Council adopted an ordinance extending the regulations found in Section 28.87.300 from January 1, 2013 through January 1, 2014. In order to provide for a continued allotment of 30,000 square feet per year for Small Additions, an additional 30,000 square feet of floor area is hereby reallocated from the Economic Development category to the Small Additions category, effective January 1, 2013.

2. Minor Additions, Small Additions, Projects on Vacant Property, Government Displacement Projects, and Revisions to Approved Projects. An application for a land use permit for a nonresidential construction project consisting of a minor addition, small addition, project on vacant property, Government Displacement or revision on an approved project, as those terms are defined in Section 28.87.300 of Chapter 28.87 of Title 28 shall be subject to the following procedure:

a. Application.

(1) Minor Additions, Projects on Vacant Property, Government Displacement Projects, and, Revisions to Approved Projects. An application for a land use permit for a nonresidential construction project involving a proposed minor addition, project on vacant property, government displacement project or revision to an approved project shall be submitted to the Community Development Department in accordance with the standard application requirements in place at the time of submittal.

(2) Small Additions. An application for a land use permit for a nonresidential construction project involving a proposed small addition shall be submitted to the Community Development Department in accordance with the following procedures:

(a) **Initial Application Period.** Beginning on January 1 of each year, completed applications for small additions will be accepted for a period of the first two (2) business days of each year. Applications received during this two (2) day period will be reviewed by staff to determine the total amount of square footage requested from the small addition category. If the total amount of small addition square footage requested is less than or equal to the 30,000 square foot annual allotment, the accepted applications will be allocated square footage in the amounts requested. Subsequent applications for small additions will be accepted on a first-come, first-served basis until the 30,000 square foot annual limit has been reached.

Applications submitted after this point will be returned to the applicant, with the names of the applicants for the next 10,000 square feet of small additions placed on a Reallocation List for use in the event that projects originally accepted are reduced in size, withdrawn, abandoned or denied. All other potential applicants will be advised to reapply in January of the following year.

(b) **Allocation By Lot.** If the total amount of small addition square footage requested exceeds the 30,000 square foot annual limit, priority for square footage allocations will be determined by the casting of lots in a manner deemed appropriate by the Community Development Director. Each proposed development project for which an application has been received will have one lot in the lottery, regardless of the number of small additions requested or the number of properties involved in the proposed project. Projects will be allocated small addition square footage in the order drawn until the 30,000 square foot limit has been reached. Projects which were not drawn during the initial 30,000 square foot allocation will continue to be drawn for priority placement on a Reallocation List for use in the event that projects originally accepted are reduced in size, withdrawn, abandoned, or denied. Subsequent to the lottery, all other potential applicants will be advised to reapply in January of the following year.

b. Action.

(1) Minor Additions, Government Displacement Projects, and Revisions to Approved Projects. An application for a minor addition, government displacement project, or revision to an approved project may be considered even if the project will cause a significant unavoidable environment effect or create a traffic impact in violation of adopted City policies. The discretion to approve such a project upon a finding of overriding considerations rests solely with the reviewing body.

(2) Small Additions and Projects on Vacant Property. An application for a small addition or project on vacant property shall not be approved if the project will cause an unavoidable and unmitigated significant adverse environmental effect (as documented in an environmental impact report) other than a cumulative air pollution impact, or create a traffic impact in violation of adopted City policies, including the Circulation Element of the General Plan.

c. Tracking.

(1) Minor Additions. The cumulative total Minor Additions on a parcel shall not exceed 1,000 square feet.

(2) Minor Additions and Small Additions. Minor Addition square footage developed in conjunction with a Small Addition shall be counted as a Minor Addition. The annual total square footage of such projects shall be subtracted annually from the total square footage available in the Economic Development category. In no case shall the combined total of Small Addition square footage and Minor Addition square footage on a parcel exceed 3,000 square feet.

3. Community Priority Project or Economic Development Project. An application for a land use permit for a nonresidential construction project which has been designated by the City Council as a community priority or economic development project shall be subject to the following procedure:

a. Application. An application for a land use permit for a nonresidential construction project proposed as a community priority or economic development project shall be submitted to the Community Development Department for

a recommendation of community priority or economic development status. The following information shall be included in the application packet:

- A completed Master Application form;
- 3 copies of a Plot Plan including the following:
 - Vicinity Map
 - North Arrow
 - Scale (not smaller than 1" = 20')
 - Project address and property owners
 - Land Use Zone
 - Total site acreage
 - Property boundaries
 - Setback dimensions
 - Assessor's Parcel Number(s)
 - Location of proposed Structures
 - Indication of removal of any structures
 - Major trees should be indicated including those proposed for removal
 - Footprint of structures on adjacent properties
 - Location of existing and proposed parking spaces
 - Legend including: net lot area of parcel in square feet and acres, site statistics showing both square footage and percentage of site coverage for all buildings and parking statistics showing the number of spaces required by ordinance and the total number of on-site space (existing and proposed);
- Letter from the applicant containing a description of the project including but not limited to the square footage of existing and proposed structures (consistent with the definition of Floor Area contained in Section 28.87.300 of the Zoning Ordinance), and the square footage associated with any proposed demolition;
- For Community Priority Projects, a Needs Assessment providing Staff and the Council with information necessary to make the finding that the proposed project meets a "present or projected need directly related to public health, safety or general welfare". The content of the Needs Assessment should be as follows:
 - Introduction outlining the proposal
 - Development history of the site; past development activity at the site should be documented, noting types and dates of past permits
 - Existing uses and associated square footage. This section should address the need for expansion and reasons why an allocation is necessary.

- For Economic Development Projects, an assessment providing Staff and the Council with information necessary to make the finding that the proposed project will “enhance the standard of living for City and South Coast Residents and will strengthen the local and regional economy”. The content of the assessment should be as follows:
 - Introduction outlining the proposal
 - Development history of the site; past development activity at the site should be documented, noting types and dates of past permits
 - Existing uses and associated square footage. This section should address the need for expansion and reasons why an allocation is necessary.
 - Documentation of how the project meets the definition of an Economic Development Project in Section 28.87.300 of the Zoning Ordinance.

The staff recommendation shall be presented to the City Council for a preliminary and non-binding identification of community priority or economic development status. The Preliminary Community Priority Designation or Preliminary Economic Development Designation permits acceptance of the application for processing, but does not commit the City Council, or any City agency, board or commission to approval of the project.

b. Action.

(1) If a project is granted a Preliminary Designation as a community priority or economic development project, the project application shall continue through the review process in place at the time of application. The Planning Commission shall, as part of the review, be asked to make a recommendation to the City Council concerning the project's ability to meet the Zoning Ordinance definition of a community priority project or an economic development project found in SBMC Section 28.87.300(B). Should the project not require Planning Commission review as part of the established review process, the Commission shall be asked to consider the application for purposes of making that recommendation only. Once the project review is complete, the application shall be forwarded to the City Council, together with the Planning Commission's recommendation for a Final Designation as a community priority or economic development project.

(2) Reserving Square Footage in the Community Priority or Economic Development Categories. If an application meets the following criteria, square footage in these categories can be reserved without applying for a land use permit. The application process for a reservation shall be the same as outlined in (a) above. In order to be eligible for a reservation of square footage, the project must exceed 10,000 square feet and be a component of a recognized Facilities Master Plan with interrelated phases of construction, which has been reviewed by the Planning Commission and can be fully implemented within 10 years.

For the purposes of a community priority or economic development project square footage reservation, a Facilities Master Plan shall be a plan which includes the following information:

- The potential for short and long range development for the facility and site;
- A brief history of development occurring at the facility;
- Description of the type and number of parking spaces existing;
- Plans to indicate the size and conceptual location of proposed structures;
- Proposed schedule of implementation of each component.

If Council makes the finding that the project meets the Zoning Ordinance definition of a community priority project or an economic development project found in SBMC Section 28.87.300(B), a reservation of square footage in this Category may be granted by a resolution of the City Council for a period not to exceed five years. Prior to expiration of the Resolution, the applicant shall submit a complete application for a land use permit and a Final Designation as a Community Priority or Economic Development Project.

4. Hotel Replacement. An application for a land use permit for a nonresidential construction project which involves the replacement or remodeling of existing hotel rooms on a room for room basis at the same location shall be subject to the following process:

(a) Application. An application for a land use permit for a proposed hotel room replacement project shall be submitted to the Community Development Department in accordance with the standard application process in place at the time of submittal. All applications shall include a site plan identifying the location and size of all existing hotel rooms. An additional site plan showing the proposed size and location of all rooms after the replacement project is completed shall also be submitted.

(b) Action. Hotel room replacement projects shall not be approved if the project will cause an unavoidable and unmitigated significant adverse environmental effect (as documented in an environmental impact report) other than a cumulative air pollution impact, or create a traffic impact in violation of adopted City policies, including the Circulation Element of the General Plan.

5. Resolution No. [99-03609-058](#) is hereby rescinded.

Adopted

**PROJECTS WITH PRELIMINARY OR FINAL
ECONOMIC DEVELOPMENT DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Gateway Project (Miravant) 6100 Hollister Avenue MST97-00715		80,320	Approved 5/28/2000 Expired/Pending
Architectural Millworks 815 Quinientos Street MST97-00320		15,000	C of O 1/20/2004
Penfield and Smith 111 E Victoria St MST2002-00243		7,905	BP 2/11/2005
Software.com 630-634 Anacapa Street MST97-00520	26,493		Withdrawn
Alliance Manufacturing Software 1035 Chapala Street MST98-00051	30,257		Withdrawn
Fielding Institute Sansum Clinic 4151 Foothill Road MST2001-00840 MST2008-00496	22,499	13,526	Prelim with MST2001-00840 - New Case is MST2008-00496 Apvd 6/12/2012
Santa Barbara Auto Gallery 352 Hitchcock Way MST2009-00015	7,925		Withdrawn
Airport Mobile Structure 500 Fowler Rd MST2002-00265		720	Approved 6/20/02
Cottage Hospital 320 W Pueblo St MST2003-00152		182,541 <u>+ 10,600</u> 193,141	Under Construction Add'l s.f. approved 10/19/10
Granada Theatre 1216 State St MST2004-00005		13,360	C of O
101 E Victoria MST2006-00758		2,703	Approved 12/23/2008
34 W. Victoria MST2009-00266		3,413	Approved 4/26/11
SUBTOTALS		330,088	SUBTOTALS
ALLOCATED TO DATE: 330,088 SQFT* REMAINING UNALLOCATED: 503,828 SQFT			
*Does not include SF from Software.Com, SB Autogroup or Alliance, which have been withdrawn			



**PROCLAMATION
NATIONAL RED RIBBON WEEK
October 22-31, 2012**

WHEREAS, the City of Santa Barbara suffers numerous problems associated with alcohol, tobacco, and other drug abuse; and

WHEREAS, substance abuse is particularly damaging to one of our most valuable resources, our youth, and a contributing factor in the three leading causes of death for teenagers – accidents, homicides and suicides; and

WHEREAS, it is the goal of Santa Barbara Fighting Back, CADA, the Santa Barbara Youth Council, and the Santa Barbara Teen Coalition to involve families, schools, businesses, media, government, medical institutions, faith organizations, law enforcement agencies and youth service organizations in all aspects of this campaign and to establish an atmosphere that supports awareness, education and ongoing initiatives to prevent illegal drug use; and

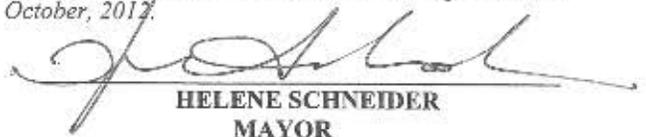
WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention efforts in honor of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty; and

WHEREAS, the last week in the month of October is designated each year as National Red Ribbon Week calling on all Americans to show their support for a drug-free lifestyle by wearing a red ribbon or wristband and participating in drug-free activities during that week; and

WHEREAS, the City of Santa Barbara values the health and safety of all our residents.

*NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim October 22-31, 2012, as **RED RIBBON WEEK** in Santa Barbara, California and encourage all residents to support and participate in alcohol and other drug prevention activities.*

IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 23rd day of October, 2012.


**HELENE SCHNEIDER
MAYOR**





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 23, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Final Map And Execution Of Agreements For 822 And 824 East Canon Perdido Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,804 and standard agreements relating to the approved subdivision at 822 and 824 East Canon Perdido, and authorize the City Engineer to record a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete and accepted by the City.

DISCUSSION:

A Tentative Map for the subdivision located at 822 and 824 East Canon Perdido Street (Attachment 1) was conditionally approved on January 12, 2012, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 001-12 (Attachment 2). The project involves the demolition of two existing single-family residences and garages, the merger of two existing parcels, and a one-lot subdivision, for the purposes of constructing 12 affordable condominiums. Staff has reviewed the Final Map (Map) and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the PC approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required agreements to the City. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Agreement for Land Development Improvements*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

THE FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Final Map Number 20,804 by the Planning Commission Conditions of Approval Resolution Number 001-12
 3. List of Owners/Trustees

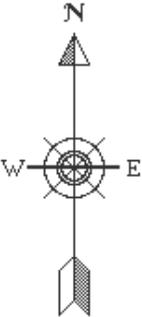
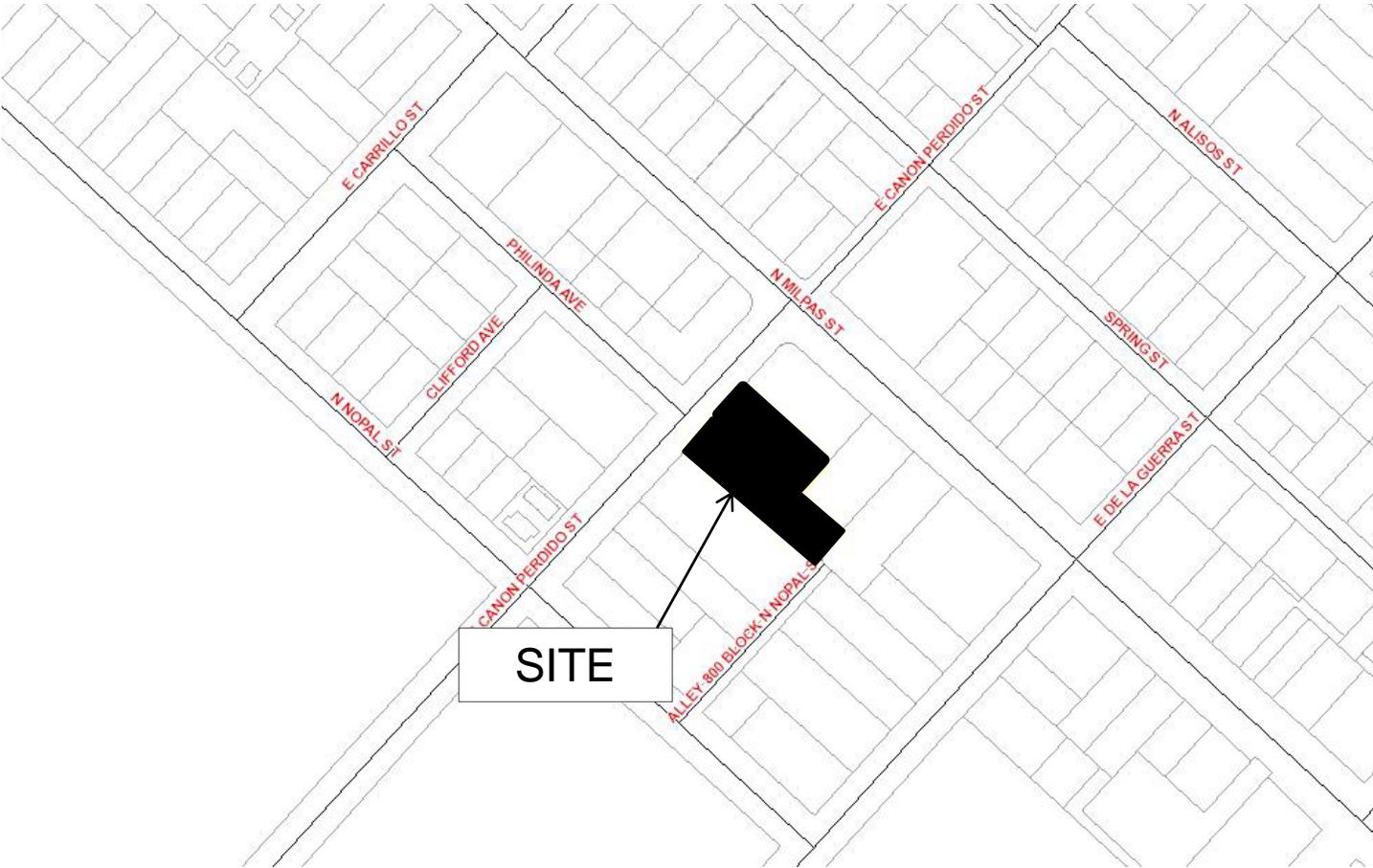
PREPARED BY: Mark Wilde, Supervising Civil Engineer/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map
822 and 824 E. Canon Perdido



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,804 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 001-12

822 and 824 East Canon Perdido

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 12, 2012, is limited to twelve (12) affordable condominium units and the improvements 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. The project includes the demolition of all existing structures on two parcels (APN 031-042-006 and 031-042-007), the parcels were be merged to create a single 19,303 square foot parcel that will be subdivided to construct 12 new affordable (available to very low- and low-income households) two- and three-story residential condominium units (8 two bedroom, 2 three bedroom, and 2 one bedroom units) with 12 single car garages, three guest parking spaces, and 18 bicycle parking. Additional changes proposed on site include the installation of an onsite SCE transformer, widening of the sidewalk at the street frontage, and landscaping changes that will include the removal and or relocation of existing trees on site
2. **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.
3. **Public Improvement District Formation.** The property owners waives the right, through deed restriction, to protest the formation of public improvement districts
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
5. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Subdivision Map shall be preserved, protected, and maintained in accordance with the recommendations contained in the Arborist's Report / Tree Protection Plan prepared by Joshua Thompson, Tree Concern, dated July 11, 2011. A copy of this report shall be attached to the recorded conditions as an exhibit. The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of

the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

7. **Ownership Unit Affordability Restrictions.** The dwelling units designated as Units 1-12 on the Tentative Subdivision Map shall be designated as Affordable Low-Income to Very-Low-Income Units and sold only to households who, at the time of their purchase, qualify as Low-Income Households as defined in the City's Affordable Housing Policies and Procedures.

The Affordable Units shall be sold and occupied in conformance with City Agreement No. 2010-0071795 and required replacement covenants. The resale prices of the Affordable Units shall be controlled by means of replacement covenants executed by the Owners and the City to assure continued affordability for at least ninety (90) years from the initial sale of each affordable unit. No affordable unit may be rented prior to its initial sale.

8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
9. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Vehicle Registration Restriction.** A covenant that restricts each unit household to ownership of one vehicle and requires yearly monitoring by Habitat for Humanity of Southern Santa Barbara County to ensure no more than one vehicle is registered at each address. Habitat for Humanity of Southern Santa Barbara County shall maintain records of vehicle ownership and produce those records to the City within two working days, upon request.
 - c. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - d. **Guest Parking Spaces.** Three (3) guest parking spaces are to be maintained for the use of guests and not assigned to any of the individual units or used as storage.

- e. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
- f. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

ATTACHMENT 3

LIST OF OWNERS Habitat for Humanity of Southern Santa Barbara County

822 and 824 East Canon Perdido

Brian Boyle, President

Joyce McCullough, Executive Director



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 23, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Community Development Block Grant 2012/2013 Sidewalk Access Ramp Project

RECOMMENDATION: That Council:

- A. Award a contract with Tomar Construction, Inc., waiving minor irregularities, in their low bid amount of \$89,535 for construction of the Community Development Block Grant 2012/2013 Sidewalk Access Ramp Project, Bid No. 3671; and
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$13,430 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.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of constructing a total of 11 new sidewalk access ramps at five intersections throughout the City within the eligible Community Development Block Grant (CDBG) census tracts. These intersections include Ortega Street at Olive Street, Cota Street at Wentworth Avenue, Soledad Street at Yanonali Street, Neil Park Avenue at Voluntario Street, and Yanonali Street and Juana Maria Avenue (see Attachment). The locations chosen for the CDBG 2012/2013 Sidewalk Access Ramp Project (Project) were identified as high priorities on the City's access ramp prioritization list. The City has applied for and received CDBG funding, allowing for the completion of these important pedestrian sidewalk features.

CONTRACT BIDS

A total of ten bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Tomar Construction, Inc. Santa Paula, CA	\$89,535.00*
2.	Berry General Engineering Ventura, CA	\$95,904.96*
3.	Toro Enterprises, Inc. Oxnard, CA	\$98,935.00
4.	Shaw Contracting, Inc. Carpinteria, CA	\$102,350.00
5.	Aguilera Brothers Construction, Inc. Santa Paula, CA	\$104,665.00
6.	Tierra Contracting Goleta, CA	\$110,600.00*
7.	Kenney Construction Santa Barbara, CA	\$113,110.50*
8.	Mendez Concrete, Inc. Santa Paula, CA	\$117,122.72
9.	Lash Construction, Inc. Santa Barbara, CA	\$118,895.00
10.	V. Lopez Jr. & Sons, Inc. Santa Maria, CA	\$121,516.00

**corrected bid total*

The low bid of \$89,535, submitted by Tomar Construction, Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$13,430 or 15 percent is typical for this type of work and size of project.

COMMUNITY OUTREACH

In November 2011, the Access Advisory Committee concurred with staff's recommendation to apply for CDBG funding for the 25 highest priority ramps that were eligible for this funding source. The CDBG grant funding received by the City only covers the construction costs for 11 of these 25 ramps, so the highest priority ramps from that list were chosen for the Project.

In November 2012, staff will notify the property owners and residents located near the Project locations of the construction via mailers. Prior to construction, the contractor will be responsible for the final notice via door hangers 72 hours prior to construction.

FUNDING

This Project is funded by CDBG and Measure A funds. The CDBG amount of \$89,830 is for construction only. Measure A funding will be used to cover the remaining construction costs and City staff time. There are sufficient funds in the CDBG Fund and Streets Fund to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Tomar Construction, Inc.	\$89,535	\$13,430	\$102,965
TOTAL RECOMMENDED AUTHORIZATION			\$102,965

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

	CDBG Share	City Share	Total
City Staff Costs – Survey	\$0	\$10,971	\$10,971
City Staff Costs - Design	\$0	\$16,348	\$16,348
Subtotal	\$0	\$27,319	\$27,319
Construction Contract	\$89,535	\$0	\$89,535
Construction Change Order Allowance	\$295	\$13,135	\$13,430
Subtotal	\$89,830	\$13,135	\$102,965
Other Construction Costs (testing, etc.)	\$0	\$3,800	\$3,800
Construction Management/Inspection (by City Staff)	\$0	\$25,000	\$25,000
Subtotal	\$0	\$28,800	\$28,800
TOTAL PROJECT COST	\$89,830	\$69,254	\$159,084

SUSTAINABILITY IMPACT:

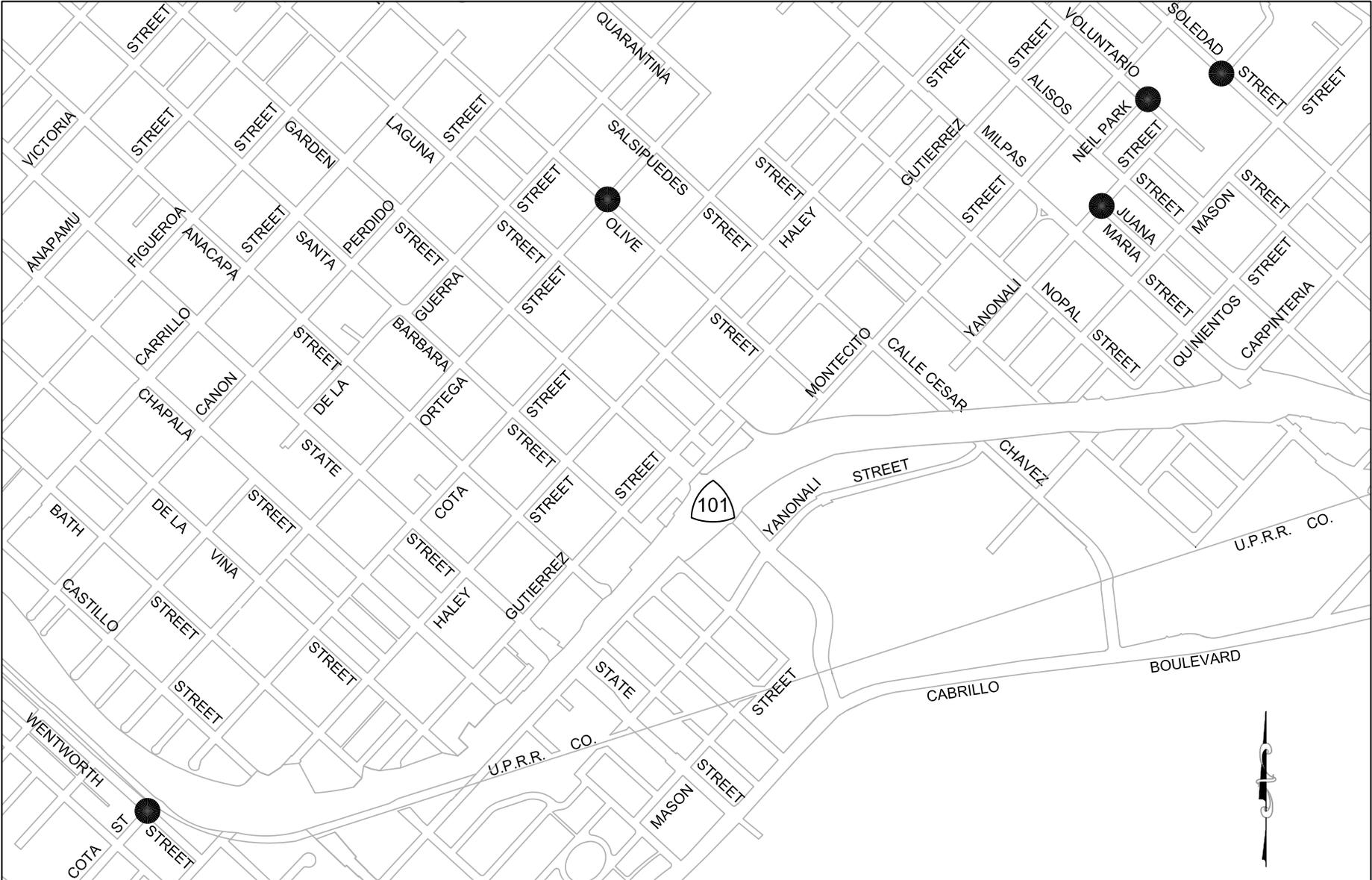
The Project will improve safety and accessibility for pedestrians within the CDBG eligible census tracts, and will contribute to the City’s sustainability goals by encouraging more people to walk, reducing energy consumption and air pollution.

ATTACHMENT: CDBG 2012/2013 Sidewalk Access Ramp Project Location Map

PREPARED BY: John Ewasiuk, Principal Civil Engineer/MR/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator’s Office



CDBG 2012/13 SIDEWALK ACCESS RAMP PROJECT
PROJECT LOCATION MAP
 ATTACHMENT 1

DESIGN	MR
DRAWN	MR
CHECKED	BD
DATE	10/23/12



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 23, 2012

TO: Mayor and Councilmembers

FROM: Business & Property Division, Airport Department

SUBJECT: Introduction Of Ordinance For A Lease Agreement With Reson, Inc.

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 Reson, Inc., dated as of November 29, 2012, at a Monthly Rental of \$24,313 for 4,800 Square Feet of Building 223 and 4,020 Square Feet of Adjacent Yard at 94 Frederick Lopez Road, and 10,800 Square Feet of Building 114 at 100 Frederick Lopez Road, at the Santa Barbara Airport, for Operation of an Acoustical Research and Design Facility.

DISCUSSION:

Reson, Inc. (formerly Acoustic Transducers) has been an Airport tenant in good standing since March 1987. Reson leases space for offices, storage and assembly for an acoustical research and development business, including the design and production of high resolution multi-beam sonar systems to conduct underwater surveying. In April 2002, Reson expanded its operations to Building 223 to house additional engineering and shipping and receiving functions. Sixty-seven employees currently work at this location. The subject Premises is located north of Hollister Avenue in an Airport Industrial (AI-1) zone. The use conforms to existing zoning.

The proposed monthly rental of \$24,313 is based on a per square foot rate of \$1.51 for office and R&D, \$1.38 for storage and shipping, and \$.21 for fenced yard and is comparable to other buildings and land on the Airport for similar use and in similar condition. Thereafter, Reson will receive scheduled annual increases as follows:

November 1, 2013 – October 31, 2014: \$25,043/month (3%)
November 1, 2014 – October 31, 2015: \$25,794/month (3%)
November 1, 2015 – October 31, 2016: \$27,083/month (5%)
November 1, 2016 – October 31, 2017: \$28,438/month (5%)

Should Reson exercise its five-year option, there will be a market rate rental adjustment of no less than 3% and no greater than 8% in year six, with annual CPI adjustments in each succeeding year.

Reson will also pay monthly utilities charges of \$149 or metered amount, whichever is greater, for water and \$73 for sewer service. Utilities charges are adjusted annually on July 1st.

The proposed Lease Agreement has been negotiated based upon the criteria set forth in Resolution 93-127, and has been reviewed and determined to be exempt from environmental review. Airport Commission recommended approval at their September 19, 2012 meeting.

PREPARED BY: Rebecca Fribley, Sr. Property Management Specialist

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LEASE AGREEMENT WITH ONE FIVE-YEAR OPTION WITH RESON, INC., DATED AS OF NOVEMBER 29, 2012, AT A MONTHLY RENTAL OF \$24,313 FOR 4,800 SQUARE FEET OF BUILDING 223 AND 4,020 SQUARE FEET OF ADJACENT YARD AT 94 FREDERICK LOPEZ ROAD, AND 10,800 SQUARE FEET OF BUILDING 114 AT 100 FREDERICK LOPEZ ROAD, AT THE SANTA BARBARA AIRPORT, FOR OPERATION OF AN ACOUSTICAL RESEARCH AND DESIGN FACILITY.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain five-year Lease Agreement, with one five-year option, between the City of Santa Barbara and Reson, Inc., dated as of November 29, 2012, which provides for the lease of 4,800 square feet of Building 223, 4020 square feet of land, and 10,800 square feet of Building 114 for the operation of an acoustical research and development facility at the Santa Barbara Municipal Airport, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 23, 2012

TO: Mayor and Councilmembers

FROM: Administration, Housing & Human Services Division, Community Development Department

SUBJECT: Central Coast Collaborative On Homelessness (C³H)

RECOMMENDATION: That Council:

- A. Authorize the City Administrator, subject to City Attorney approval as to form, to execute a Memorandum of Understanding with the Northern Santa Barbara County United Way (NSBCUW) for the Central Coast Collaborative on Homelessness (C³H) effort;
- B. Appoint two members of Council to the C³H Policy Council; and
- C. Withdraw City Council and staff participation in the South Coast Homeless Advisory Committee concurrent with the formation of the C³H Policy Council.

DISCUSSION:

On September 13, 2011, Council received a report on the work of the Council Subcommittee on Homelessness and Community Relations and concurred with the subcommittee's recommendations to:

- Support, in concept, the consolidation of Bringing Our Community Home, Common Ground Santa Barbara and the Regional Homeless Advisory Committees into a regional homeless collaborative, and direct Council and staff to participate in a planning workshop;
- Set aside \$75,000 of Fiscal Year 2013 Human Services funding to pay the City's share of staffing costs of the homeless collaborative, with the expectation that other public government bodies will also step up with their fair share; and
- If appropriate, offer in-kind office space on the South Coast for the homeless collaborative.

Since that time, staff has been working with representatives from the County of Santa Barbara, Housing Authority of the City of Santa Barbara, Bringing Our Community Home, Common Ground, and homeless service providers to organize the development of an initiative that is dedicated to the efficient and effective delivery of homeless related services throughout our region.

A retreat was held on November 16 and 17, 2011 to solicit input from a broad sector of the community. Utilizing information from those meetings, the planning group refined the model and incorporated the principles of “collective impact”. *Collective Impact* is the commitment of a group of important actors from different sectors to a common agenda for solving a specific social problem which no single organization is responsible for or can cure. It utilizes a methodology based on shared measurements; mutually reinforcing activities; frequent and ongoing communication; and coordination by an independent backbone structure.

The new structure, which has been named *Central Coast Collaborative on Homelessness* (C³H), is comprised of five main sectors all working towards the same goal: reducing homelessness in Santa Barbara County. The new model creates a “**Policy Council**” of Elected Officials to direct cost effective & efficient responses to homeless related issues. The Policy Council will include nine representatives from the following jurisdictions: City of Santa Barbara (2); County Board of Supervisors (2); City of Goleta (1); City of Lompoc (1); City of Santa Maria (1); and (2) rotating seats between the cities of Solvang, Buellton, Carpinteria and Guadalupe. Staff is recommending that Council appoint two members of the City Council to represent the city on the Policy Council.

In addition to the Policy Council, this new structure will include a “**Coordination Committee**” consisting of key County department heads, the Sherriff’s Office, Santa Barbara Police Department, executive directors of the homeless shelters and housing agencies and other local leaders who will help to coordinate the implementation of prioritized solutions to homelessness set by the Policy Council. The Coordination Committee will: set program priorities; prioritize “**Data Collection and Evaluation**” efforts; encourage greater collaboration between service providers in the “**Housing, Shelter and Treatment**” (HST) continuum; empower community members, faith organizations, business entities, and advocacy groups to participate in building solutions through “**Community Action Groups**” (CAG’s); and designate and direct independent staffing to facilitate and coordinate the entire collaboration.

Three positions are allocated in the initial C3H budget:

- .5 FTE Facilitator,
- .75 FTE Community Coordinator,
- .5 FTE Administrative staff.

The **Facilitator** will receive direct supervision and direction from the Executive Committee of the Coordination Committee and will exercise supervision of the Community Coordinator and Administrative staff. The Facilitator will guide the reorganization process by assisting in the development and implementation of the collaboration’s goals and objectives. This person will also establish schedules and methods for communication between the Coordination Committee, Policy Council and other merger related meetings, and monitor the merger effort progress and performance.

The **Community Coordinator** will work closely with individual Community Action Groups (CAG) seeking focus areas for greater impact; participate and assist in planning and facilitating the monthly Coordination Committee meetings; keep the Coordination Committee informed of CAG work countywide; and work to insure successful team relationships within the Coordination Committee as well as between and among stakeholder groups; and assist in the communication of information between the Coordination Committee and Policy Council and the CAG's.

The Administrative staff function is currently being carried out by the Housing Authority of the City of Santa Barbara as an in-kind contribution.

The initial staffing comprises a phased approach which may change over time as the collaborative matures. For example, next year there may not be a need for a facilitator and the Community Coordinator position may need to increase to full-time.

BUDGET/FINANCIAL INFORMATION:

City funds for this effort were appropriated as part of the City's Fiscal Year 2013 budget and staff is recommending that Council formally commit the funds and approve the Memorandum of Understanding with the Northern Santa Barbara County United Way.

The County of Santa Barbara and the Housing Authority of the City of Santa Barbara have both committed funds to this effort and a grant is pending with the Santa Barbara Foundation.

The initial budget includes funding as follows:

City of Santa Barbara	\$75,000
County of Santa Barbara	\$75,000
Housing Authority of the City of Santa Barbara	\$25,000
Foundations	<u>\$75,000</u>
Total	\$250,000

The Cities of Santa Maria, Lompoc, Goleta and Carpinteria will be asked to join the collaborative and contribute funds.

The draft Memorandum of Understanding is available for review in the Council Reading File and the City Clerk's Office, 735 Anacapa Street.

PREPARED BY: Sue Gray, Community Development Business Manager

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 23, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Request From Mayor Schneider And Councilmember Hotchkiss
Regarding Economic Forecast Presentation

RECOMMENDATION:

That Council consider the request from Mayor Schneider and Councilmember Hotchkiss regarding the local economic forecast and any economic impacts the Chumash Camp 4 Project would have on the City of Santa Barbara.

DISCUSSION:

Attached is a memorandum from Mayor Schneider and Councilmember Hotchkiss requesting that Council receive a presentation from Mark Schniepp of facts, focusing on jobs data by sector, and including current data on a statewide and countywide basis.

ATTACHMENT: Memorandum from Mayor Schneider and Councilmember Hotchkiss

PREPARED BY: Jennifer Jennings, Administrator's Office Supervisor

SUBMITTED BY: Jim Armstrong, City Administrator

APPROVED BY: City Administrator's Office



City of Santa Barbara
City Administrator's Office

Memorandum

DATE: October 2, 2012
TO: Jim Armstrong, City Administrator
FROM: Mayor Schneider and Councilmember Hotchkiss
SUBJECT: Economic Forecast Presentation Request to Council

Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda regarding the a local economic forecast and any economic impacts of the Chumash Camp 4 Project would have on the City of Santa Barbara.

- Summary of information to be presented:

A presentation from Mark Schniepp of facts, focusing on jobs data by sector, and including current data on a statewide basis, countywide basis.

- Statement of Specific Action:

None required. For information purposes only.

- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action:

The City of Santa Barbara is the only municipality in the county which has not heard this data to date.

We are requesting that this be scheduled for the next appropriate Council meeting.

cc: Mayor and Council
City Attorney
Department Director

CORRESPONDENCE
RECEIVED BY CITY CLERK'S OFFICE



October 15, 2012

*Santa Ynez
Valley Alliance*

Helene Schneider, Mayor
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

DIRECTORS

DOUGLAS BRADLEY
JOE DUGAN
LANSING DUNCAN
GAIL MARSHALL
SHELLEY LANE
MARK OLIVER
WARD RAFFERTY, JR.

Re: Chumash Camp 4 Economic Report, Presentation to the City Council

Mayor Schneider and Council Members:

The Santa Ynez Valley Alliance has been notified that the Santa Barbara City Council will be hearing a presentation regarding the “economic impacts of the Chumash Camp 4 Project” on October 23rd. As a member of the Camp 4 Coalition for Good Governance, the Santa Ynez Valley Alliance believes it is critical that all Santa Barbara County residents fully understand the financial implications of the Camp 4 development proposed by the Santa Ynez Band of Chumash Indians.

The Tribe, which already owns the Camp 4 property, proposes to take 1,400 acres of agricultural land in the Santa Ynez Valley out of County jurisdiction and off the County tax rolls through the federal fee-to-trust process. If the Tribe is successful, this action will result in irreversible, long-lasting adverse financial impacts to citizens of Santa Barbara County and the State of California who will have to shoulder the unmet tax liability of the property, the development and the Tribe. The exemption of fee-to-trust properties from property tax is just one part of the unmet tax liabilities (see below).

As you well know, both the County and the State have tight budgets and a shortage of uncommitted revenue to plug the hole created by Tribal development that does not pay its fair share of taxes and fees. The resulting long term un-funded mandate for services and infrastructure will necessitate cuts to County and State programs that serve the entire community, such as public safety, education, social services, public works, and more. The economic impacts of this proposal **will not** be confined to the Santa Ynez Valley.

Any presentation that purports to evaluate the economic impacts of the Camp 4 Project but fails to include these adverse impacts is inherently flawed. Any presentation that simply analyzes short-term “benefits” ignores the reality that adverse impacts will persist “ad infinitum” into the future. The document prepared by California Economic Forecast for the Santa Ynez Band of Chumash Indians entitled “An Economic Impact Analysis of the Camp 4 Housing Project in the Santa Ynez Valley” is faulty in both respects. It is a graphic illustration of how statistics can be used to distort reality.

The 1,400 acre property is sufficiently large to construct a city the size of Buellton (4,500 residents) or Solvang (5,000 residents), so it is naive to believe that only 143 homes will ultimately be developed there. The joint project previously proposed for the property by Fess Parker and the Tribe in 2004 included a resort, a hotel, market homes, and a golf course. The Tribe has not disclosed the nature of their “economic development projects” mentioned in a draft mitigation agreement, but they may encompass the remainder of the previous proposal. Most importantly, the Bureau of Indian Affairs has stated that development of fee-to-trust property is not constrained by previously stated proposals, or even subsequent agreements.

POST OFFICE BOX 941
SANTA YNEZ, CA. 93460
info@santaynezvalleyalliance.org
www.santaynezvalleyalliance.org



City Of Santa Barbara
October 15, 2012
Page Two

Even if the project only included the 143 homes currently being disclosed, the shifted tax and impact fee burden is significant. If merely the property tax on those homes is considered, 143 homes valued at \$1 million each would normally generate \$1.7 million in the first year with the 1.2-percent tax rate prescribed by Proposition 13. When the 2-percent tax increase per year allowed by Proposition 13 is included, the estimate of the property tax subsidy amounts to \$19 million over 10 years, and \$150 million over 50 years.

The gap between service demands and revenue supplied will only increase with any additional development. For example, any businesses located on the property would not be subject to state or local sales taxes or state income tax. Hotel development would not be subject to transient occupancy tax. Keep in mind that tribal members living on tribal land already enjoy an exemption from state income tax, estimated to total \$7 million per year.

This perpetually increasing multi-million dollar tax subsidy stands in marked contrast to the \$5 million proposed by the Tribe for "Mitigation Fees" in the economic analysis produced by the California Economic Forecast for the Tribe. In reality, no fixed amount of up-front "Mitigation Fees" can compensate for an un-funded mandate for services that lasts for an infinite number of years. Currently, the Tribe does provide some piecemeal mitigation funds for the impacts of the Casino and Resort, but they are understandably not included in the Camp 4 analysis.

Please see the accompanying documents and editorials to more fully appreciate the shift in tax burden associated with state income tax, sales tax, transient occupancy tax, and impact fee exemptions, including estimates of their multi-year totals. An editorial from the Santa Ynez Valley News encourages the Tribe to work within the County planning process. A position paper from the Camp 4 Coalition for Good Governance states the case for retaining the property within the jurisdiction of Santa Barbara County.

Both the County of Santa Barbara and the City of Santa Barbara are known for their longstanding commitment to well-planned and orderly development. A fee-to-trust annexation of 1,400 acres in the heart of the County is entirely at odds with the community's traditional concern for the broad public interest. The resulting long-term subsidy of special interest development would diminish the fiscal solvency of our community and adversely affect our future and our children's future.

It is for these reasons that the Santa Ynez Valley Alliance urges the Santa Barbara City Council to oppose any effort to remove the Camp 4 property from County jurisdiction, and instead recommend that the Tribe pursue their project through the County planning and development process.

Thank you for your consideration of our comments.

Sincerely,

Mark Oliver
President

CAMP 4 COALITION FOR GOOD GOVERNANCE

Preface

The Santa Ynez Valley Alliance, in conjunction with the Santa Barbara County Action Network, the Citizens Planning Association of Santa Barbara, and the Montecito Association, have formed a Coalition to retain Santa Barbara County jurisdiction over 1,400 acres of agriculturally zoned land in the heart of the County.

The Coalition therefore opposes efforts to annex the Camp 4 property to the reservation of the Santa Ynez Band of the Chumash Indians.

The following is a detailed explanation of the Coalition's thinking and positions.

CAMP 4 COALITION FOR GOOD GOVERNANCE

Introduction

This document is concerned with the Santa Ynez Band of Chumash Indian's Camp 4 property and their plans to make the 1,400 acres a part of their reservation.

It presents the problems that annexation of the property to the reservation would create in clear, unemotional terms. It includes a call to action to retain Santa Barbara County jurisdiction over agriculturally zoned land in the heart of the County, and action to unite to voice opposition to a fee-to-trust annexation.

The Tribe is attempting — through either administrative or legislative action — to transfer to their reservation property (which is non-contiguous to the current reservation), thereby removing it from Santa Barbara County jurisdiction and the tax rolls. If allowed to proceed, this action would have very serious implications.

The potential danger is far greater than any physical development. As communities across the state and the nation have experienced, the impacts of untaxed, poorly regulated tribal development and the resulting unfunded mandate for government services are significant.

Let us be clear: This is not an issue narrowly confined to the Santa Ynez Valley. Santa Barbara County, like most counties statewide, is experiencing great difficulty balancing its budget, providing necessary public services, and constructing and maintaining infrastructure. Loss of local control and the resulting adverse economic and environmental impacts endanger the quality of life for everyone.

A long-term subsidy of special interest development would diminish the fiscal solvency of our communities and adversely affect our future and our children's futures. Local jurisdictions that must balance their budgets will have no choice but to cut programs that affect health and safety, education, social services, and the environment, to mention a few.

Moreover, such an act on the Tribe's part would be an egregious example of a wealthy few seeking to shift the tax burden to other members of the community.

Members of the Camp 4 Coalition for Good Governance have joined together to clearly present this issue to make our communities aware of the deadly serious nature of the threat and to work with all levels of government to avert it.

We trust you will carefully consider the accompanying information, study our goals, and support the Camp 4 Coalition for Good Governance.

CAMP 4 COALITION FOR GOOD GOVERNANCE

Camp 4 and Good Public Policy

- GOALS:**
- *Retain Santa Barbara County Jurisdiction over 1,400 acres of agriculturally zoned land in the heart of Santa Barbara County.*
 - *Oppose Fee-to-Trust /Annexation.*

Good Government

It is in the best interests of California residents, including residents of Santa Barbara County, that individual property owners do not ignore local zoning and regulations or decline taxation. The social contract requires that individuals, organizations and businesses generally comply with regulations, and support the infrastructure and services that benefit them.

Orderly Development

On April 1, 2010 the current owners of Camp 4 purchased 1,400 acres of agricultural property within the rural area of Santa Barbara County's jurisdiction and within the Santa Ynez Valley Community Plan (SYVCP) boundary. The SYVCP was adopted in 2009 after almost 10 years, a \$2 million public commitment to comprehensive planning, and hundreds of hours of public hearings.

The land, which is not zoned for urban development, is undeveloped, remote from existing services, and under Williamson Act contract (Ag Preserve). Development in this area would constitute "leapfrog development."

1,400 acres is sufficiently large to encompass a new city. Roughly speaking, Buellton has 4,500 residents within its 1,000 acres, Solvang has 5,000 residents with 1,600 acres and the city of Carpinteria has 13,000 residents within 1,600 acres.

Economic Impacts

Tax Evasion

- Fee to Trust/Annexation would remove the Camp 4 property from the tax rolls. The property and future improvements would no longer be subject to property taxes estimated at \$150 million for 140 homes valued at \$1 million each over 50 years. The former Chumash /Parker project (see description below) is estimated at \$450 million in property taxes over 50 years. If developed, the added burdens to traffic and roads, sewage, power, and schools would be uncompensated—a "free ride" to some of Santa Barbara County's highest-income families.
- Hotels would not be subject to the Transient Occupancy Tax, estimated at \$160 million over 50 years for a 300 room hotel (see below).
- Businesses on the property would not be subject to sales taxes (state & local)
- Tribal businesses would not be subject to State income tax.

CAMP 4 COALITION FOR GOOD GOVERNANCE

- Tribal income of members living on tribal land is not subject to State income tax. Estimates of current income suggest this is already a \$7 million exemption per year.

Impact Fees

- Development on the property would not be subject to fees (traffic, flood control, fire, recreation, etc.) designed to offset the cost of providing services and infrastructure.

Shift of Burden

- Inability of County and State to recoup cost of providing services and infrastructure.
- Inability of County and State to recoup cost increases.

Locally, these costs would be borne by County taxpayers and businesses, school districts, public safety, social services, etc. because the County must balance its budget. Lost revenues can serve as proxy estimates of the unfunded fiscal burden of the tax and fee subsidies entailed by Fee-to-Trust/Annexation.

Unfair competition

The public subsidy and regulatory exemptions result in unfair competition for businesses that are subject to County, State, City taxes and fees and not protected by legal immunity.

Legal Immunity

The Tribe enjoys “sovereign immunity from suit” and cannot be sued unless it chooses to waive its privileged legal status. Typical agreements and Memorandums of Understanding (MOU) are unenforceable. Tribal waivers of immunity are limited to their own terms.

Unknown Future Development

Once a property is annexed through the Fee-to-Trust process (administratively or legislatively) the Tribe enjoys total control. They are not limited by past proposals. Bureau of Indian Affairs rulings, the experience of other communities and the experience of Santa Barbara County demonstrate the hazard of relying upon previous assurances regarding the nature of future development.

Current proposal at odds with past project

The tribe ostensibly claims its project is limited to “tribal housing” (the construction of 140 homes on 250 acres). In fact, the Tribe purchased 1,400 acres and seeks to have the entire acreage annexed. In 2004 developer Fess Parker owned the property. Parker and the Tribe proposed to develop the property as a destination resort (300 room hotel, golf course, equestrian center, etc.) that would also include upscale housing. At the time, the community universally rejected the proposal. There is no reason to believe that the Tribe has given up that vision. In fact, the recently proposed “Cooperative Agreement” specifically refers to “economic development projects” on the property.

CAMP 4 COALITION FOR GOOD GOVERNANCE

Fixed current compensation for infinite future impacts

The Tribe's draft "Cooperative Agreement" proposed as a "good faith approximate mitigation" of impacts (while acknowledging "specific impacts are not always subject to precise measurement") limits Tribal compensation to the County to a fixed sum determined up front. At the same time, the Agreement would require the County to abdicate all jurisdiction and right of compensation for unknown unlimited future impacts.

Poor Precedent

Annexation on this scale would set a poor precedent for future annexation of other property purchased by the Tribe. The Tribe has expressed a desire to reclaim its former territory. Future annexation can be anticipated and might occur elsewhere in the County and even in adjacent counties.

Environment

Development of the Camp 4 property would result in a broad range of environmental impacts. Although 250 acres in the northwest corner are planted as a vineyard and a small area (approx. 75 acres) ploughed for hay, the remainder is untouched grazing land. The grassland, oak savannah, and oak woodland areas provide valuable habitat for a number of species in decline. Examples are Valley Oak and Burrowing Owl. Visual impacts from Highway 154, a California Scenic Highway, and Armour Ranch Road, both of which adjoin the property, are of great concern.

Water

Much of the Santa Ynez Valley relies upon groundwater. Limited importation of State Water augments the water supply to urban areas. Agriculture relies upon economical water sources. The development of a property this large with housing and/or a resort will seriously impact local water supplies and agriculture.

Open Space

The existing agriculturally zoned Camp 4 property serves as a de facto open space of 1,400 acres centrally located in the Santa Ynez Valley along a Scenic Highway. Public subsidy is currently limited to the tax relief provided by the Williamson Act.

Transportation

Camp 4 currently generates minimal needs for transportation, all connected to the agricultural use of the property. Conversion to other land uses would generate substantial transportation impacts. Visitor-serving businesses typically generate numerous low-income service jobs, necessitating commuting from areas with more affordable housing. Although existing Tribal development does provide substantial transportation (principally buses), only a small proportion of traffic generated by the development is mitigated. A large proportion of the traffic on Highways 154 and 246 is currently generated by Tribal businesses, particularly the Casino.

CAMP 4 COALITION FOR GOOD GOVERNANCE

Housing

The proposed tribal housing would be markedly upscale (140 homes sited on 250 acres) satisfying the expectations of tribal members now receiving approximately \$480,000 in annual income from tribal operations. The previously proposed project included “market rate homes” that would be found accompanying resort development. It is highly unlikely that affordable housing sufficient to meet the housing needs of a resort workforce would be located on site.

Public Safety

Tribal development (principally the Casino) on the existing reservation generates a substantial demand on the public safety network. Fire, ambulance and police personnel regularly respond to calls from the reservation. Development of 1,400 acres would generate impacts to public safety that, under normal circumstances, would be offset by property taxes and impact fees. Almost half (47%) of County property taxes fund public safety. The Tribe has provided certain resources to partially offset these impacts. It is unclear how the County would deal with the remaining unfunded mandate to protect public safety.

Political

Annexation would result in:

- Loss of local control by existing jurisdiction and elected officials.
- Disenfranchisement of the local affected community, in favor of decision-making by distant federal officials and representatives.
- Increased disproportionate political influence for powerful business interests responsive to the needs of a small constituency.
- Increased political contributions to those willing to sacrifice local control for political and monetary gain.

CAMP 4 COALITION FOR GOOD GOVERNANCE

Summary: The Camp 4 Coalition for Good Governance

The goal of the Camp 4 Coalition for Good Governance is to retain Santa Barbara County's jurisdiction over 1,400 acres of agriculturally zoned land in the heart of Santa Barbara County.

The Coalition opposes Fee-to-Trust/Annexation of the Camp 4 property due to the loss of local control and adverse economic and environmental impacts. Good governance relies upon local government and elected officials, adopted policy and comprehensive planning, to balance the needs of the community and plan for the future.

The entire community relies upon tax revenues and impact fees to provide essential services and infrastructure. Unfunded tax subsidies and exemptions threaten the County's ability to balance its budget and serve all residents.

The Tribe may wish to construct additional tribal housing, but good governance demands that future development of the Camp 4 property be subject to County government elected for and by all the citizens of Santa Barbara County.

The following groups have joined to support the goal of the Camp 4 Coalition for Good Governance:

Citizens Planning Association

Montecito Association

Santa Barbara County Action Network (SB CAN)

Santa Ynez Valley Alliance

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Tribal annexation would take huge financial toll

Doreen Farr/Guest Commentary

Thursday, December 8, 2011

Recently there have been a number of editorials and letters to the editor regarding the potential annexation into the Chumash reservation of 1,400 acres located near the intersection of Highways 246 and 154.

I would like to expand on my comments from last spring regarding this potential annexation and the impacts it would have on our county.

When land is annexed in a “fee to trust” process, it is taken entirely out of county jurisdiction in perpetuity and added to the reservation of the tribal applicant. If their application is successful, the Chumash would take the 1,400 acres out of the county’s land use jurisdiction and it would become totally exempt from paying any property, sales or transient occupancy tax that might be generated from future development of the property.

As these taxes are the primary sources of revenue for our county’s general fund and for our schools, it is important to understand the potential loss of funding to our educational system, public safety and social services.

In 2005, the county did an analysis of the potential loss of property tax revenue if the Chumash were successful in annexing a 6.9-acre parcel and developing it. The result was that the loss of property taxes in the first 10 years would be \$5.6 million, and at the end of 50 years would total \$42.9 million.

The tribe has stated that they want to build homes on the property for their tribal members. Some community members believe that this type of development will bring needed jobs to our community.

I believe we need to weigh the long-term consequences with the short-term gains if these homes are built on property taken into trust by the Chumash and no longer under the county’s jurisdiction.

Assuming 140 homes valued at \$1 million each, with a 1.2-percent tax rate the first year and a 2-percent tax rate increase in subsequent years, the loss of property tax would be approximately \$1.7 million the first year, \$19 million over 10 years and \$150 million after 50 years.

Depending upon the size of the lots, these homes might only take up 10-20 percent of the property, leaving the balance open to other uses or more development in the future, which also would not generate any tax revenue for the county.

In 2004, there was a development proposal for the property that included a 300-room hotel, a golf course, an equestrian center, 275 homes and associated infrastructure, which would probably take up about half of the property.

If such a project were built and valued at \$415 million, then, using the same property-tax rate assumptions as before, the loss of property taxes could be \$55 million in 10 years and \$450 million in 50 years.

And this doesn't include the loss of tax revenue from any sales tax and transient occupancy tax that the project might also generate.

As you can see, these numbers are staggering, and only estimate out 50 years, although the property would be off the tax rolls in perpetuity.

But what is even more concerning to me is the impact this revenue loss would have on our already strained school budgets, the decline in funding for police and fire services, and the further loss of social services for our most needy residents.

It is for these reasons that I am strongly suggesting again that the tribe not pursue a fee-to-trust application.

Instead, I would ask that they make an application to the county's Planning and Development Department for whatever they see as the housing needs for their tribal members.

Doreen Farr represents the 3rd District on the Santa Barbara County Board of Supervisors. She can be reached at [dfarr@ countyofsb.org](mailto:dfarr@countyofsb.org).



Tribal annexation issue surfaces again

Bob Field

Thursday, March 17, 2011

Here we go again. The Santa Ynez Band of Chumash Indians has once again gone behind the community's back in its attempt to obtain superior privileges.

This time it was an approach to our congressional representative in D.C. requesting federal legislation to "annex" to the reservation the 1,400-acre property at the northeast corner of Routes 154 and 246, formerly owned by Fess Parker.

(Other examples include: Assemblyman Coto (San Jose) naming 154 the Chumash Highway, Assemblyman Nava (Santa Barbara) seeking superior water rights through Assembly Bill 2686, and state Senator Florez (Fresno) seeking to allow tribes to break the Williamson Act.)

These legislative actions were pursued without notice to the affected community — us, the tribe's neighbors.

In addition to the disrespect displayed, this annexation is not justified under the law.

In 1934, in the depths of the Great Depression, the annexation program was established with the stated objective to help underprivileged tribes achieve financial independence by giving them improved opportunity to become self-reliant.

It was not intended to provide never-ending, accelerating welfare for tribes that had achieved wealth.

A few years ago the Chumash tribal chairman said: "The bottom line is that the program was developed in order to allow tribes an opportunity to achieve financial independence through economic development."

Is the tribe now claiming they have not achieved financial independence? The tribe-owned casino monopoly and hotel operations generate an estimated \$150 million per year in profit — this is about \$1 million per year per tribal member.

Apparently trying to escape this pesky reality, the tribal chairman now asserts that the annexation privilege applies to uncountable future generations, and that the tribe will decide when it has annexed enough. This is ludicrous.

The law explicitly states that the annexation privilege is available when it is “necessary” for the tribe to achieve economic development. It is not enough to simply want it.

On this legal point, in a letter strongly opposing a prior Chumash annexation request, Gov. Schwarzenegger’s legal affairs secretary wrote: “The Tribe has failed to provide the demonstration of immediate need or necessity required by (the law).”

The problem is that annexation is not free — it comes at great expense to every other resident in the community.

First, there are huge losses of property tax. Santa Barbara County analyzed the lost income from the tribe’s much smaller request to annex 6.9 acres across the road from the casino in Santa Ynez and forecast a loss of \$300 million in the first 50 years of a deal that lasts forever.

The missing hundreds of millions will result in cuts in service for the public or increased taxes for everyone else. The biggest losers will be the school systems and our children — and the only winners will be tribal members.

In addition, the competitive advantages of the tribe being free from regulation and taxes seriously threatens the ability of all tax-paying local businesses to compete and succeed.

All levels of government are in dire economic straits. Any politician attempting to give unjustified tax breaks to the wealthiest community members, or taking private business development off the tax rolls, would be demonstrating a callous disregard for the public interest.

The tribe deserves great respect for its achievements. In a very short time it has built a highly profitable business and greatly improved the quality of life of tribal families.

Simultaneously, this same spectacular economic success no longer justifies further subsidy at the expense of the community.

The deal we were offered when casinos were on the ballot was that if we gave tribes casinos, they would become self-reliant.

We did our part. It’s the tribe’s turn.

“Community Matters” explores local topics of public interest. Retired businessman Bob Field is president of his neighborhood’s mutual water company and past chairman of the Valley Plan Advisory Committee.



Annexation is welfare for rich

Bob Field / Community Matters

January 19, 2012

The U.S. government created tribal annexation to get poor tribes off the welfare rolls, not to get rich tribes off the tax rolls.

Supervisor Doreen Farr's recent commentary disclosing the staggering public cost of the Chumash tribal government's request to annex Camp 4 was a real eye-opener. Using conservative assumptions, and assuming no second casino, Camp 4 annexation could cost the public more than \$1 billion in the first 50 years of a deal that lasts forever.

This annexation request is in addition to the financial advantages this 143-member tribe has already received, which include:

- A monopoly on a casino complex earning an estimated \$150 million per year in net profits — about \$1 million per year per tribal member.
- An estimated \$120 million of state and local tax breaks on the casino and hotel activities over the past 10 years.
- Perpetual tax breaks for existing on-reservation activities, which are projected to be an additional \$1.5 billion over just the next 50 years.

That's a lot of special treatment.

The cost problem is that all development creates demand for government services, such as schools, public safety, roads and social services for those in need. To recover the cost of providing these services, local governments rely on various taxes.

Under federal Indian law, however, state and local taxes are waived for tribal reservations while local governments remain obligated to provide services. As these unfunded demands for services rise, the only realistic budget-balancing option for cash-strapped local governments is to cut services for others.

Since the less fortunate are the primary beneficiaries of government services, the ironic result is that these tax breaks for the richest 1 percent in our community come primarily at the expense of our schools and those who can afford it the least.

The tribe doesn't need any more subsidies, and the public can't afford to give them.

Since the tribe does not publish financial statements, this analysis is based on available tribal documents, newspaper reports, other reliable sources and good-faith estimates.

If the tribe wishes to dispute these figures, publishing audited financial statements for the casino-hotel complex would be a reasonable starting point, and would be a welcome and valuable addition to public discussion.

For readers who enjoy numbers, the calculations are as follows:

Unlike all others receiving the benefits of U.S. citizenship, tribal members and businesses on reservations are exempt from state income taxes. For just the existing casino-hotel operations, the cost to the state in lost income taxes — net of tribal contributions to the Special Distribution Fund — is about \$15 million per year.

Therefore, the 10-year cumulative cost is \$150 million and, assuming only 2 percent inflation, the 50-year cost to the state will be more than \$1.4 billion.

Property taxes are waived on reservations. The cost of the hotel-casino development was reported at \$177 million. Under Proposition 13, the first-year property tax would have been \$2.1 million. The 10-year property tax subsidy is \$24 million. The 50-year cost will be \$141 million.

Also waived on reservations is the 10-percent transient occupancy tax charged on hotel room rentals. For a 106-room hotel, with an average room rate of \$200 and an occupancy rate of 70 percent, the first year's waived taxes are \$540,000. Assuming only 2-percent inflation, the 10-year cumulative is about \$6 million, and the 50-year cumulative is about \$36 million.

In addition to the tax breaks analyzed here, very significant sales taxes and impact fees are also waived for businesses on an Indian reservation.

Community Matters explores local topics of public interest. Retired businessman Bob Field is president of his neighborhood's mutual water company and past chairman of the Valley Plan Advisory Committee.



Tribe should work with local planning rules

Thursday, March 17, 2011 12:00 am

A sensitive local issue has come up again, and we expect many people, like a community with a sensitive tooth, to flinch this time and every time it's touched upon.

The issue is the desire of the Santa Ynez Band of Chumash Indians to take property they own "into trust," meaning that the land would become part of their reservation. Because the tribe is a sovereign nation, annexation puts land outside of local planning and zoning laws and takes it off the local tax rolls.

The tribe and opponents have been fighting in court for years about the possible annexation of 6.9 acres the tribe owns right across the highway from the reservation in Santa Ynez.

This time, the issue is 1,400 acres of ranch land several miles away at Highway 154 and Armour Ranch Road. We expect the resistance from many people in the valley to be proportionately larger as well, and for some valid reasons.

Tribal leaders bristle at resistance to any of their plans. They point out the good relationships they have forged with many local business and nonprofit groups, and they dismiss public criticism by saying it comes only from a small fraction of Valley people, particularly the community groups POLO and POSY (Preservation of Los Olivos and Preservation of Santa Ynez).

They are even quicker to point out their rights as a sovereign tribe, and they emphasize that development on tribal property is indeed required to go through public environmental review, but in a federal process rather than state and county ones.

All of that may be true, but we believe that any dispassionate view of this situation calls for the Chumash to work harder at communicating with the public about their plans, and to show some willingness to be flexible and accommodating to local concerns.

To lend some perspective, consider that 1,400 acres (2.2 square miles) is nearly the size of Solvang (which is about 1,542 acres, or 2.4 square miles). Any development on that much acreage in the agricultural and rural-residential land east of Highway 154 is going to have an enormous impact.

Everyone in that area and throughout the Santa Ynez Valley has every right to be nervous about this. Resistance and apprehension won't come just from POLO and other organized groups.

This is the same property that the tribe and Fess Parker wanted to develop six years ago into a large golf resort and equestrian complex. The backlash from the public was vocal and immediate, although the plans were dropped when Parker and the tribe couldn't come to terms.

There are many clichés about power and its appropriate use. Yes, the Chumash have rights and certain powers as a sovereign nation. But they also are property and business owners in this valley, and what they do has direct impacts on all their neighbors. That gives them responsibilities as well.

We see no reason for leap-frogging over private land to make this non-contiguous property part of the reservation, and we wish the tribe would agree to submit any development plans to Santa Barbara County. Yes, the county's planning review process is famously long, tortuous and expensive, but at this point the process of taking land into trust might be just as bad.

Just because the tribe has the right to apply to the federal government for annexation of land doesn't mean that annexation is necessary. Tribal leaders have shown themselves to be good businessmen, as demonstrated by the operation of their non-reservation properties such as the Hotel Corque and Root 246 restaurant in Solvang.

Tribal leaders also have pointed out repeatedly that, as a sovereign nation, they deal government-to-government with other agencies. Fine. They should deal directly with Santa Barbara County on developing this property.

If they do that, we suspect that much of the opposition would fade as people get their questions answered in a forum they trust.

In tackling this sensitive issue, cooperation and communication will work far better for the tribe than arguments about their rights and dismissive attitudes toward their neighbors.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 23, 2012

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Proposed Landmark Designation Of The Central Library, Faulkner Gallery And The Corymbia (Eucalyptus) Citriodora Trees At 40 East Anapamu Street

RECOMMENDATION: That Council:

- A. Consider recommendations of the Historic Landmarks Commission, the Library and Parks and Recreation Department Heads, the Library Board of Trustees and comments from the Parks and Recreation Commission on the proposed designation of the Central Library, Faulkner Gallery and the thirteen (13) Corymbia (Eucalyptus) Citriodora trees;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Central Library and Faulkner Gallery at 40 East Anapamu as a City Landmark;
- C. Provide direction to revise resolution if changes are desired regarding designating the thirteen (13) Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street as a City Landmark; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street as a City Landmark.

DISCUSSION:

Background

On November 30, 2011, the Historic Landmarks Commission (HLC) reviewed a city proposal to upgrade both the landscape and hardscape of the library plaza in order to create a large, flat, ADA accessible, well-lit space for Library and other community services. The proposed plaza improvements included removing three Corymbia (Eucalyptus) Citriodora trees in the planters immediately in front of the Library door on the north portion of the building to create a more visible and direct path to the entry foyer of the Library. The outcome of the proposal generated concerns from citizens on the preservation of the Corymbia trees unique skyline in the downtown area, (see Attachment 2).

Subsequent to the HLC hearing, a request was received from Landscape Architect Bob Cunningham that the HLC initiate the designation process to save the Corymbia trees proposed for removal. A draft Landmark Nomination Report to designate five of the Corymbia trees was prepared by Landscape Architect, Bob Cunningham, dated April 5, 2012. The HLC Designations Subcommittee reviewed the report. The subcommittee supported the designation of the Corymbia trees and based their agreement on the historic and aesthetic significance of the Corymbia trees in creating a skyline that is important to the El Pueblo Viejo Landmark District. In addition, the HLC subcommittee recommended that given the historic and architectural significance of the Central Library and the Faulkner Gallery that the buildings also be included in the landmark designation process along with the Corymbia trees.

HLC Recommendation

On August 29, 2012, the HLC held a public hearing to consider the information presented regarding the historic significance of the buildings and Corymbia trees. Public comment was received in support and against the landmark designation of the Corymbia trees. The HLC voted 7/0 to adopt Resolution No. 2012-1 to recommend to City Council that it designate the Central Library and Faulkner Gallery and the thirteen Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street as City Landmarks. The HLC determined that all these resources are historically significant and qualify for historic designation under Santa Barbara Municipal Code Section 22.22.040. The historic information about these buildings and the Corymbia trees, along with copies of the HLC Resolution, are included with this report (see Attachment 1).

At the August 29, 2012 meeting, the HLC considered the unique siting, height and age of all the Corymbia trees on the City library site. Because all thirteen of the Corymbia trees are estimated to be approximately eighty years old and none are more significant to the skyline than others, the Historic District Landmarks Commission agreed to recommend all thirteen Corymbia trees be designated rather than only a select few or those that were threatened by the proposed plaza plan (see Attachment 2).

Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission (HLC) the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance.

Although the designation of City Landmark is not as frequently applied to natural features as compared to structures, the City Council has on occasion designated natural resources such as groupings of trees, individual trees and gardens. The City has designated only one other Corymbia tree to date. In 1997, the Council designated a Corymbia (Eucalyptus) citriodora tree on the 400 block of Santa Barbara Street as a City Landmark due to its identification with a person who significantly contributed to the culture and development of the city and determined it was an important historic feature to the urban forest of the community.

Under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of the Central Library, Faulkner Gallery and Thirteen Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, as a City Landmark is a Categorical Exemption.

SIGNIFICANCE CRITERIA:

The HLC found that the Central Library and the Faulkner Gallery met the following City Landmark criteria listed in Section 22.22.040, subsection A through K, of the Municipal Code:

- Criterion A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation.
- Criterion D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation.
- Criterion E. Its exemplification of the best remaining architectural type in a neighborhood.
- Criterion F. Its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation.
- Criterion G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship.
- Criterion I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

The HLC found that the thirteen Corymbia (Eucalyptus) Citriodora trees meet the following City Landmark criteria listed in Section 22.22.040, subsection A through K, of the Municipal Code:

- Criterion I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

Other Department and Advisory Board Recommendations

The City Parks and Recreation and Library Directors provided separate memorandums to the HLC outlining specific concerns regarding the proposed designation of the Corymbia trees. The Parks and Recreation Director advised that there are sufficient ordinance tree protection mechanisms in place as outlined in Municipal Code Chapter 15.20 and believes the designation is not necessary at this time. Both the Parks and Recreation and the Library Director believe there are competing public benefits that should be considered which may outweigh the need to preserve the Corymbia trees. Both Directors support the designation of the Central Library and Faulkner Gallery building as a City Landmark (see Attachment 3).

The Library Board of Trustees reviewed the proposed designation on September 25, 2012 and voted to support the designation of the Central Library and Faulkner Gallery buildings, but did not support the designation of the Corymbia trees, (see Attachment 4).

The Parks and Recreation Commission reviewed and discussed the proposed designation on September 26, 2012 and the majority did not support the designation of the Corymbia trees (see Attachment 5) at this time.

RECOMMENDATION:

Consider recommendations of the Historic Landmark Commission, the Library and Parks and Recreation Department Heads, the Library Board of Trustees and comments from the Parks and Recreation Commission on the proposed designation of the Central Library, Faulkner Gallery and the thirteen (13) Corymbia (Eucalyptus) Citriodora trees and adopt appropriate resolutions.

- ATTACHMENTS:**
1. Historic Landmarks Commission Staff Report dated August 29, 2012
 2. Resolution 2012-01 for Landmark Designation for the Central Library, Faulkner Gallery and thirteen Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street, APN 039-232-002
 3. HLC Minutes of the Public Hearing for the designation of the Central Library, Faulkner Gallery and thirteen Corymbia (Eucalyptus) Citriodora Trees as a City Landmark
 4. Memorandum of the Library Director
 5. Memorandum of the Parks and Recreation Director
 6. Memorandum from Parks and Recreation Commission dated October 4, 2012
 7. Memorandum of the Library Board of Trustees dated October 15, 2012

PREPARED BY: Jaime Limón, Senior Planner II/NH

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

**HISTORIC LANDMARKS COMMISSION
LANDMARK DESIGNATION
STAFF REPORT**

**THE CENTRAL LIBRARY, FAULKNER GALLERY
AND CORYMBIA (EUCALYPTUS) CITRIODORA TREES
40 EAST ANAPAMU STREET
APN 039-232-002
August 29, 2012**

Background

The Santa Barbara Central Library site (Library) consists of two connected buildings, the Central Library, the Faulkner Gallery, and a landscaped plaza. The Library is located on the corner of Anapamu and Anacapa Streets within the El Pueblo Viejo Landmark District Part I. The Library sits on a commanding site on a prominent corner of downtown Santa Barbara across Anacapa Street from the Santa Barbara County Courthouse, one of Santa Barbara's most significant landmarks. Sitting on a 59,367 square foot lot, the Library has been on the City of Santa Barbara Potential Historic Structures List since 1978 because of the significance of both its history and its architecture. Towering over the Library are thirteen, eighty-year-old, lemon-scented gum trees (*Eucalyptus citriodora*, now called *Corymbia citriodora*). They are planted along the side and rear elevations creating a dominant skyline feature of portions of the downtown neighborhood and El Pueblo Viejo Landmark District.

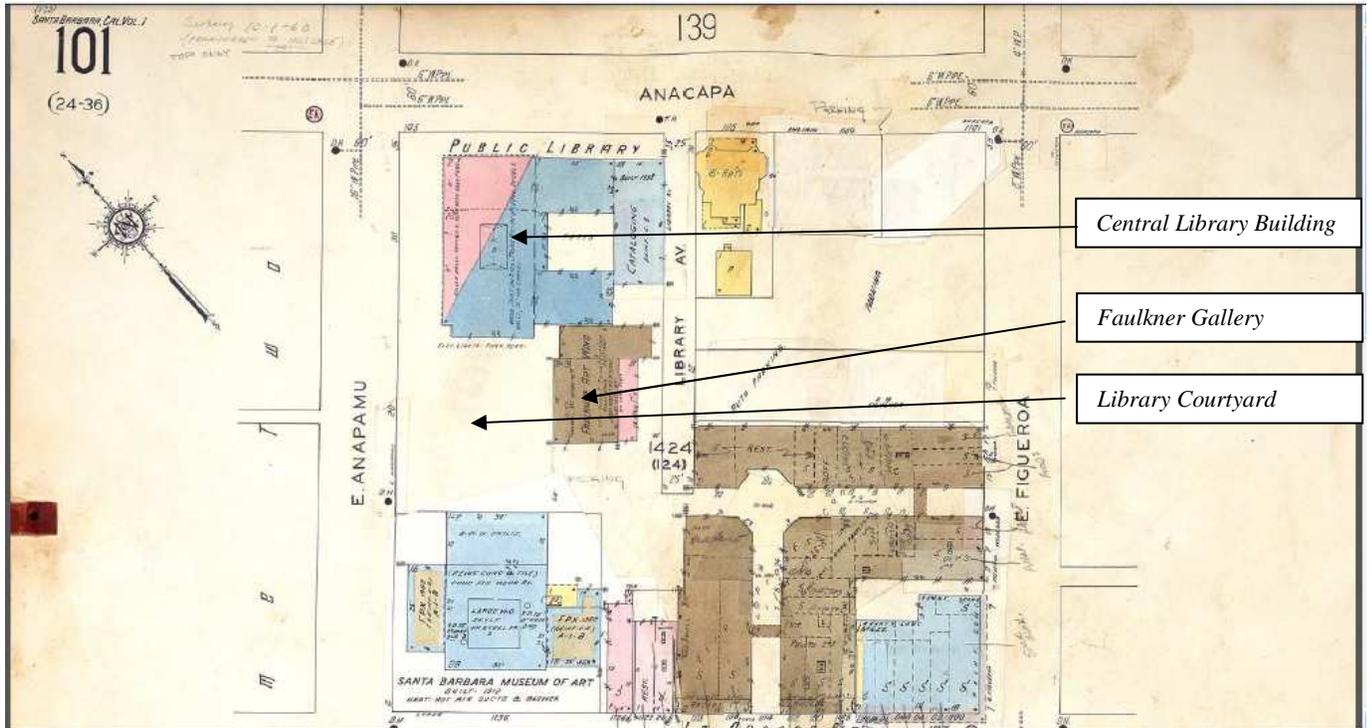
On November 30, 2011, the Historic Landmark Commission reviewed a proposal to upgrade both landscape and hardscape of the plaza and areas in front of the Library and the Faulkner Gallery along portions of East Anapamu and Anacapa Streets. The goal of the project was to alter the plaza to create a large, flat, ADA accessible, well-lit space for



The 1917 Central Library dominating the corner (with Eucalyptus Trees in the background) of Anacapa and East Anapamu Streets. July 2012.

Library and other community activities. Through the removal of the low walls and hedges and some trees of the current landscape, the project proposed to create a more visible and direct path to the entry foyer of the Library, a wider, well-lit paseo along the Art Museum, and to highlight the sculpture surrounding the original Library entrance. The proposed improvements included removing three of the thirteen *Corymbia (Eucalyptus) citriodora* trees on the property, three in the planter immediately in front of the Library door on the north portion of the building.

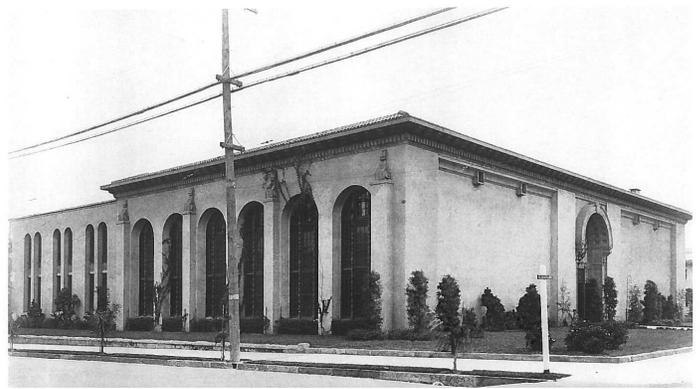
Although the project is no longer being proposed, the outcome of the proposal generated concerns from citizens on the preservation of the *Corymbia (Eucalyptus) citriodora* trees that initiated a draft of a Landmark Nomination Report by Landscape Architect, Bob Cunningham, dated April 5, 2012. The Historic Landmarks Commission Designation Subcommittee reviewed the report on April 11, 2012 that requested the designation as landmarks the three threatened *Corymbia (Eucalyptus) citriodora* trees and the two at the rear entrance of the library. The Subcommittee recommended that given the historic and architectural significance of Central Library and the Faulkner Gallery, City Staff shall initiate the City Landmark designation process of the Central Library building, the Faulkner Gallery along with the trees. Because all thirteen of the trees are estimated to be approximately eighty years old by Tim Downey, Santa Barbara Urban Forest Superintendant and none are more significant to the skyline than others, the Historic District Landmarks Commission voted to recommend all thirteen trees rather than only a select few or those that were threatened by the proposed plaza plan. The library plaza was excluded from the designation due to drastic alterations from its original design and that it no longer conveys its historic significance.



Sanborn Fire Insurance Company: 1886-1931, Insurance Rate Maps of Santa Barbara, California, Sanborn Map Company, New York, 1931 (corrected through 1963).

Historic Context:

The Santa Barbara Public Library system began in 1870 when Sara A. Plummer opened a library with 200 books on State Street. After ten years, the Odd Fellows organization purchased the library and moved it into their lodge at State and Haley Streets. The Odd Fellows donated their collection of about 2,000 volumes to the City after the enactment of the California Municipal Library Law by the State Legislature in 1880 at which point the library became a tax supported institution. In 1882, the City Council established, by ordinance, the first Library Board of Trustees. The collection continued to be housed at the Odd Fellows Building until, 1888 when the City's Library had grown to capacity and was moved to the "Upper Clock Building" at State and Carrillo Streets. However, within four years, the City's Library outgrew the new space. A new building was built for the City's Library in 1892 at 14 East Carrillo Street. The building was remodeled and enlarged in 1907. The use of the library expanded so rapidly that by 1914 it was necessary to plan a much larger building on a larger site that would be the City's existing Library.



Corner of Anapamu and Anacapa view of Central Library, c. 1917-1926



Aerial view of Central Library c.1917

The Carnegie Foundation awarded the city with a \$50,000 grant toward a new Library that was matched by the City. Between 1886 and 1919, philanthropist Andrew Carnegie's donations of more than \$40 million paid for 1,679 new library buildings in communities large and small across America. Carnegie was an immigrant born self educated millionaire industrialist. Through his library grant program, Carnegie changed the nation by providing access to self education through access to book collections never before available to the public of all incomes and races. Carnegie's stated his philosophy that, "*The best means of benefiting the community is to place within its reach the ladders upon which the aspiring can rise. The fundamental advantage of a library is that it gives nothing for nothing. Youths must acquire knowledge themselves*"(Kortum). The Carnegie grant program dictated that the architecture of a Carnegie library was typically simple and formal, welcoming patrons to enter through a prominent doorway, nearly always accessed via a staircase. The entry staircase symbolized a person's elevation by learning. The new Santa Barbara Library was no exception, designed by architect Henry Hornbostel of Pittsburgh in the Spanish Colonial Revival Style with classical Renaissance details. The drawings were simplified by local architect Francis Wilson to meet local requirements and materials. The project broke ground on July 5, 1916 and was completed in November of 1917. Santa Barbara's Carnegie

Library with its formal design and prominent entrance dominated the corner of East Anapamu and Anacapa Streets.

The earthquake of 1925 caused the Library's west wall and a portion of the east wall to collapse. Carleton Winslow, who had designed the sculpture around the main door on the Anapamu elevation, was the architect that directed the library reconstruction that was completed in September, 1926.

Soon after the reopening of the Central Library following the earthquake, library trustee, Clarence A. Black, donated a parcel of land adjacent to the Central Library on Anapamu Street to be used as an art gallery. With funds donated by Mary Faulkner Gould, architect Myron Hunt was hired to design the gallery to house the library's art and art related material. Called the Faulkner Gallery, the building was completed in 1930 in the Art Deco Style. An architectural rendering completed by Hunt & Chambers illustrated the landscaped courtyard off Anapamu between the two buildings with decorative tiered pools extending from the entrance of the Faulkner Gallery to the street (attachment A).

Although, the Hunt and Chambers landscape plan did not specify the *Corymbia (Eucalyptus) citriodora* trees, soon after the completion of the Faulkner Gallery, *Corymbia (Eucalyptus) citriodora* trees were planted on the property (attachment B, page 6). Three at the center bay of the west elevation, eight on the rear elevation and two on the Anacapa elevation of the Central Library. Tim Downey, Santa Barbara Urban Forest Superintendent estimated that based on the size of the trees, they are approximately eighty years old. Nationally recognized landscape architect, Ralph Tallant Stevens is credited with the Library landscape design, but no known plans are extant and the date he designed a formal plan and what elements he designed are unknown. The tall trees now tower over the Central Library and have become significant skyline elements to portions of the downtown neighborhood and the Pueblo Viejo Landmark District. *Corymbia (Eucalyptus)*



Faulkner Gallery with tiered pools adjacent to Central Library c. 1930.



Ten Corymbia (Eucalyptus) citriodora trees on the rear and Anacapa elevations of the Central Library. July 2012.



Three Corymbia (Eucalyptus) citriodora trees in front of the center bay of the west elevation of the Central Library. July 2012.

citriodora trees were widely planted in southern California for over a century. An evergreen tree originally from Australia, it is one of the larger trees on the skyline and known for its lemony fragrance, drought tolerance, fast growth, and smooth, light colored trunk and unique silhouette.

In 1958, a children's wing was added to the building and extensive interior renovations modernized the interior of the Central Library. By 1974, more renovations and repairs were necessary on the building. The City selected Jerry Zimmer of Architects West to complete a feasibility study to assess the structural stability and an expansion of the Central Library. Zimmer recommended demolition of portions of the building that were unsound and construction of an addition to tie into the salvageable portions of the original building. In 1977, the City funded \$3.9 million of Public Works Project funds to be used for the rehabilitation of the Central Library. Although the Anapamu Street entrance was permanently closed, the sculpture in the arch was restored by Nathan Zakheim. The addition was completed on the rear elevation of the Central Library and retained the original front elevation and most of the side elevations. The formal opening of the expanded Central Library was January 11, 1980. In conjunction with the rehabilitation and expansion, a new landscaping plan was implemented between 1978-84. In the plaza, the 1930s reflecting pool was removed. The Corymbia (Eucalyptus) citriodora trees, along with an oak tree, red blooming camellia hedges, two Italian cypress trees and white oleander were posed to be preserved in the plan. The new plan relocated walkways and added a lawn area with handicapped access to the Central Library. A new fountain, after being reviewed by the city Landmarks Committee and Architectural Board of Review, was donated by antique dealer, Ed Lewis, and added to the plaza in 1984.

Architectural Descriptions/Style

The 1917 Central Library building embodied distinguishing characteristics of the Spanish Colonial Revival style with classical Renaissance details. The Spanish Colonial Revival style was part of the Eclectic Movement that stressed relatively pure copies of the classical, Medieval, and Renaissance Classical movements in different European countries and their New World colonies. The Eclectic movement began as European-trained architects began to design landmark period houses. The trend gained momentum with the 1893 Chicago Columbian Exposition, which stressed the correct historical interpretations of European Styles. From 1913-1915, architect Bertram Goodhue (formally of Cram, Goodhue, and Ferguson), author of a book on Spanish Colonial architecture, helped to promote the new Spanish Colonial Revival style with his designs for the Panama-California Expo in San Diego. Until then, the only Spanish themed architecture was based on Mission prototypes. The Spanish Colonial Revival style flourished throughout the Southwestern States that were once territories originally settled by the Spanish. As early as 1909, Santa Barbara was looking for a visual image with which to link its Spanish past to future developments within the City. A Civic League of citizens hired the planner Charles Mulford Robinson to determine the City's assets and to offer plans for development. Robinson pointed to the City's Hispanic heritage as a focal point for a unifying architectural style. Therefore, it is no surprise that the architect chose the Spanish Colonial Revival Style for the Central Library.

The Central Library incorporates characteristics of the Spanish Revival style in its thick plaster walls with a flat roof and terra cotta parapet that covers deep eaves with intricately carved wood brackets over stucco dentils. Two-story round arches with deeply recessed, wood windows have ornately carved vertical wood sash bars that divide the many lights in each of the original bays. The ornately carved entrance defines the original front façade facing Anapamu Street. Designed by Carleton M. Winslow and executed by Marshall Laird the Central Library door is made of geometrically carved wood with a coat of arms over the center and figures of Plato and Aristotle on either side. Surrounding the center are the shields of four famous libraries; The University of Bologna, The Biblioteque Nationale in Paris, the University of Salamanca and the Bodleian Library, Oxford University. The smooth walls of the side elevations are adorned with plaster pilasters topped with ornate corbels.



Intricately carved brackets over dentil molding and intricately carved wood window sashes of the Central Library. July, 2012.

The 1980 rehabilitation and addition functionally closed the entrance from Anacapa Street. The new entrance is recessed from Anacapa Street next to the Faulkner Gallery. On the Anapamu elevation, the original building and the newer addition are separated by a large stucco extension with a large cornice. The new addition and alterations are on the rear of the Central Library and are distinguished from the original building yet compatible with the complex. The addition has a terra cotta parapet over a simple cornice rather than the ornate cornice elements of the original building. The addition has two-story round arched window openings with metal windows set deeper into the arch than the originals and are divided similar to the original portion of the building with thicker, simple metal muntins. The addition did not sacrifice the integrity of the original Central Library building following the Secretary of Interior Standards of Rehabilitation in that the new additions, exterior alterations and new construction did not destroy historic materials, features, and spatial relationships that characterized the property. The new work was differentiated from the old and compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.



The intricately carved entrance to the Central Library is a defining element of the Spanish Colonial Revival style. July, 2012.

The 1930 Faulkner Gallery exemplifies the Art Deco Style with smooth stucco wall surfaces with linear symmetry and a stylized, geometric entry, characterized by the sunburst

painting. Art Deco is an eclectic, artistic design style that began in Paris in the 1920s and flourished internationally throughout the 1930s and into the World War II era. The style influenced all areas of design, including architecture and interior design, industrial design, fashion and jewelry, as well as the visual arts such as painting, graphic arts and film. At its best, art deco represented elegance, glamour, functionality and modernity. Art deco's linear symmetry was a distinct departure from the flowing asymmetrical organic curves of its predecessor style, art nouveau; it embraced influences from many different styles of the early twentieth century, including neoclassical, constructivism, cubism, modernism and futurism and drew inspiration from ancient Egyptian and Aztec forms.

Architects:

The Santa Barbara Central Library and Faulkner Gallery were designed by very influential architects whose body of work significantly formed American cities.

Henry Hornbostel (1867-1961) designed the original Central Library and donated the plans as a gift to the City. He designed more than 225 buildings, bridges, and monuments in the United States throughout his career, 22 of which are listed on the National Register of Historic Places. Hornbostel was born in Brooklyn, New York, he graduated in 1891 from Columbia University and also studied at the École des Beaux-Arts in Paris, France. Hornbostel was part of a generation of architects that shaped the urban American landscape with orderly plans and monumental buildings that communicated power, stability and government as expressed in the Central Library.

He was a partner in several New York firms and he also practiced independently from a Pittsburgh, Pennsylvania office. Nearly half of his works (110 buildings) were in Pittsburgh. Hornbostel's buildings and bridges can be found in New York, Connecticut, Georgia, Illinois, Iowa and California, including the Library and Oakland's City Hall. And in the 1930s, when the Depression caused a nationwide building slump, Hornbostel became a well-known and colorful public figure as Allegheny County's Director of Parks.

Francis W. Wilson (1870 - 1947) was the local architect that altered the Hornbostel plans for the Central Library to make them work with local materials. His practice in Santa Barbara, California included work for the Atchison, Topeka and Santa Fe Railway and its associated Fred Harvey Company hotels, as well as many residences.

Born in Massachusetts, Wilson moved to California at the age of seventeen. Wilson studied at the San Francisco chapter of the American Institute of Architects and toured Europe before establishing his own firm in Santa Barbara in 1895.



The stylized geometric front entrance to the Faulkner Gallery is a characteristic of the Art Deco Style. July, 2012.

Shortly after arriving in Santa Barbara, Wilson built up a practice designing homes for the wealthy, as well as designing, building and selling speculative houses. His connections with the wealthy led to commissions for the Santa Barbara Club, the Central Savings Bank, the Central Library, post office, and railroad station.

Carleton Monroe Winslow (1876–1946), also known as **Carleton Winslow Sr.**, designed the ornate sculpture over the Central Library's original main entrance door. He was a key proponent of Spanish Colonial Revival architecture in Southern California in the early 20th Century.

Winslow was born in Maine, studied at the Art Institute of Chicago and at the École des Beaux-Arts in Paris, France, and joined the office of Bertram Goodhue in time for the planning of the 1915 San Diego Panama–California Exposition. Winslow is "credited for choosing" Spanish Colonial Revival style for that project, a choice with a vernacular regional precedent.

Winslow moved to Southern California in 1917, completed the Los Angeles Public Library after Goodhue's 1924 death, and also pursued his own commissions, including a number of Episcopal churches. Winslow was the architect that designed the repairs to the Central Library after the 1925 earthquake.

Myron Hunt (February 27, 1868 – May 26, 1952) designed the Art Deco Faulkner Gallery of the Central Library. His numerous projects included many noted landmarks in Southern California. Hunt was mentioned in the writings of Frank Lloyd Wright and other Chicago architects of the era as an early member of the group which came to be known as the Prairie School, but in 1903 he moved to Los Angeles, where he entered into a partnership with architect Elmer Grey (1871–1963). Opening an office in Pasadena, the firm of Hunt and Grey soon became popular. Some of the firm's Pasadena work was featured in the national magazine *Architectural Record* as early as 1906. They were soon designing large houses in communities throughout Southern California including the summer ranch home for cereal magnet Will Keith Kellogg. They also began receiving commissions to design larger projects, including hospitals, schools, churches and hotels. By 1912, Hunt was no longer in partnership with Elmer Grey, but had established a new firm with Los Angeles architect, Harold C. Chambers. In this partnership, Hunt designed a number of libraries, including the Faulkner Gallery, and libraries in Redlands, Palos Verdes Estates, and Pasadena. He also designed one of the three major civic buildings making up the Pasadena Civic Center. Hunt was the principal architect of all of Occidental College's buildings through 1940. In 1913, Hunt designed a new wing for the Mission Inn in Riverside, California. He designed the impressive Ambassador Hotel in Los Angeles, which opened in 1921. Hunt's association with Henry Huntington was established in 1909 when he designed his house in San Marino. With a large addition built in 1934, the house was to become the main art gallery of the cultural center built around the Huntington Library. In addition, Hunt also designed the Pasadena Rose Bowl.

Significance:

The City of Santa Barbara establishes historic significance as provided by the Municipal Code, Section 22.22.040. Any historic building that meets one or more of the eleven criteria (Criteria A through K) established for a City Landmark or a City Structure of Merit is considered significant. The Santa Barbara Central Library, Faulkner Gallery and Corymbia (Eucalyptus) citriodora trees are significant per the six following criteria:

Criterion A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;

As a Carnegie Library, the Central Library represents the impact of the Carnegie Library grant program had on providing access to knowledge for people of all incomes across the Nation. It is a significant part of the heritage of Santa Barbara, California and the Nation.

Criterion D, its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;

The Central, 1916 building embodies distinguishing characteristics of the Spanish Colonial Revival style with classical Renaissance details that are important to the City's character. The 1930 Faulkner Gallery exemplifies the once nationally popular Art Deco style characterized by its smooth, stucco wall surfaces, linear symmetry and stylized geometric entrance.

Criterion E, Its exemplification of the best remaining architectural type in a neighborhood.

The Art Deco Faulkner Gallery is one of the best remaining examples of Art Deco architecture in Santa Barbara.

Criterion F, its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation;

Distinguished architects; Henry Hornbostel, Francis W. Wilson, Carleton Monroe Winslow, and Myron Hunt contributed to the design and creation of the Central Library. Their noted design efforts significantly influenced the heritage of the City, State and Nation.

Criterion G, its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;

The Central Library building has skillfully carved wood brackets under the eaves and carved wood windows. The intricately carved sculpture over the main entrance door demonstrates outstanding attention to detail and craftsmanship. The Faulkner Gallery's linear, Art Deco entrance with its stylized sunburst demonstrates outstanding attention to architectural design.

Criterion I, Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

The complex sits in a central location in the downtown neighborhood and El Pueblo Viejo Landmark District. It has dominated the highly visible corner of Anapamu and Anacapa Streets since 1916. It is an established and familiar visual feature of the neighborhood.

The approximately eighty-year-old Corymbia (Eucalyptus) citriodora trees tower over the Central Library and are an established and familiar visual feature of the neighborhood and El Pueblo Viejo Landmark District.

Integrity

In addition to determining significance, there are essential physical features that must be considered to evaluate the integrity of a significant building. The seven aspects of integrity include location, design, setting, materials, workmanship, feeling, and association. The Santa Barbara Central Library and Faulkner Gallery have retained sufficient integrity in all seven of the integrity criteria to communicate its potential significance.

Recommendation:

Staff recommends that the HLC adopt a resolution to recommend to City Council that the Central Library, Faulkner Gallery, and Corymbia (Eucalyptus) citriodora trees be designated as City Landmarks.

Bibliography:

Andree, Herb & Noel Young, *Santa Barbara Architecture from Spanish Colonial to Modern, Third Ed*, Capra Press, 1995.

Brantingham, Barney. "Golden Bulldozer for the Library." *Santa Barbara News-Press*, August 17, 1979.

Carpenter, Gerald. "The Great Library at Santa Barbara, An Appreciation", *The Santa Barbara Independent*, December 21, 2000, pages 21-27.

Chamberlin, Susan. "Stevens, Ralph T." in *Shaping the American Landscape*, Charles Birnbaum and Stephanie S. Foell, editors. Charlottesville and London: University of Virginia, 2009.

City of Santa Barbara Mapping Analysis and Printing System, 2012.

Cunningham, Bob, ASLA. "Lemon Scented Gum Trees (*Corymbia citriora* formerly *Eucalyptus citriodora*) Main Public Library." Landmark Nomination Report , April 5, 2012.

Downey, Tim, Urban Forest Superintendent. "Main Library Lemon Scented Gum Eucalyptus." Memorandum, August 14, 2012.

Egan, Linda. "Library Landscaping Plans May be Revived By Council." *Santa Barbara News-Press*. April 19, 1982.

Egan, Linda. "Council Trims Library Project; Tree Saved, But Garden Deleted." *Santa Barbara News-Press*. March 11, 1980.

"Fountain Donated for Public Library Courtyard." *Santa Barbara News-Press*. August 29, 1984.

Kidney, Walter C. (2002). *Henry Hornbostel: An Architect's Master Touch*. (Pittsburgh: Pittsburgh History and Landmarks Foundation & Roberts Rinehart Publishers. 2002)

Kortum, Lucy. "Santa Barbara Public Library" Carnegie Libraries of California, 2009. Web. July 9, 2012.

"Landscaping to invite use by People". *Santa Barbara News-Press*. May 26, 1978.

National Park Service, US Department of the Interior. "Carnegie Libraries: The Future Made Bright." Web. July 24, 2012.

"New Life for Old Arch." *Santa Barbara News-Press*. November 27, 1979.

Wikipedia contributors. "Art Deco." *Wikipedia, The Free Encyclopedia*. Wikipedia, The Free Encyclopedia, July 12, 2012. Web. July 23, 2012.

Wikipedia contributors. "Carleton Winslow." *Wikipedia, The Free Encyclopedia*. Wikipedia, The Free Encyclopedia, February 13, 2012. Web. July 23, 2012.

Wikipedia contributors. "Henry Hornbostel." *Wikipedia, The Free Encyclopedia*. Wikipedia, The Free Encyclopedia, May 28, 2012. Web. July 23, 2012.

Wikipedia contributors. "Myron Hunt." *Wikipedia, The Free Encyclopedia*. Wikipedia, The Free Encyclopedia, December 17, 2011. Web. July 9, 2012.

National Register For Historic Places site #97000297 First Congregational Church of Riverside. Added 1997.

Kellam de Forest, "Correspondence to Bob Cunningham." February 9, 2012.

Lowry, Patricia. "New book Assesses Henry Hornbostle's Influence on Pittsburgh" *Pittsburgh, Post-Gazette.com, Arts and Entertainment*, November 19, 2002. Web. July 9, 2012.

Michelson, Alan. "Myron H. M. Hunt". *Pacific Coast Architecture Database*. 2005-2012. Web. July 9, 2012.

McAlester, Virginia and Lee. *A Field Guide to American houses*. (Alfred A. Knopf, New York. 1997).

Nesslerod, Piri Korngold. *Biography of a Library*. Piri Korngold Nesselrod, Santa Barbara, CA 1977, revised 1990.

Redmon, Michael. "Legendary Landscaper", *The Santa Barbara Independent* (April 13, 2010), page 39.

Sanborn Fire Insurance Company: 1886-1931, *Insurance Rate Maps of Santa Barbara, California*, Sanborn Map Company, New York, 1931 (corrected through 1963).

Architectural Drawings

Hunt, Myron and Chambers, H. C. "Faulkner Gallery and Tiered Pools". City of Santa Barbara Archives. August 27, 1929.

Wilson, Carlton Monroe, Architect. "Reconstruction Design of Santa Barbara Central Library". City of Santa Barbara Archives. October 1, 1925.

Wilson, Francis W., Architect-Henry Hornbostel Consulting Architect. "Santa Barbara Central Library". City of Santa Barbara Archives. July 17, 1916.



• FRONT - NORTHWEST ELEVATION •



• SOUTHWEST ELEVATION •



• SOUTHEAST ELEVATION •

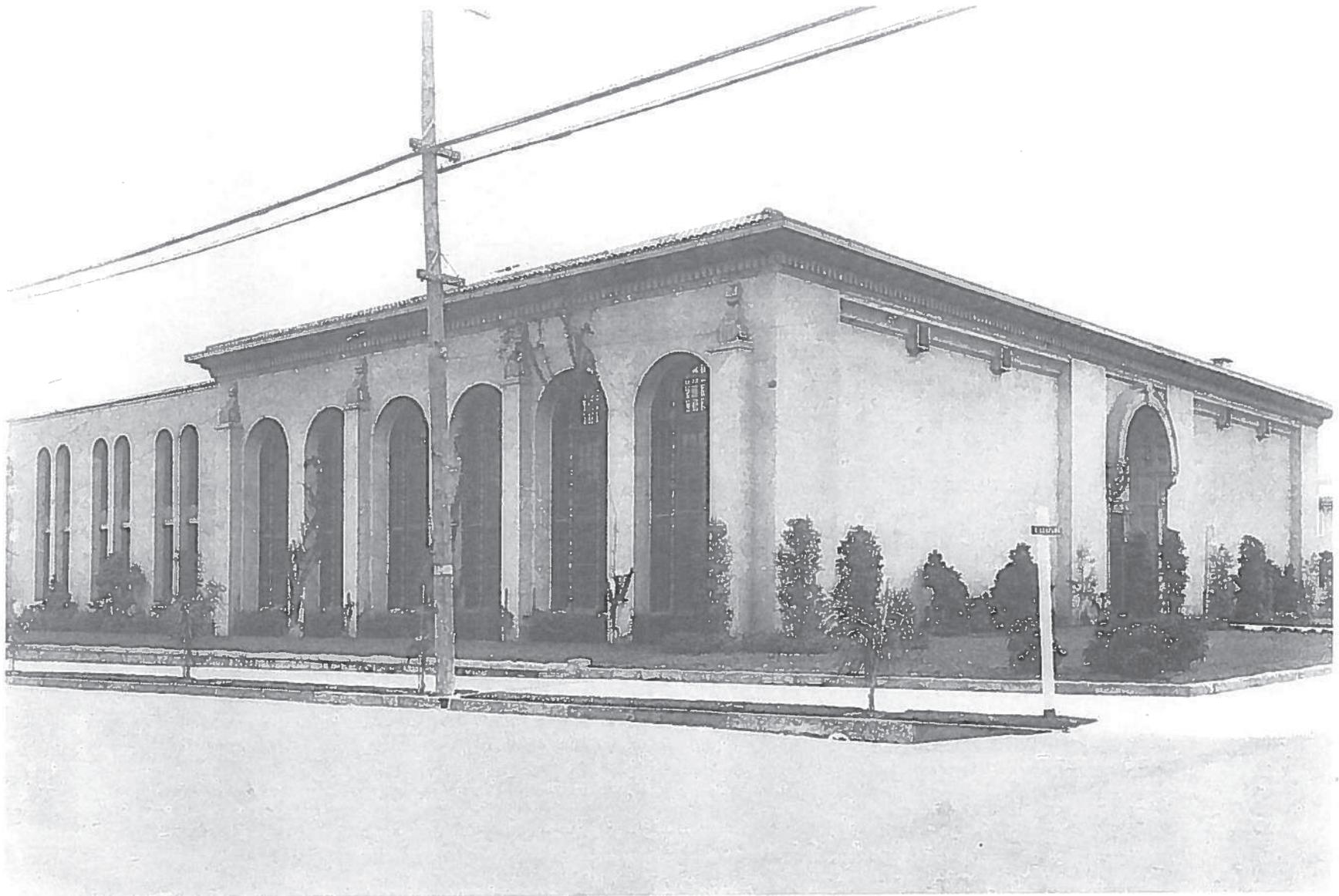


• NORTHEAST ELEVATION •

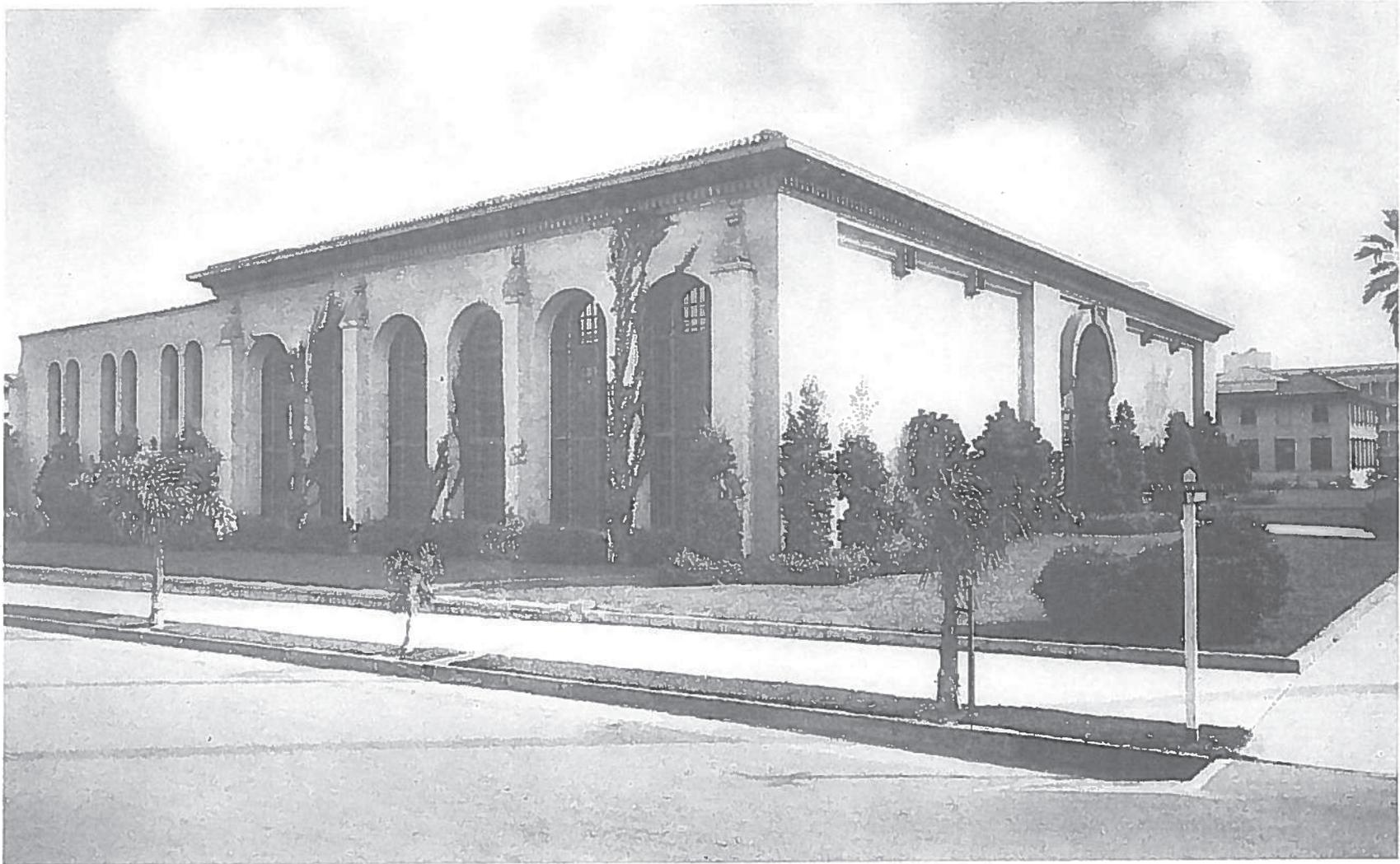


• SECTION A •

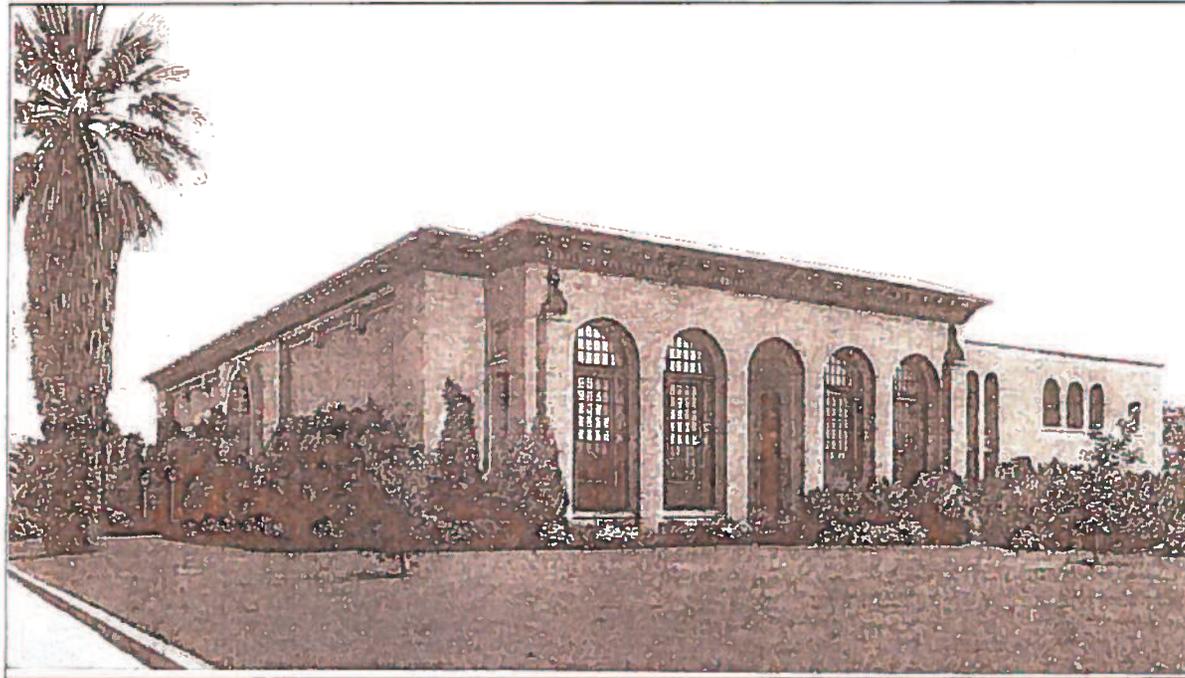




Central Library, looking south at Anacapa St and Anapamu St (front) faces c. 1917



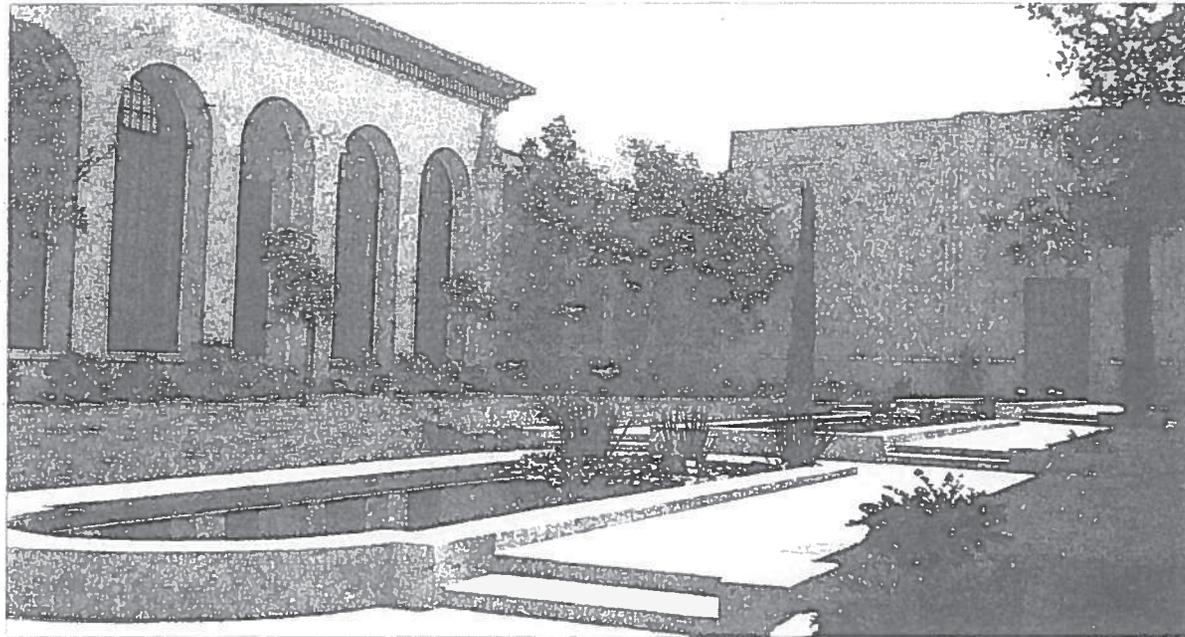
Central Library looking south at Anacapa St and Anapamu St (front) faces c. 1926



Central Library looking east at Anapamu St (front) and west faces c. 1926-29



Central Library looking southeast from Anapamu St at west face and Faulkner Gallery c. 1930-31



Central Library looking at west face from Anapamu St and
Faulkner Gallery c. July 1931



Central Library looking east at west face c. 1950s-70s



Central Library looking south at Anacapa St and Anapamu St (front)
faces c. 1978



**CITY OF SANTA BARBARA
HISTORIC LANDMARKS COMMISSION**

**RESOLUTION RECOMMENDING THAT CITY COUNCIL
HOLD A PUBLIC HEARING
TO CONSIDER LANDMARK DESIGNATION OF
THE CENTRAL LIBRARY, FAULKNER GALLERY
AND THIRTEEN CORYMBIA (EUCALYPTUS) CITRIODORA TREES AT 40 EAST ANAPAMU
STREET
ASSESSOR PARCEL No. 039-232-002;**

RESOLUTION 2012-1

AUGUST 29, 2012

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance; and

WHEREAS, historic research in the form of a Staff Report prepared dated August 2012 (Exhibit A) has determined that the Central Library, Faulkner Gallery and Thirteen Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002 qualify for historic designation under City of Santa Barbara Master Environmental Assessment (MEA) criteria.

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution Dated November 10, 1998), staff has determined that designation of the Central Library, Faulkner Gallery and Thirteen Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, as a City Landmark is a Categorical Exemption; and

WHEREAS, the Commission Designation Subcommittee reviewed a Landmark Nomination Draft Report by Landscape Architect, Bob Cunningham, requesting the designation as City Landmarks thirteen Corymbia (Eucalyptus) Citriodora Trees on the property; and

WHEREAS, Given the historic and aesthetic significance of the thirteen Corymbia (Eucalyptus) citriodora trees that create a skyline that is important to the El Pueblo Viejo Landmark District; and

WHEREAS, Given the historic and architectural significance of Central Library the designation sub-committee initiated the request for a proposal for designation of the building as a City Landmark; and

WHEREAS, Given the historic and architectural significance of the Faulkner Gallery, the designation sub-committee initiated the request for a proposal for designation of the building as a City Landmark; and

WHEREAS, in summary, the Historic Landmark Commission finds that the Central Library, Faulkner Gallery and Thirteen Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, meets the following City Landmark criteria (A through K) listed in section 22.22.040 of the Municipal Code:

- Criterion A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- Criterion D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;
- Criterion E. Its exemplification of the best remaining architectural type in a neighborhood.
- Criterion F. Its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation;
- Criterion G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship;
- Criterion I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

WHEREAS, on August 15, 2012, the Historic Landmark Commission adopted a Resolution of Intention No. 2012-1 to hold a public hearing to begin the landmark designation process for the Central Library, Faulkner Gallery and Thirteen Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002; and

NOW, THEREFORE, BE IT RESOLVED that on August 29, 2012 the Historic Landmarks Commission of the City of Santa Barbara hereby recommends to the City Council that it designate the Central Library, Faulkner Gallery and Thirteen Corymbia (Eucalyptus) Citriodora Trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002 as a City Landmark and makes findings based on the historic and cultural significance of facts presented in the Staff Report.

**HISTORIC LANDMARKS COMMISSION
CITY OF SANTA BARBARA**

Adopted: August 29, 2012

HISTORIC LANDMARKS COMMISSION MINUTES**November 30, 2011****CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

3. **40 E ANAPAMU ST** C-2 Zone
 (1:55) Assessor's Parcel Number: 039-232-002
 Application Number: MST2011-00428
 Owner: City of Santa Barbara
 Applicant: Irene Macias, Library Director
 Agent: City of Santa Barbara Redevelopment Agency
 Architect: Campbell & Campbell
 Business Name: Central Library

(Proposal to upgrade both landscape and hardscape areas in front of the Santa Barbara Public Library and the Faulkner Gallery along portions of E. Anapamu and Anacapa Streets. The improvements would include approximately 3,200 square feet of additional hardscape, 500 cubic yards of imported fill, a reduction in turf area and in total trees from 49 to 30, a new fountain, seating, artwork display areas, lighting, and an approximately 4,500 square foot activity space. No changes to the building are proposed.)

(Comments only; project requires Environmental Assessment.)

Present: Irene Macías, Library Services Manager
 Peggy Burbank, Redevelopment Specialist
 Douglas Campbell and Regula Campbell, Architects, Campbell & Campbell

Public comment opened at 2:11 p.m. and reopened at 2:43 p.m.

The following people spoke in favor of the project in general, not necessarily the proposal before the Commission:

Eric Kelley, local business owner.

Larry Feinberg, Santa Barbara Museum of Art Director.

Eik Kahng, Santa Barbara Museum of Art Chief Curator.

Ginny Brush, (City Arts Advisory Committee's) Visual Arts in Public Spaces Committee, provided a letter as well.

Steve Cushman, Chamber of Commerce President.

Lynne Tahmisian, La Arcada Representative.

The following people expressed concerns:

Robert Burke, local resident – financing source for the project, purview of Commission on legality of funding for the project, and people issues versus plans/concrete.

Mary Louise Days, local historian – removal of existing Eucalyptus trees and cluttering of permanent objects obscuring the space.

Kellam de Forest, local resident – celebration of historic Faulkner Gallery building, use of a water feature, and preservation of existing trees.

Eric Friedman, City Library Advisory Board Chair – return to historic design, and Eucalyptus tree removal to maximize and make space more usable.

W. Scott Burns, local resident – left a note commenting on the need for better lighting.

Frank Goss, local resident – large Eucalyptus trees as fire hazards and safety issues.

Public comment closed at 2:27 p.m. and reclosed at 2:44 p.m.

Motion: Continued indefinitely with the following comments:

1. Renovation of the Library Plaza is long overdue.
2. The lack of formality to the Faulkner Gallery is perplexing.
3. The Faulkner Gallery should be celebrated.
4. Original library entrance should not have any added art placed in front of it.
5. Better visibility of the original library entrance is paramount.
6. Pay attention to the balance of opening up the visibility of the original library entrance and the blank walls.
7. Explore visibility of the whole library building.
8. Keep planted and built items in the space low and sight-lines open.
9. Provide a demolition and tree removal plan.
10. Proposed landscape plan is not compliant with El Pueblo Viejo Guidelines and is too contemporary.
11. The majority of the Commission would like the applicant to continue to study the retention of the Eucalyptus trees. Skyline trees are important in the downtown area.
12. Lighting fixture style should be exemplary for this space.
13. Original Faulkner fountains should be looked at as an element to be reimplemented.
14. Safety of the pool or fountain needs to be considered.

Action: Boucher/La Voie, 8/0/0. Motion carried.

HISTORIC LANDMARKS COMMISSION MINUTES

August 29, 2012

PUBLIC HEARING

3. 40 E ANAPAMU ST

(2:00) Assessor's Parcel Number: 039-232-002

Staff Member: Nicole Hernández, Urban Historian

(Review of Staff Report and Public Hearing to consider adoption of a resolution to recommend to City Council that the Central Library, Faulkner Gallery, and *Corymbia (Eucalyptus) citriodora* trees be designated as City Landmarks.)

Actual time: 2:03

Present: Nicole Hernández, Urban Historian

Mr. Limón acknowledged receipt of letters expressing opposition to landmarking the Eucalyptus trees from Irene Macías, Central Library Director; and Nancy Rapp, Parks and Recreation Director.

Written comments were also received from Kellam de Forest and Carol Bornstein expressing support for designating the Eucalyptus trees.

Public comment opened at 2:17 p.m.

1. Mary Louise Days, local historian, spoke in support of the building designation.
2. Eric Friedman, local resident, spoke in opposition to designating the three Eucalyptus trees located at the center bay of the west elevation at this time.
3. Fred Sweeney, local artist, spoke in support of designating the three Eucalyptus trees.
4. Alexandra Cole, local historian, spoke in support of the Eucalyptus trees and building designations.
5. Bob Cunningham, landscape architect, spoke in support of designating the three Eucalyptus trees.
6. W. Scott Burns, former Parks and Recreation Commission member, spoke in opposition to designating the three Eucalyptus trees and spoke in support of the building designation.
7. Irene Macías, Library Director, spoke in opposition to designating the three Eucalyptus trees and spoke in support of the building designation.
8. Susan Chamberlin, landscape historian, spoke in support of designating the Eucalyptus trees and suggested that a brief biography of licensed landscape architect Ralph Tallant Stevens be included.

Public comment closed at 2:31 p.m.

Motion: To adopt Resolution 2012-01 and forward the Landmark designation request of the Central Library, Faulkner Gallery, and all thirteen *Corymbia (Eucalyptus) citriodora* trees located at 40 East Anapamu Street to City Council for consideration; with the recommendation that the Council also place the trees on the City Parks Department Landmark, Historic, and Specimen Trees list.

Action: La Voie/Orías, 7/0/0. Motion carried. (Drury/Shallanberger absent).



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: August 24, 2012
TO: Jaime Limon, Senior Planner
FROM: Irene Macias, Library Director
SUBJECT: Central Library Historic Building Designation

The Library Department supports creating a historic building designation for the Central Library. The Central Library is a well known building with significant architectural features, and is considered a community jewel.

The library is pursuing updating the surrounding Library Plaza with a design that will make the space more open and usable for library and public events. We believe that the plaza redesign will return the space to a look that is closer to the original plaza design before 1930. This redesign will also make the plaza compliant with the American Disabilities Act (ADA). In addition, the redesign will address security issues that have consumed significant library and Police Department staff resources.

Landscape architects Campbell & Campbell were hired to create a preliminary design for the plaza area and held two public workshops on the Library Plaza design. In the first workshop many of participants observed that the entrance to the library is not visible because of the three Eucalyptus trees directly in front of the entrance. In the second workshop, two potential designs were shown, one with the three trees remaining and one that required the removal of the trees. The participants favored the design that proposed the removal of the three Eucalyptus trees as it allowed for a larger flat area for the purpose of programming and to allow a fountain design.

In addition, there is a concern about the hazards of falling limbs to both the historic building and the public who visit the facility daily, as three of the trees are in the direct path of the Anapamu St. entrance.

For these reasons, the Library recommends against the historic designation of the Lemon Scented Gum Eucalyptus trees.



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: August 24, 2011

TO: Historic Landmarks Commission

FROM: Nancy L. Rapp, Parks and Recreation Director

SUBJECT: Proposed Historic Designation of Lemon Scented Gum Eucalyptus Trees at the Central Library

The Historic Landmarks Commission is considering whether to recommend to City Council that the Central Library, Faulkner Gallery and the thirteen (13) Lemon Scented Gum Eucalyptus (*Corymbia citriodora*) trees immediately adjacent to the Central Library be designated as Historic Landmarks. The Parks and Recreation Department recommends against including the Eucalyptus trees in the Historic designation and provides the following information for your consideration.

Definition of Historic Tree

The Municipal Code Chapter 15.20.020, defines a Historic Tree as a tree which has been found by the Parks and Recreation Commission, the Historic Landmarks Commission (HLC), or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an "historic tree".

Age and Condition of the Library Eucalyptus Trees

Tim Downey, Urban Forest Superintendent and City Arborist, has determined that the size and development of these thirteen trees are consistent with having been planted about 80 years ago. In his opinion, the trees are healthy and could remain so for another 80 – 100 years.

Parks and Recreation Commission Comments on Library Eucalyptus Trees

As part of their review of the Library Plaza Conceptual Design at their November 16, 2011 meeting, Parks and Recreation Commissioners made several comments on the Eucalyptus trees. While expressing support for the proposed project and improved public entrance to the Library, several commissioners expressed concerns about the proposed removal of the three Eucalyptus trees most adjacent to the Library plaza itself. Commissioners commented on the beauty of the trees and that the trees were notable skyline trees. Commissioners also talked about how difficult it would be making a decision to remove the trees would be, having to weigh the loss of the trees against the public benefit from an improved Library entrance and other plaza improvements.

Regulation of Trees on City Property

Trees located on City property are regulated under SBMC Chapter 15.20, Tree Planting and Maintenance, or the Street Tree Ordinance. As such, the City-owned trees at the Central Library are currently managed and regulated according to the City's Street Tree Ordinance.

Specifically SBMC 15.20.050 states that the Parks and Recreation Director is responsible for the inspection, maintenance, removal and replacement of all trees planted in public areas (including areas around public buildings), parkway strips, and tree wells. SBMC 15.20.110 related to permitting for planting, maintaining, or removing any trees within a street right-of-way or public area, states that the Director may defer to a consideration and recommendation by the Street Tree Advisory Committee (STAC) and decision by the Parks and Recreation Commission. It has been the Department's long-standing practice to forward tree removal applications to the STAC and Commission accompanied by a staff recommendation. Exceptions to this practice have been limited to trees which pose an immediate public safety concern or which are significantly unhealthy and likely to die.

Regulation of City and Historic Trees within Historic Districts

SBMC Chapter 22, Historic Structures, provides direction on approvals for alteration, construction, or relocation of structures or natural features (including trees) within historic landmark districts. Although 22.22.140 Section B states that City owned property including structures and natural features is within the purview of the HLC, Section D provides an exemption for street trees, City trees, and Historic or Specimen Trees. Specifically, Section D states that any tree planted in a parkway strip, public area, or street right-of-way owned or maintained by the City is processed and regulated pursuant to Chapter 15.20, the Street Tree Ordinance.

SBMC 22.22.140 Section D also makes an exemption for any tree designated as Historic or Specimen, stating that those trees are processed and regulated pursuant to Chapter 15.24, the Tree Preservation Ordinance. Accordingly, SBMC 15.24.060 provides that any requests to place, alter or remove Historic or Specimen trees are to be submitted to the STAC for consideration and recommendation. The STAC recommendation with a staff recommendation by the City Arborist/Parks and Recreation Director would be submitted to the Parks and Recreation Commission for action. The Commission must consider and make findings per SBMC 15.24.080 and 15.24.090 for tree removals.

Criteria for Tree Removals

To provide the greatest protection for the City's Urban Forest, both the Street Tree Ordinance and the Tree Preservation Ordinance require that decisions on tree removals be made according to specific established criteria. The Street Tree Ordinance, Chapter 15.20 (specifically 15.20.110) requires that the Parks and Recreation Commission consider the following when weighing a decision to remove a City tree:

- a) Whether the tree is designated as an historic or specimen tree;
- b) Whether the tree species and placement conform to the "Master Street Tree Plan;"
- c) The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy;
- d) The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property; and
- e) Any beneficial effects upon adjacent trees to be expected from the proposed removal.

The Tree Preservation Ordinance, Chapter 15.24, (specifically 15.24.080 and 15.24.090) requires that very specific criteria be considered for tree removals, including:

- a) Whether such tree is designated as an historic or specimen tree;
- b) The potential size of the tree in relation to the size of the lot or building site and the size of the proposed or existing improvements;
- c) The number and size of other trees which would remain upon the building site after the requested removal;
- d) The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property;
- e) Any beneficial effects upon adjacent trees to be expected from the proposed removal;
- f) Whether the tree sought to be removed was planted by or with the permission of the applicant or the applicant's co-tenant at the time such tree was planted.
- g) The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy.

In each instance, decisions of the Parks and Recreation Commission are appealable to City Council.

Conclusion

The conceptual plan developed in 2011 for the Library Plaza featured an improved Library entrance and plaza area for public use, and proposed removal of 3 Eucalyptus trees. Through the public review process concerns were expressed about the removal of the trees, in particular the three Eucalyptus trees most adjacent to the plaza and Library entrance. Although the project has been put on hold indefinitely, the HLC is considering including all 13 Eucalyptus trees in a Historic designation of the Central Library and Faulkner Gallery. The assumption is that designating the trees as Historic will provide a greater level of protection for these trees against removal in the future.

Although the Library trees are located within a historic district they are currently regulated by the Street Tree Ordinance described above. The Department's long-standing practice is to refer tree removal decisions to the STAC and Parks and Recreation Commission and strict criteria guides removal decisions. Clearly any decision to remove the Central Library's Eucalyptus Trees, particularly the three trees nearest to the main entrance, will be a difficult one for the Parks and Recreation Commission and others given the age, beauty and skyline aspect of the trees. Any decision will be expected to balance the value of the trees to the City's urban forest with benefits to the public from any proposed project that necessitated the removal.

It is the recommendation of the Parks and Recreation Department that the Eucalyptus trees not be included with a Historic designation of the Central Library and Faulkner Gallery at this time. The trees are currently and appropriately protected by the City's Street Tree Ordinance. For your further consideration, given the strong feelings many people expressed about balancing the value of the trees with a Library Plaza design which best meets the Library's and public's best interests, perhaps it is in the public's best interest to let the discussion take place in conjunction with the proposed project.

cc: Tim Downey, Urban Forest Superintendent
Jill Zachary, Assistant Parks and Recreation Director
Jaime Limon, Senior Planner
Nicole Hernandez, City Historian
Paul Casey, Assistant City Administrator
Irene Macias, Library Director



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: October 4, 2012

TO: Mayor and Council

FROM: Parks and Recreation Commission

SUBJECT: Comments Regarding the Historic Landmarks Commission
Recommendation to Designate the Thirteen Eucalyptus Citriodora
Trees at the Central Library as Historic

At their meeting of September 26, 2012, the Parks and Recreation Commission discussed the Historic Landmarks Commission recommendation to designate the thirteen Eucalyptus Citriodora Trees at the Central Library as Historic. The Commission received a staff report and heard recommendations from the Parks and Recreation Department and the Library Department, and received input from Jaime Limon, Senior Planner, staff liaison to the Historic Landmarks Commission.

The majority of the Commissioners (5/1) supported the recommendations of the Parks and Recreation and Library departments which were that the Library's Eucalyptus trees should not be designated as Historic at this time. Commissioners noted that the Library's trees are currently and adequately protected through the Street Tree Ordinance in the City's Municipal Code.

Commissioners stated that the earlier proposal to remove the trees had been associated with a conceptual plan to improve public access, safety and use of the Library Plaza. The design was developed through public workshops which focused on library user and community priorities. Given the importance of these trees, commissioners said that any discussion about removing them will be highly controversial. The public should have the opportunity to weigh in on the value of trees as well as the value to the public if the trees were removed as part of a project which improved public access, safety and use of the Library Plaza.

Two commissioners, Chair Wiscomb and Commissioner Longstreet, stated that they did not believe that sufficient information had been provided to justify designation of the Eucalyptus trees as Historic. Chair Wiscomb further commented that the Historic Landmarks Commission staff report states that the Library Plaza was being excluded from designation as Historic due to the drastic alterations made from its original design and because it no longer conveys its historic significance. Therefore, in her opinion,

since the three Eucalyptus trees at the Library's entrance are an integral part of the Library Plaza they should not be considered for historic designation. Commissioner Longstreet noted there was reference to a landscape plan that was not included in the staff report and that she saw no visual evidence in the photos provided.

cc: Jim Armstrong, City Administrator
Paul Casey, Assistant City Administrator
Nancy Rapp, Parks and Recreation Director
Tim Downey, City Arborist
Bettie Weiss, City Planner
Irene Macias, Library Director
Jaime Limon, Senior Planner
Nicole Hernandez, City Historian



City of Santa Barbara
Library Department
Memorandum

DATE: October 15, 2012
TO: Mayor and Council
FROM: Library Board
SUBJECT: Proposed Historic Designation of the Central Library and Thirteen (13) Lemon Scented Gum Eucalyptus Trees

At its September 24, 2012 Board Meeting the Library Board considered the Historic Landmark Commission's recommendation to City Council that the Central Library, Faulkner Gallery and the thirteen (13) Lemon Scented Gum Eucalyptus (*Corymbia citriodora*) trees immediately adjacent to the Central Library be designated as Historic Landmarks.

The Board voted unanimously:

- 1) To support the Historic Landmark Commission's recommendation to designate the Central Library building as a Historic Landmark.
- 2) To oppose the Historic Landmark Commission's recommendation to designate the thirteen (13) Lemon Scented Gum Eucalyptus trees as Historic Landmarks.

The Library Plaza Project and the progress of the design phase has been discussed at several Library Board meetings. Board Chair Eric Friedman participated in the workshops and reported to the board on the progress of the design work. At the September 15, 2011 meeting he reported that the consensus at the second public workshop was to remove the eucalyptus trees directly in front of the Anapamu St. entrance and open up the space in the plaza.

At the October 13, 2011 meeting it was the board's consensus that the public space be maximized and that some trees be removed due to maintenance and safety issues and to accommodate the design. At the November 11, 2011 meeting the board discussed the design concepts developed by Campbell & Campbell and the impact the retention of the eucalyptus trees may have on them.

cc: Jim Armstrong, City Administrator
Paul Casey, Assistant City Administrator
Marcelo López, Assistant City Administrator
Irene Macias, Library Director
Bettie Weiss, City Planner
Jaime Limon, Senior Planner
Nicole Hernandez, City Historian

CORRESPONDENCE

October 17, 2012

The Honorable Mayor Helene Schneider and City Council
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Subject: Proposed Landmark Designation of Lemon Scented Gum
Eucalyptus trees at the Central Library

Dear Madam Mayor and Esteemed City Council Members,

In response to the Historic Landmark Commission's recommendation that the thirteen Lemon Scented Gum Eucalyptus trees (*Corymbia citriodora*) at the Central Library obtain Historic Landmark status, Santa Barbara Beautiful's Board of Directors studied the issue, met and a majority expressed that the thirteen Lemon Scented Gum Eucalyptus trees should not be granted Historic Landmark status. There were many perspectives on this issue and our board also emphasized that any re-design of the landscape surrounding the library preserve as many of the existing Lemon-scented gums as possible.

Our group developed a subcommittee to study and examine this issue with pertinent documents as well as a site visit to the Central Library. We discovered that these trees are currently regulated under SBMA Chapter 15.20 and that any proposed removal of the trees associated with redesign of the Library's plaza is subject to the Street Tree Advisory Committee's review and recommendation to the Parks and Recreation Commission accompanied by a staff recommendation. Ultimately, any decision by the Commission is appealable to City Council. We believe this process to be adequate for any proposed future actions regarding any of the thirteen trees.

Since the Central Library's current plaza has issues in regard to ADA access, public safety, and is underutilized in its current configuration, the Board believes granting Historic Landmark status to these trees reduces both the flexibility and the ability to better serve public interests in any redesign of the plaza.

Thank you for your consideration in this matter.

Sincerely,

Santa Barbara Beautiful

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA DESIGNATING THE CENTRAL
LIBRARY AND FAULKNER GALLERY AT 40 EAST
ANAPAMU STREET AS A CITY LANDMARK

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance;

WHEREAS, given the historic and architectural significance of Central Library and the Faulkner Gallery, the designation sub-committee initiated the request for a designation report of the building as a City Landmark designation;

WHEREAS, historic research in the form of a Staff Report prepared dated August 29, 2012 (Exhibit A) has determined that the Central Library and Faulkner Gallery at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002 qualify for historic designation under City of Santa Barbara Master Environmental Assessment (MEA) criteria;

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution dated November 10, 1998), staff has determined that designation of the Central Library and Faulkner Gallery at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, as a City Landmark is a Categorical Exemption;

WHEREAS, in summary, the Historic Landmark Commission found that the Central Library and Faulkner Gallery at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, meets the following City Landmark criteria (A through K) listed in section 22.22.040 of the Municipal Code:

- Criterion A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation.
- Criterion D. Its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation.
- Criterion E. Its exemplification of the best remaining architectural type in a neighborhood.
- Criterion F. Its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation.
- Criterion G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials and craftsmanship.
- Criterion I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

WHEREAS, on August 15, 2012, the Historic Landmark Commission adopted Resolution of Intent No. 2012-1 to Hold a Public Hearing to Recommend to Council to designate as a City Landmark the Central Library and Faulkner Gallery at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002; and

WHEREAS, the Historic Landmarks Commission held a public hearing on August 29, 2012, during which hearing public comments were invited on the proposed landmark designation and the Historic Landmark Commission adopted Resolution No. 2012-1 to Recommend to Council designation as a City Landmark the Central Library and Faulkner Gallery at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the Central Library and Faulkner Gallery at 40 East Anapamu Street are designated as a City Landmark based on the historic and cultural significance of facts presented in the attached Landmark Designation Staff Report dated August 29, 2012.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA DESIGNATING THE CORYMBIA
(EUCALYPTUS) CITRIODORA TREES AT
40 EAST ANAPAMU STREET AS A CITY LANDMARK

WHEREAS, Section 22.22.050 of the Municipal Code of the City of Santa Barbara grants the Historic Landmarks Commission (HLC) the authority to initiate a designation process to recommend to the City Council the designation as a City Landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance;

WHEREAS, the HLC Designation Subcommittee reviewed a Landmark Nomination Draft Report by Landscape Architect Bob Cunningham requesting the designation as a City Landmark the Corymbia (Eucalyptus) Citriodora trees on the property;

WHEREAS, given the historic and aesthetic significance of the thirteen Corymbia (Eucalyptus) Citriodora trees that create a skyline that is important to the El Pueblo Viejo Landmark District, the HLC Designation Sub-committee initiated the request for a report for designation of the trees as a City Landmark;

WHEREAS, historic research in the form of a Staff Report dated August, 2012 (Exhibit A) has determined that the thirteen Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, qualify for historic designation under City of Santa Barbara Master Environmental Assessment (MEA) criteria;

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act Guidelines and the City List of Activities Determined to Qualify for a Categorical Exemption (City Council Resolution dated November 10, 1998), staff has determined that designation of the thirteen Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, as a City Landmark is a Categorical Exemption;

WHEREAS, in summary, the Historic Landmarks Commission found that the thirteen Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, meet the following City Landmark criteria (A through K) listed in section 22.22.040 of the Municipal Code:

- Criterion I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

WHEREAS, on August 15, 2012, the Historic Landmarks Commission adopted Resolution of Intent No. 2012-1 to hold a public hearing to recommend to Council the designation as a City Landmark the thirteen Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002; and

WHEREAS, the Historic Landmarks Commission held a public hearing on August 29, 2012, during which hearing public comments were invited on the proposed landmark designation, and the Historic Landmarks Commission adopted Resolution No. 2012-1 to recommend to Council the designation as a City Landmark the thirteen Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the Corymbia (Eucalyptus) Citriodora trees at 40 East Anapamu Street, Assessor's Parcel No. 039-232-002, are designated as a City Landmark based on the historic and cultural significance of facts presented in the Landmark Designation Staff Report dated August 29, 2012.



Agenda Item No. 9

File Code No. 440.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 23, 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 the Police Officers Association, the Firefighters Association, the Police Management Association, and the new Fire Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

SCHEDULING: Duration, 30 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: October 23, 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 *Citizens Planning Association, et al., v. Peak-Las Positas Partners, et al.*, SBSC Case No. 1301176.

SCHEDULING: Duration, 15 minutes; anytime

REPORT: None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office