CITY OF SANTA BARBARA
CITY COUNCIL

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

James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

OCTOBER 15, 2013
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)

1. Subject: 2013 Fire Code Adoption (120.03)

Recommendation: That the Ordinance Committee review and recommend for approval to the City Council an ordinance amending Santa Barbara Municipal Code 8.04, adopting by reference the 2013 California Fire Code and selected appendices of said code with local amendments, and repealing Ordinance Number 5535, which adopted the 2010 edition of the California Fire Code.

2. Subject: Adoption And Amendments To California Building Codes (120.03)

Recommendation: That the Ordinance Committee recommend that Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes; Adopting Local Revisions to Those Codes; and Repealing Ordinance Number 5536.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of October 1, 2013.

2. Subject: Adoption Of Ordinance For Consent To Sublease Amendment Between Signature Flight Support Corporation And Fidelity National Financial, Inc. (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Consent to Amendment of Sublease No. 200855 Between Signature Flight Support Corporation (Signature), a Delaware Corporation, and Fidelity National Financial, Inc., a Delaware Corporation, Amending the "Term" of the Sublease to Make it Coterminous With That of the Master Lease, July 31, 2016, To Take Effect on the Effective Date of the Ordinance.

3. Subject: Adoption Of Single Use Bag Ordinance And Resolution Making Certain Findings Concerning The Single-Use Bag Ordinance (640.07)

Recommendation: That Council:

A. Adopt, by reading of title only, A Resolution Of The City Council Of The City Of Santa Barbara Making Certain Findings Required By The California Environmental Quality Act Concerning The City's Single-Use Bag Ordinance And Denying An Appeal Of The City Planning Commission Decision To Certify A Final Environmental Impact Report For The City's Proposed Single-Use Carryout Bag Ordinance; and

B. Adopt, by reading of title only, An Ordinance Of The Council Of The City Of Santa Barbara Amending The Santa Barbara Municipal Code By Adding Chapter 9.150 Pertaining To The Use Of Single-Use Carryout Bags At Certain Retail Food And Grocery Store Establishments Within The City.

4. Subject: Adoption of Ordinance For Memorandum Of Understanding With The Police Officers' Association (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting A Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers' Association for the Period of July 1, 2013, through June 30, 2016.

CONSENT CALENDAR (CONT'D)

5. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board of Review Design Approval For 510 North Salsipuedes Street (People's Self Help Housing) (640.07)

Recommendation: That Council:

A. Set the date of November 26, 2013, at 2:00 p.m. for hearing the appeal filed by Trevor J. Martinson of the Architectural Board of Review Project Design Approval of an application for property owned by People's Self Help Housing and located at 510 North Salsipuedes Street, Assessor's Parcel Nos. 031-222-018, -019, and -021, C-M Commercial Manufacturing Zone, General Plan Designation: Commercial/Medium High Residential. The project proposes the construction of a 63,171 total square-foot, three-story, 40-unit affordable apartment project with attached garage and community center. Three existing lots will be merged to create one 41,099 square-foot property; and

B. Set the date of November 25, 2013, at 1:30 p.m. for a site visit to the property located at 510 North Salsipuedes Street.

NOTICES

6. The City Clerk has on Thursday, October 10, 2013, 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.

7. Receipt of communication advising of vacancies created on the Santa Barbara Youth Council with the resignations of Naomi Zamudio and Eesha Kelkar; the vacancies will be part of the next City Advisory Group recruitment.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

WATERFRONT DEPARTMENT

8. Subject: 2013 Annual Charitable Giving Campaign (170.01)

Recommendation: That Council receive a report from the Chairperson of the City's 2013 Annual Charitable Giving Campaign.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

CITY ADMINISTRATOR

9. Subject: Citywide Sustainability Achievements (630.02)

Recommendation: That Council receive a presentation on sustainability achievements, highlighting the City's recent accomplishments in environmental programs.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara, et al.,* USDC Case No. CV10-6534 DDP(RCx).

Scheduling: Duration, 15 minutes; anytime
Report: None anticipated

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Jeannetta Ann Purdue Rizkalla And Tarek Ramzi Rizkalla v. City Of Santa Barbara, et al*., SBSC Case No.1383789.

Scheduling: Duration, 15 minutes; anytime
Report: None anticipated

CLOSED SESSIONS (CONT'D)

12. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 to consider the proposed lease of City-owned real property.

Real Property: 602 West Anapamu Street, Santa Barbara, California.

City Negotiators: Nancy L. Rapp, Parks and Recreation Director and Scott Vincent, Assistant City Attorney.

Negotiating Parties: Executive Director Gina Carbajal and members of the Board of Directors, United Boys and Girls Clubs of Santa Barbara County.

Under Negotiation: Price and terms of a lease of City-owned real property.
Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

13. Subject: Public Employment (450.01)

Recommendation: That Council hold a closed session, per Section 54957 of the Government Code, to consider the Council process for recruiting and selecting a City Attorney.
Title: City Attorney
Scheduling: Duration, 30 minutes; anytime
Report: None anticipated

ADJOURNMENT

File Code 120.03

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 15, 2013
TIME: 12:30 p.m.
PLACE: Council Chambers

Grant House, Chair
Frank Hotchkiss
Randy Rowse

Office of the City Administrator

Kate Whan
Administrative Analyst

Office of the City Attorney

Stephen P. Wiley
City Attorney

ITEM FOR CONSIDERATION

1. **Subject: 2013 Fire Code Adoption**

   Recommendation: That the Ordinance Committee review and recommend for approval to the City Council an ordinance amending Santa Barbara Municipal Code 8.04, adopting by reference the 2013 California Fire Code and selected appendices of said code with local amendments, and repealing Ordinance Number 5535, which adopted the 2010 edition of the California Fire Code.

2. **Subject: Adoption And Amendments To California Building Codes**

   Recommendation: That the Ordinance Committee recommend that Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04; Adopting by Reference the California State Building Codes and Other Related Codes; Adopting Local Revisions to Those Codes; and Repealing Ordinance Number 5536.

Agenda Item No. 1

File Code No. 120.03

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 15, 2013

TO: Ordinance Committee

FROM: Fire Prevention Bureau, Fire Department

SUBJECT: 2013 Fire Code Adoption

RECOMMENDATION:

That the Ordinance Committee review and recommend for approval to the City Council an ordinance amending Santa Barbara Municipal Code 8.04, adopting by reference the 2013 California Fire Code and selected appendices of said code with local amendments, and repealing Ordinance Number 5535, which adopted the 2010 edition of the California Fire Code.

DISCUSSION:

In 2007, the State of California and local jurisdictions within the State adopted the International Fire Code, with State and local amendments. The International Fire Code is part of a greater series of model codes that includes the International Building Code, also published by the International Code Council (ICC). Both were adopted by the State under Title 24 of the California Code of Regulations, Part 9 and Part 2 respectively. The codes are on a three-year revision cycle and in 2010 we revised the California versions of the international codes and readopted them under Ordinances 5535 and 5536. The codes are once again at the end of a three-year cycle and the new California Codes will go into effect January 1, 2014. The State of California has completed amendments to the codes as of July 1, 2013 and local jurisdictions have 180 days to further amend them before they become law. In 2007 and again in 2010, Council adopted the California Fire Code, which was further amended based on local conditions as the Santa Barbara Fire Code. We are currently at the start of another three-year cycle.

As we have in the past, local amendments to the code are kept to a minimum and are designed to address situations based on local conditions. We adopt this code together with companion codes adopted by Building and Safety Division such as the California Building Code and California Residential Code. Our coordinated approach and joint adopted sections make the city codes consistent and easily understood by stakeholders. Areas of common interest such as the Board of Appeals protocols and High Fire Hazard Area construction requirements are finalized between the affected city divisions before incorporation into the respective ordinances. In this way we attempt to

eliminate ambiguous or contradictory language and other potential conflicts. The attachment with this report summarizes our edits to adopted sections.

Staff recommends that the Ordinance Committee forward the ordinance amendments to the City Council for approval.

ATTACHMENT(S): 1. Summary of Amendments, California Fire Code
2. Draft Fire Code Ordinance

PREPARED BY: Joseph Poiré, Fire Marshal

SUBMITTED BY: Patrick McElroy, Fire Chief

APPROVED BY: City Administrator's Office

Attachment 1

Santa Barbara City Fire Department

2012 International Fire Code / 2013 California Fire Code Adoption
Summary of Amendments

October 15, 2013

MC = Municipal Code, CFC = International or California Fire Codes

#	Chapter/Section	Title	Concept	Type(new, existing CFC / MC deleted or revised)	Findings
1.	Chapter 1 Division II / Sec 103 & 103.1	Fire Prevention Bureau	Updates International Code language referring to "Prevention Department"; replaces with "Fire Prevention Bureau"	Existing, updated CFC / MC	NA
2	Chapter 1, Division II / Sec. 103.3.1	Fire Prevention Bureau Personnel and Police	Part of the organization of the Fire prevention Bureau, carried over from the existing code, citing authority of fire code officials.	Existing, CFC / MC	NA
3	Chapter 1 Div II Sec. 104.10	Fire Investigations	Existing language from the 2010 California Fire Code, with minor word changes for clarity, citing authority to investigate.	Existing, CFC / MC	NA
4	Chapter 1/ Division II Sec.108	Board of Appeals	Base code appeal sections, deleted to allow for local appeals sections below.	Deleted	NA
5	Chapter 1/ Division II. Sec 109.4	Violation Penalties	Completes the IFC section 109 by describing violations of the code as a misdemeanor, consistent with current language. Minor section number change	Existing, CFC / MC	NA
6	Chapter 1/ Division II Sec. 114.1.1 through 114.1.8	Building and Fire Code Board of Appeals	Readopts existing local provisions for a joint Building and Fire Code Board of appeals. Companion section to California Building Code Section 113.	Existing, CFC / MC,	NA
7	Chapter 3 / Section 308.1.4	Open Flame cooking devices	Deleted and new sections added below as in the 2010 adoption,	Existing, MC	NA
8	Chapter 3 / Section 308.1.4.1	Open Flame cooking Devices	Existing section in the local code, again amending the CFC. IFC 308.1.4, which prohibited charcoal barbeques on most apartment patio's and decks within 10 feet of any combustible element, a section that is unenforceable. Not adopted by the state.	MC / Existing	NA
9	Chapter 3 / Section 308.1.4.1	Liquefied-petroleum gas fueled cooking devices.	Amends the section to allow standard sized (5 gallon) propane barbeques on apartment decks / balconies.	MC / Existing	NA
10	Chapter 4	Emergency Planning and Preparedness	As in 2010, this chapter not adopted either locally or at the state level. Chapter 4 conflicts with or duplicates state regulations (Title 19) in several sections; has additional requirements	Deleted	NA

			in conflict with or not desirable under local conditions.		
11	Chapter 5 / Section 503.1 through 503.5.2	Fire Apparatus Access Roads	Amends the access sections to meet existing local requirements of 20 feet in width for commercial and 16 feet in width for residential to within 150 feet of exterior walls. Minor changes to the exceptions allowed for the 150 foot requirement, adding language to #1 that maintains current local standards for grade, cross slope turning radius and dead ends.	Existing, CFC / MC, minor revisions	Yes
12	Chapter 5 / 503.5.1.1 and 503.5.1.2	Secured Gates and barricades	One section amended, one added to the access roadways, dealing with the closure of certain roadways due to fire danger. Minor revisions to the "tampering" with locked gates section and the new section prohibits parking vehicles in a manner that blocks closed gates.	Existing MC	Yes?
13	Chapter 5 / Section 505.1.1	Premise Identification, Mixed use occupancy	Refers to local municipal code section 8.04.030 regarding mixed use occupancy signs to clarify that they are required in both existing and new construction.	Existing MC	Yes
14	Chapter 5 / Section 505.3	Directory	Maintains the existing requirement for a project directory when required by the fire code official. Minor wording changes.	Existing MC	Yes
15	Chapter 5 / Section 507.through 507.5.6	Required Water Supply	The basic fire flow requirements of Chapter 5 were adopted by the state, along with Appendix B of the International; Code. The state then leaves local jurisdictions to either use Appendix B or any "approved method" without further definition. These sections outline the locally approved method and are a readoption of our existing fire-flow requirements for new construction.	Existing MC	Yes
16	Chapter 9 / Section 903.2.20	Automatic Fire Sprinkler Systems	The California Fire Code provisions in Chapter 9 are less stringent than our existing requirements, in some cases allowing for assembly occupancies up to 12,000 square feet without sprinklers. Changes in Chapter 9 are similar to changes we made in 2007 when we amended to code with local sprinkler requirements, both commercial and later, residential. Once again this year the state divided sprinkler requirements and assigned residential sprinklers to the 2013 California Residential Code. We therefore moved our own residential sprinkler requirements to that code, under Section R313. Our commercial requirements remain in this chapter of both the Fire and Building Codes.	Existing MC, CFC, CBC & Cal. Residential Code	Yes
17	Chapter 9 / Section 907.2.30	Fire Alarm Detection Systems	This section is a minor revision of our existing requirement for an automatic detection fire alarm in mixed use occupancies. We first authored this section in response to the proliferation of residential units above commercial occupancies throughout the city. The concept is to alert the residents in the	Existing, MC, CFC	Yes

			event of a fire condition in the business occupancies below, especially at night when the business is closed.		
18	Chapter 49 / Sections 4901 through 4909.13	Requirements for Wildland Interface Areas	These sections were adopted in 2007 as Chapter 47,, which was later changed to Chapter 49. Local sections have been renumbered to match and supplement the state's adopted version of the code. Two new sections added (below) concerning landscape plants. Also added is a reference to the adoption of the 2004 Wildland Fire Plan as the City of Santa Barbara Community Wildfire Protection Plan (CWPP) in 2011.	Existing MC	Yes
19	Chapter 49/ Section 4906.1.2	Flammable Vegetation	Clarifies language about landscape plants installed without a permit and cause for removal in the HFH areas	New	NA
20	Chapter 49 Section 4907.5	Vines and Climbing ornamentals	Addresses the maintenance of existing vines and climbing plants attached to structures in the HFH areas.	New	NA
21	Chapter 56 / 5601.2	Explosives and Blasting Agents	Formerly Chapter 33, renumbered by the publisher. Limits storage by Zone, excludes most of the city. Storage is limited to the industrial zone near the airport, by permit only	Existing MC	NA
22	5601.3 and 5601.4	Fireworks, Prohibition	State law allows for "safe and sane" fireworks. Maintains the current prohibition on all fireworks within the city limits, including safe and sane. Provides for confiscation.	Existing MC	Yes
23	Municipal Code Section 8.04.030 A and B	Fire Prevention Development Standards	A) Fire Zone 2 allows for on site water and other requirements in areas where there is no municipal water supply. B) Requires the mixed use occupancy sign, which identifies the presence of dwelling units for first responders when a new building combines residential and commercial occupancies. No proposed changes.	Existing MC	Yes

ATTACHMENT 2

ORDINANCE COMMITTEE DISCUSSION DRAFT 10/15/13

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA REPEALING SANTA BARBARA MUNICIPAL CODE CHAPTER 8.04 AND ADOPTING A NEW CHAPTER 8.04 ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, AS PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, BB C, CC AND H OF THAT CODE, WITH LOCAL AMENDMENTS

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

SECTION 1. **Findings**

Climatic Conditions

A. The City of Santa Barbara is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry winds, ("Sundowners") which may reach speeds of 60 m.p.h. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. In addition, the high winds generated often cause road obstructions such as fallen trees. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires. In addition to directly damaging or destroying buildings, these fires also disrupt utility services throughout the area. The City of Santa Barbara and adjacent front country have a history of such fires, including the 1990 Painted Cave Fire and the 1977 Sycamore Canyon Fire. In 2007, the City was impacted by the back country Zaca Fire and by the Gap fire in 2008. The Tea Fire destroyed over 150 homes within the City in November of 2008 and the Jesusita Fire destroyed homes and property in much of the Santa Barbara front country in May of 2009.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Fire Department's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the City.

C. Water demand in this area challenges the quantity supplied by natural precipitation and, although the population continues to grow, the already-taxed water supply does not. The estimated population of California in 2006 was more than 36 million people. The state is projected to increase in population by nearly 10 million by

the year 2030, with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall, future water allocation may not be fully dependable in many areas of the state. The city's core area continues to become more concentrated, with new multi-storied mixed-use structures whose occupants, along with the structures themselves, could be vulnerable to uncontrolled fires due to lack of available water. This necessitates the need for additional and on-site fire protection features.

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems also reduce the use of water for firefighting by extinguishing fires at an early stage.

Topographical conditions:

A. Natural slopes of 15 percent or greater generally occur throughout the foothills of Santa Barbara, especially in the High Fire Hazard areas such as the Foothill and Extreme Foothill zones. With much of the populated lower elevation areas already built upon, future residential growth is and will continue to occur on steeper slopes and in areas with greater constraints in terrain such as the Foothill and Extreme Foothill zones. Geographic and land-use constraints throughout the city have resulted in greater density along with a large number of mixed use projects, combining residential with commercial occupancies.

B. Traffic and circulation congestion is an ongoing problem throughout the region. Traffic flow in and through Santa Barbara is limited by the transverse Santa Ynez Mountains, which provide limited passage to the north, and the Pacific Ocean to the south. The narrow corridor that Highway 101 occupies is subject to traffic delays under normal conditions and emergency events can render the highway impassable. This has the double effect of preventing traffic from leaving the city and potentially preventing emergency workers, who often live out of town, from entering. This condition existed for several days during the La Conchita slide in 2005 and it disrupted the return of city workers who live in the Ventura area. At various times in the city's history, Highway 101 has also been closed north of the city due to mudslides, fires and flooding, most recently near Gaviota Pass, where a fire also temporarily closed the Rail access.

In addition, roads in the foothills are narrow, often steep and vulnerable to emergency conditions. Some of the older roadways are below current access standards and pose challenges to responding emergency vehicles, especially fire engines. These challenges are exacerbated in the event of an evacuation, particularly in the Foothill and Extreme Foothill zones.

C. These topographical conditions combine to create a situation which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

Geological conditions:

The City of Santa Barbara region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Known faults in the city include the Lavigia, North Channel Slope, Mesa and Mission Ridge-More Ranch faults. Additional faults near the city would also be capable of disruption of services, including fire protection. The Southern California Earthquake Center predicts that there is an 80-90% probability of a magnitude 7.0 earthquake somewhere in Southern California before the year 2024. Regional planning for reoccurrence of earthquakes is recommended by the State of California, Department of Conservation.

A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Loma Prieta earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. In addition to gas mains, individual gas and electric service connections to residences may provide both fuel and ignition sources during a seismic event. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants.

B. Road circulation features located throughout Santa Barbara also make amendments reasonably necessary. There are major roadways, highways and flood control channels that create barriers and slow response times. Hills, particularly in the Foothill and Extreme Foothill zones, slopes, street and storm drain design accompanied by occasional heavy rainfall, cause roadway flooding and landslides and at times may make an emergency access route impassable. Much of Sycamore Canyon lies in an area subject to geologic activity, as witnessed by the recent closure of the road due to the slide potential.

The climatic, topographical, and geological conditions described above make it prudent to rely upon automatic fire sprinkler systems and other fire protection measures to mitigate extended fire department response times. Automatic sprinklers, mixed use notification signs, fire alarms and other measures specified in this ordinance are intended to lessen life safety hazards and keep fires manageable with potentially reduced fire flow (water) requirements for a given structure. Additional fire protection is also justified to

match the current resources of firefighting equipment and personnel within the Santa Barbara City Fire Department.

SECTION 2. Section 8.04.010 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.010 Adoption of California Fire Code by Reference

Subject to the amendments specified in Section 8.04.020 of this Code, the California Fire Code, as published by the California Building Standards Commission (2013 Edition), including Appendix Chapter 4 and Appendices B, BB, C, CC and H; and all standards and secondary codes referenced in said code are adopted by reference. This publication by the California Building Standards Commission shall be referred to as the California Fire Code.

With the amendments specified in Section 8.04.020 , the California Fire Code, as published by the California Building Standards Commission, shall be known as the City of Santa Barbara Fire Code. Said codes and any standards and secondary codes adopted by reference and the amendments therein, are on file and available for public inspection in the office of the City Clerk.

SECTION 3. Section 8.04.020 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.020 Amendments to California Fire Code

In response to local climatic, geological and topographical conditions, the 2013 California Fire Code, as adopted by reference in Section 8.04.010, is amended as follows:

A. Section 103"Department of Fire Prevention" is hereby retitled "Fire Prevention Bureau".

B. [A] 103.1 "General" is deleted in its entirety and readopted to read as follows:

[A] 103.1 General. The Fire Prevention Bureau is established in the jurisdiction under the fire code official. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.

C. [A] 103.3.1 "Fire prevention bureau personnel and police" is added to read as follows:

[A]103.3.1 Fire prevention bureau personnel and police. The fire code official and members of the fire prevention bureau shall have the powers of a police officer in performing their duties under this code. When requested to do so by the fire chief, the chief of police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

D. Section 104.10 “Fire investigations” is amended to read as follows:

[A] 104.10 Fire investigations. The fire code official is authorized to investigate promptly the cause, origin and circumstances of every fire, explosion or other hazardous condition occurring in the jurisdiction. In addition, the fire code official is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials in the jurisdiction. If it appears to fire code official that such incidents are of suspicious origin, the fire code official is authorized to take immediate charge of all physical evidence relating to the cause of the fire, explosion, hazardous condition, or release and is authorized to pursue the investigation to its conclusion.

[A]104.10.1 Assistance from other agencies. Police and other enforcement agencies are authorized to assist in the investigation of fires when requested to do so by the fire code official.

E. Section 108 “Board of Appeals” is deleted in its entirety without replacement.

F. Section [A]109.4 “Violation penalties” is amended to read as follows:

[A] Section 109.4 Violation penalties. Persons who violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor. Penalties shall be as prescribed by state law and local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Chapter 1, Division II of the California Fire Code is amended by adding Section 114 “Building and Fire Code Board of Appeals” to read as follows:

Section 114. Building and Fire Code Board of Appeals

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The Fire Code Official or Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official or Building Official.

114.1.1 Alternatives. The Board may consider any alternate provided that it finds that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in accessibility, suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

114.1.2 Appointments. The City Council shall appoint individuals to an eligibility list. Appeals shall be scheduled before five members selected from the eligibility list by the Community Development Director or the Fire Code Official as may be appropriate based on the subject matter.

114.1.3 Quorum. It shall take a quorum of three members to hear an appeal and majority vote of the Board convened to sustain an appeal.

114.1.4 Chairperson. The chairperson shall be selected by the convened Board. The chairperson shall maintain order and conduct the meeting in accordance with Section 114.1.7 and 114.1.8.

114.1.5 Meetings. The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Code Official or their designee shall act as Secretary of the Board.

114.1.6 Board Decisions. The decision of the Building and Fire Code Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Building Official or Fire Code Official as may be appropriate.

114.1.7 Procedures. The Chief Building Official or Fire Code Official may use the procedure for Conduct of Hearing Appeals in accordance with Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings for appeals. The Board may elect alternate procedures by a unanimous vote of the convened Board as they may deem appropriate.

114.1.8 Procedural Rules. Appeal hearings shall be conducted substantially in accordance with the following format:

1. The Chairperson shall call the meeting to order.

2. The Chairperson shall note the Board members present for the minutes.

3. The Chairperson shall recognize the Chief Building Official or Fire Code Official for presentation of the appeal. The Chief Building Official or the Fire Code Official shall read his/her recommendation to the Board. This recommendation shall be the standing motion before the Board.

4. The Chairperson shall recognize the Appellant for presentation of rebuttals.

5. All witnesses must be called by either the Appellant or the Chief Building Official or the Fire Code Official and may be questioned.

6. After a motion to amend, accept, or deny the standing motion has been made and seconded, the Board may entertain comments from the public.

7. The Board shall vote on the standing or amended motion.

8. The Chairperson shall adjourn the meeting at the end of business.

9. The Secretary shall prepare minutes for the record and shall serve as custodian of case records and said minutes.

H. **Chapter 3** of the California Fire Code is amended as follows:

1. Section 308.1.4 is deleted in its entirety and readopted to read as follows:

Section 308.1.4 Liquefied-petroleum gas fueled cooking devices. LP gas burners having an LP gas container with a water capacity greater than 25 pounds (5 Gallon) shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One and two-family dwellings.

2. Section 317.1.1 Rooftop Gardens and Landscaped Roofs is added to read as follows:

317.1.1 Rooftop Gardens and Landscaped Roofs. Rooftop gardens and landscaped roofs, also known as vegetated roofs, are prohibited in the High Fire Hazard areas.

I. Chapter 4 of the California Fire Code is deleted in its entirety without replacement.

J. Section 503 “Fire Apparatus Access Roads” is deleted in its entirety and readopted to read as follows:

503.1 Where Required. Fire Department access roads shall be provided and maintained in accordance with Sections 503.1.1and 503.1.3

503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus roads shall comply with the requirements of this section and shall extend to within 150 feet of (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

2. Fire apparatus Roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternate means of fire protection is provided.

503.1.2 Additional Access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access.

503.1.3 High Piled Storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. If a fire apparatus access road serves three or fewer single-family residential units, the required width may be reduced to not less than 16 feet (4879 mm) upon the approval of the fire code official.

503.2.2 Authority. The fire code official is authorized to require and increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Such fire apparatus access roads shall be capable of supporting 60,000 pounds and shall be constructed of approved materials.

503.2.4 Turning radius. The turning radius of roadways shall be no less than 70 feet in diameter measured from outer edge to outer edge.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 300 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are

not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed a 16 % grade.

503.2..7.1 Cross-slope. The cross-slope gradient shall not exceed 6%.

503.2.8. Angle of Approach and Departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. The minimum required widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.5 Required gates or barricades.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

503.5.1.1 Vehicle obstruction. Entrances to roads, trails, or other access ways that have been closed with gates and barriers in accordance with Section 503.5 shall not be obstructed by parked vehicles, except for public officers acting within their scope of duty.

503.5.1.2 Closure of access ways. Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner except when authorized by the fire code official or by public officers acting within their scope of duty.

503.5.2 Fences and Gates. School grounds may be fenced and gates therein may be equipped with locks, provided that safe dispersal areas based on 3 square feet ($0.28m^2$) per occupant are located between the school and the fence. Such required safe dispersal areas shall not be located less than 50 feet (15240 mm) from school buildings. Every public and private school shall conform to Section 32020 of the Education Code.

K. Section 505 “Premises Identification” is amended to add Sections 505.1.1 and 505.3 to read as follows:

505.1.1 Mixed Use Occupancy Identification. Mixed use occupancy notifications signs shall be provided according to Municipal Code 8.04.030 (B).

505.3 Directory. For complexes and large buildings, an approved directory or premise map may be required at a location determined by the fire code official.

L. Section 507 “Fire Protection Water Supplies” is deleted in its entirety and readopted to read as follows:

507.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Prior to development of a project, the fire code official may require the flow testing of fire hydrants adjacent to the proposed development in order to determine adequacy of fire flow.

507.2 Type of Water Supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required flow.

507.2.1 Private fire service mains. Private fire service mains and appurtenance shall be installed in accordance with NFPA 24.

507.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

507.3 Fire Flow. Fire Flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method *or Appendix B*. For the purposes of this section, an "approved water supply" shall mean the following:

1. Residential Requirement. All residential buildings containing ten (10) or less dwelling units shall be served by a fire flow of 750 gpm at a residual pressure of 20 psi when flowing. Fire-flow requirements may be modified downward by the fire code official for isolated buildings or the installation of approved fire protection devices, but in no case shall the fire flow be less than 500 gpm at a residual pressure of 20 psi. Residential buildings containing eleven (11) or more dwelling units shall be served by fire flows in compliance with the commercial requirements below.
2. Commercial Requirement. A fire flow of 1,250 gpm at a residual pressure of 20 psi when flowing will be required.

507.4 Water Supply Test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.1 through 507.5.6 or Appendix C of the International Fire Code.

507.5.1 Where Required, Commercial. A commercial hydrant to Santa Barbara City standards must be located within 300 feet of all portions of a facility or building as measure by an approved route around the exterior of the facility or building. Where a portion of the facility or building is hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, the fire code official may require on-site hydrants or another approved mitigation method.

507.5.1.1 Where Required, Residential. For Group R-3, Group U and Group R-2 occupancies containing ten (10) or less dwelling units, a residential hydrant to Santa Barbara City standards must be located within 500 feet of all portions of a facility or building as measure by an approved route around the exterior of the facility or building. Where a portion of the facility or building is hereafter constructed or moved into or within the jurisdiction is more than 500 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, the fire code official may require on-site hydrants or another approved mitigation method.

507.5.2 Inspection, Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

507.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with *Title 19 California Code of Regulations Chapter 5*.

507.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312.

M. Section 903.2 “Where required” is amended to add Section 903.2.20 to read as follows:

903.2.20 Local Requirements. Approved automatic sprinkler systems shall be installed throughout buildings and structures as specified elsewhere in this Section 903.2 or as specified in this Section 903.2.20, whichever is more protective.

903.2.20 .1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.20..2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City's designated High Fire Hazard Area.

Exception: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.20.3 Additions to Buildings Other than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.20.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 50% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 50% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.20.5 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification

903.2.20.6 Computation of Square Footage. For the purposes of this Section 903.2.19, the floor area of buildings shall be computed in accordance with the definition of "Floor area, Gross" provided in Section 1002.1 of the California Building Code.

903.2.20.7 Existing use. Any existing building not classified as Group R, Division 3, in existence at the time of the effective date of this code may have their use continued if such use was legal at the time. Additions to existing buildings shall require an automatic fire sprinkler system installed throughout, including areas not previously protected.

N. Section 907 “Fire Alarm and Detection Systems” is amended to add Section 907.2.27 to read as follows:

907.2.30 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall be installed in a manner and location approved by the fire code official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030 B.

O. Section 4901 “General” is amended to read as follows:

Section 4901.1 Scope. The mitigation of conditions where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses shall comply with this chapter. In addition, this section is intended to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas as defined by the City of Santa Barbara Wildland Fire Plan.

Section 4901.2 Purpose. The purpose of this code is to provide minimum standards to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements. In addition, the purpose of this code is to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in Urban Wildland Interface Areas.

Section 4901.3 Policy. The policy direction for the City of Santa Barbara Wildland Urban Interface Area is established by the City of Santa Barbara Wildland Fire Plan, approved by City Council in January of 2004.

P. Section 4902 “Definitions” is amended to add the definitions of “Spark Arrester”, “Tracer”, and “Tracer Charge” and to amend the definition of “Wildland-Urban Interface Fire Area” to read as follows:

Spark Arrester is defined as a device constructed of non-flammable materials specifically for removing and retaining carbon and other flammable particles over 0.0232 inches in size from the exhaust flow of an internal combustion engine operated by hydrocarbons.

Tracer is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which result in fire or heat.

Tracer Charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced Sections of the Government Code and the Public Resources Code. The City of Santa Barbara Wildland Fire Plan, approved by City Council in January of 2004 outlines the Wildland Urban Interface Areas within the City of Santa Barbara's local jurisdiction. For purposes of this code, Wildland Urban Interface Areas and High Fire Hazard Areas are interchangeable.

Q. Section 4903 "Plans" is amended to read as follows:

4903.1 General. When required by the fire code official, a fire protection plan shall be prepared for parcels within Urban Wildland Interface Areas.

4903.2 Content. The plan shall be based on site specific wildfire hazard and risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building construction and fire-resistance factors, fire protection systems and equipment, evacuation, defensible space and vegetation management. The plan shall also address any off site factors listed above that affect the project area.

4903.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4903.4 Plan retention. The fire protection plan shall be retained by the fire code official.

R. Section 4904 "Fire Hazard Severity Zones" is amended to add Section 4904.1.1 to read as follows:

4904.1.1 Local Land Classification. Lands in the local jurisdiction are classified by the Fire Code Official in accordance with the City of Santa Barbara Wildland Fire Plan (May 2004).

S. Section 4906 "Hazardous Vegetation and Fuel Management" is amended to add Sections 4906.1.1 and 4906.1.2 to read as follows:

4906.1.1 General. The City of Santa Barbara Wildland Fire Plan identifies vegetation management areas that pose an increased threat to the community during a wildland fire. Within these areas the fire code official has the authority to work with property owners to reduce the amount of flammable vegetation outside the defensible space areas. These

areas include both City and Private lands. Standards for vegetation management are specified in the City of Santa Barbara Wildland Fire Plan.

4906.1.2 Flammable Vegetation. Vegetation installed without an approved landscape plan shall be removed if in the opinion of the fire code official, it is capable of being ignited and endangering property

T. Section 4907 “Defensible Space” is amended by adding the following:

4907.1.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall follow defensible space requirements outlined in 4907.1 through 4907.9. For purposes of this section, defensible space requirements shall apply to persons owning, leasing or controlling land with hazardous vegetation that is within the defensible space of structures on adjacent properties.

4907.2 Distance Requirements: Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 to 150 feet of such buildings or structures as outlined in the following zones;

1. Coastal Interior	30 to 50 feet brush clearance from structures
2. Coastal	50 to 70 feet brush clearance from structures
3. Foothill	100 feet brush clearance from structures
4. Extreme Foothill	150 feet brush clearance from structures

Exceptions:

1. Single specimens of trees, ornamental shrubbery or similar plants used as ground covers do not have to be removed, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

4907.3 Chimney Clearance. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney,

4907.4 Overhanging Trees. Maintain trees adjacent to or overhanging a building free of deadwood,

4907.5 Vines and Climbing Ornamental Plants: Existing vines and climbing plants attached to structures must be maintained in a well watered condition, free of excessive dead material and trimmed to minimize fire propagation.

4907.6 Roof Debris. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth

4907.7 Additional Clearance Requirements. Within any high fire hazard zone additional brush clearance may be required on slopes greater than 30%. Slopes ranging between 30 and 40 % slope may require 200 feet clearance. Slopes ranging from 41 to 60% may require 250 to 300 foot clearance.

4907.8 High Fire Hazard Area Fire Safe Landscaping. All parcels in the Wildland Urban Interface Areas must meet defensible space requirements as outline in 4707.1. Defensible Space requirements can be met though fire safe landscaping in accordance with Wildland Fire Plan, Appendix E (High Fire Hazard Landscape Guidelines). Fire safe landscaping requirements shall be utilized on all parcels within the Wildland Urban Interface Areas.

4907.8.1 New Development. New developments in the wildland urban interface area must submit Landscape Plans for review by the Fire Code Official. Landscaping shall meet the Defensible Space distances as outlined in the Wildland Fire Plan, Appendix E (High Fire Hazard Defensible Space Requirements). All landscape plant species must be fire resistant as described in the Wildland Fire Plan, Appendix E (High Fire Hazard Landscape Guidelines).

4907.8 Vegetation Road Clearance. The owner, occupant or other person in control of any real property (vacant or developed) in, upon, or adjoining hazardous fire areas, and the owner, occupant or other person in control of real property adjacent to such property shall:

1. Maintain an area cleared of flammable vegetation and other combustible growth for a distance of 10 feet on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided they do not form a means of readily transmitting fire.

2. Maintain an area cleared of all overhanging vegetation for a vertical clearance of not less than 13 feet 6 inches within the full portion of highways and private streets which are improved, roadway and one foot (1 foot) on each side from the edge of the drivable roadway.

4907.9 Unusual Circumstances. If the fire code official determines that difficult terrain, danger or erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 4907 undesirable or impractical, enforcement thereof may be suspended and approved alternative measures shall be provided.

U. Section 4908 “Trespassing On Posted Property” is added to Chapter 49 to read as follows:

4908.1 General. When the fire code official determines that a specific area within a wildland urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provides.

4908.2. Signs. Approved signs prohibiting entry by unauthorized persons and referring to Section 4908.1 shall be placed on every closed area pursuant to this section.

4908.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

4908.4 Tampering With Fire Department Locks, Barricades And Signs Locks, barricades, seals, cables, signs and markers installed within wildland urban interface areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

V. Section 4909 “Ignition Sources” is added to Chapter 49 to read as follows:

4909.1 General. Control of ignition sources in wildland urban interface areas shall be in accordance with 4909.1 through 4909.12.

4909.2 Smoking. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in wildland urban interface areas is prohibited.

Exception: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

4909.3 Spark Arresters. Chimney’s used in conjunction with fire places, barbeques or heating appliances in which solid or liquid fuels is used, upon buildings, structures or premises located within 200 feet of wildland urban interface areas, shall be provided with a spark arrestor constructed with heavy wire mesh or other non-combustible material with openings not to exceed 1/2 inch.

4909.4 Suppression Equipment for Gasoline-Fueled Internal Combustion Engines- Off Road Vehicles. No person shall use or operate any internal combustion engine which operates on hydrocarbon fuels on any forest, brush, or grass covered land without providing, and maintaining in good working order, a spark arrester attached to the exhaust system, except for motorcycles, vehicles equipped with a muffler as defined by

the California Vehicle Code, such as motor trucks, truck tractors, buses, and passenger vehicles are not subject to the provisions of this section. Spark arresters affixed to the exhaust of engines shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4909.5 Suppression Equipment For Gasoline-Fueled Internal Combustion Engines- Tools. No person shall use or operate any portable saw, auger, drill, tamper or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest, brush, grass covered land, within 25 feet from any flammable material without providing at the immediate location a round point shovel or a 2A 10 BC fire extinguisher. The above tools shall at no time be farther than 25 feet, with unrestricted access, from the operator to the point of operation.

4909.6 Tracer Bullets, Tracer Charges, Rockets And Model Aircraft. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across wildland urban interface areas. Rockets, model airplanes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across wildland urban interface areas.

4909.7 Apiaries. Lighted and smoldering material shall not be used in connection with smoking bees in or upon wildland urban interface areas except by permit from the fire code official.

4909.8 Open Flame Devices. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildland urban interface areas, except by permit from the fire code official.

Exception: Use within habited premises or designated campsites which are a minimum of 30 feet from grass, grain, brush or forested areas.

4909.9 Outdoor Fires. Outdoor fires shall not be built, ignited or maintained in or upon wildland urban interface areas, except by permit from the fire code official. Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon wildland urban interface areas under the following conditions:

1. When high winds are blowing
2. When a person age 17 or over is not present at all times to watch and tend fire, or
3. When the fire code official declares a Red Flag Fire Warning

Exception: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbeque, portable barbeque, outdoor fireplace or grill and are a minimum of 30 feet from grass, grain, brush or forested areas.

4909.10 Outdoor Fireplaces and Barbeques. Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash,

or combustible waste material. Permanent barbeques outdoor fireplaces, portable barbeques and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen, or door.

Exception: When approved, unprotected openings in barbeques and grills necessary for proper functioning.

4909.11 Dumping. Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon wildland urban interface areas or in, upon or along trails, roadways or highways in wildland urban interface areas.

Exception: Approved public and private dumping areas**.**

4909.12 Disposal Of Ashes. Ashes and coals shall not be placed, deposited or dumped in or upon wildland urban interface areas.

Exception: (1) In the hearth of an established fire pit, camp stove or fireplace, (2) In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet from combustible vegetation or structures, (3) Where such ashes or coals are buried and covered with 1 foot of mineral earth not less than 25 feet from combustible vegetation or structures.

4909.13 Use Of Fire Roads And Firebreaks. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak**.**

Exception: Public officers acting within their scope of duty.

W. Section 5601 “General” is amended to add Sections 5601.2, 5601.3, and 5601.4 to read as follows:

Section 5601.2 Explosives and Blasting Agents. Storage of explosives and blasting agents is restricted to the A-I (Airport Industrial) zone.

Section 5601.3 Prohibition. The manufacturing, possession, storage, sale, use and handling of fireworks are prohibited in the City of Santa Barbara.

Exception: Commercial, theatrical and group entertainment productions as permitted by the fire code official and in accordance with Title 19, California Code of Regulations, Chapter 6. Fireworks.

Section 5601.4 Seizure: The fire code official is authorized to seize, take, remove or caused to be removed at the expense of the owner all stock of fireworks offered or

exposed for sale, stored or held in violation of this ordinance and Title 19, Chapter 6 of the California Code of Regulations.

SECTION 4. Section 8.04.030 of the Santa Barbara Municipal Code is adopted to read as follows:

8.04.030 Fire Prevention Development Standards

A. **Fire Zone 2.** Buildings or portions of buildings constructed within the boundaries of Fire Zone 2, as designated by the fire code official and shown on a map on file with the City Clerk and the Community Development Department, shall provide a ten thousand (10,000) gallon water tank to be used for fire protection purposes only, designed, installed and maintained in a manner approved by the fire code official, incorporating each of the following additional features in its construction:

1. All fire department access complies with the requirements of Section 503 of the International Fire Code (2009 Edition) as amended by this Chapter; and

2. All plantings used for landscaping within one hundred–fifty feet (150') of any structure must be fire resistant; and

3. All native brush, shrubs and grasses are kept cleared to within one hundred–fifty feet (150') of any structure; and

4. Residential fire sprinklers are installed in any building used for sleeping or cooking according to National Fire Protection Association Residential Standards.

B. **Mixed Use Occupancy Notification System.** Signs shall be installed in a manner and in locations approved by the fire code official indicating the presence of residential dwelling units in buildings of mixed-use occupancy. Required signs shall be clearly visible from the front of the building and conform to the following criteria:

1. All signs shall begin with the letter **R** followed by a hyphen.

2. **R -** shall be followed by cardinal numbers denoting the floors containing dwelling units. Example: **R-2** denotes dwelling units on the 2nd floor; **R-2-3** denotes dwelling units on the 2nd and 3rd floors.

3. Letters shall have a minimum of 4" high with a 1/2" wide stroke.

4. Letters shall contrast to their background.

5. Letters on glass shall be in reflective tape.

6. In the event that dwelling units are added or removed from floors, the required sign shall be updated prior to the occupancy of the altered floor space.

Example:

R-2

SECTION 5. Ordinance Number 5535 is repealed upon the effective date of this ordinance.

SECTION 6. The provisions of this ordinance shall go into effect on January 1, 2014 at 12:01 a.m.

Agenda Item No. 2

File Code No. 120.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 15, 2013

TO: Ordinance Committee Members

FROM: Building and Safety Division, Community Development Department

SUBJECT: Adoption And Amendments To California Building Codes

RECOMMENDATION:

That the Ordinance Committee recommend that Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapter 22.04, Adopting by Reference the California State Building Codes and Other Related Codes; Adopting Local Revisions to Those Codes; and Repealing Ordinance Number 5536.

DISCUSSION:

The purpose of building codes are to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings.

Model codes are published on a triennial basis by the International Code Council (ICC), National Fire Protection Agency (NFPA) and the International Association of Plumbing & Mechanical Officials (IAPMO). The California Building Standards Commission is the State agency responsible for reviewing, amending and subsequent publication of the State building codes, referred to as Title 24 or the California Building Standards Code. This group of codes will become effective on Jan 1, 2014. State law provides local jurisdictions six months to review these codes and make necessary local amendments. Amendments, if warranted, can only be more stringent to what the State has approved, and must be based on one of three findings; topography, geology or climate. If local jurisdictions do not make amendments prior to the effective date, then these codes are deemed effective "as-is."

All codes contained in the current code-adoption cycle are recently published versions with the exception of the 1997 Uniform Code For The Abatement Of Dangerous Buildings. This code is still an effective tool used in the abatement of dangerous structures and equipment.

The following is a brief summary of proposed changes to the local amendments to the California Codes for the current code adoption cycle:

2013 California Administrative Code
No changes proposed.

2013 California Building Code Volumes 1 & 2
Reordering of several sections to more closely match the code as published. Renumber several sections due to changes in the current version of the code as published. Clean-up of language in the section related to demolition permit procedures. Update to the Special Inspection chapter due to a change in a referenced standard. “Green” or “vegetated” roofs have been specifically banned from the City’s High-Fire Hazard areas.

2013 California Residential Code (one- and two-family dwellings or townhomes)
This code now contains its own “permit required” and “permit exempt” sections. Deletion of the section for preservative treated wood connections as the language is now in code as published. Several changes to Chapter 327 regarding Fire Resistive Construction: clarify sections, match similar sections in CBC (ban “Green” roofs), correct out-of-date references, renumber sections required by code changes to code as published and eliminate redundancies (spark arrestors). Appendix Chapter “F” will provide for radon-resistant construction methods for new one- and two-family residential dwellings in areas identified as “moderate” or “high” radon potential zones. Appendix Chapter “G” will regulate one- and two-family residential pools and spas. Appendix Chapter “H” will provide a simplified, prescriptive approach to patio cover construction. Appendix Chapter “I” will provide regulation of private sewage disposal systems until local county-wide regulations are adopted. Appendix Chapter “K” provides regulations related to sound transmission control. New section added to refer all grading to Appendix Chapter “J” of the CBC.

2013 California Electrical Code
Board of Appeals section changed to provide same administrative procedures as CBC.

2013 California Mechanical Code
Board of Appeals section changed to provide same administrative procedures as CBC. Fee section changed to refer to current adopted fee resolution. Renumber several sections due to changes in the current version of the code as published.

2013 California Plumbing Code
Board of Appeals section changed to provide same administrative procedures as CBC. Fee section changed to refer to current adopted fee resolution. Renumber several sections due to changes in the current version of the code as published. New language to clarify water meter requirements to assist the Public Works Department, Water Resources Division in promoting water conservation. Change in language of “Plumbing Fixture Count” section to allow more flexibility, with the approval of the Building Official, in design

of commercial spaces with constraints due to the built-out nature of the commercial corridors of the city.

2013 California Energy Code,
No changes proposed.

2013 California Historical Building Code
No changes proposed.

2013 California Existing Building Code
No changes proposed.

2013 California Green Building Standards Code
New sections added to limit surface area of direct plumbed fountains, on a single parcel of land, to 25 square feet to reduce water consumption due to evaporation. New section added to provide for use of a separate City-issued irrigation meter for projects with significant landscaped areas.

2013 California Referenced Standards Code
No changes proposed.

2012 International Property Maintenance Code
Means of Appeals section changed to provide same administrative procedures as CBC. The “Failure to Comply” section now references the administrative procedures in SBMC Section 1.25. Other minor changes also incorporated into sections for weeds, window screens, heating, notices & orders and appeals.

1997 Uniform Code for the Abatement of Dangerous Buildings
No changes proposed.

Attachment 2 provides a matrix explaining the proposed local amendments to the State codes. The fourth column of the matrix explains whether the proposed amendment is new to the Municipal Code or is continuing a local amendment from the prior round of the State code adoption process. This column also identifies whether the proposed amendment adds text to, deletes text from, or amends the text of the State code.

ATTACHMENT(S): 1. Draft Building Code Ordinance Amendments
2. Draft Building Code Amendments Matrix

PREPARED BY: Larry Cassidy, Building Inspector/Code Enforcement Supervisor

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTER 22.04, ADOPTING BY REFERENCE THE CALIFORNIA STATE BUILDING CODES AND OTHER RELATED CODES; ADOPTING LOCAL REVISIONS TO THOSE CODES; AND REPEALING ORDINANCE NUMBER 5536.

WHEREAS, uniform construction codes are developed and published every three years by the professional organization of building official experts; and

WHEREAS, these codes are adopted by the State of California and by local communities with amendments pertinent to local conditions; and

WHEREAS, the City of Santa Barbara relies on local ground and surface water for its local water supplies; and

WHEREAS, drought conditions are common occurrences within Santa Barbara and the surrounding areas; and

WHEREAS, local topography and climate present unique fire hazard and fire abatement conditions; and

WHEREAS, local geological conditions present unique geophysical hazards; and

WHEREAS, the City Council of the City of Santa Barbara finds that such local geological, topographic and climatic conditions warrant certain amendments to the model uniform codes related to construction;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 22.04.010 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.010 Adoption of California Codes by Reference.

Subject to the amendments specified in Sections 22.04.020 through 22.04.070, the following Codes, certain appendix chapters, and the standards and secondary codes referenced therein are adopted and shall be known as the City of Santa Barbara Building Code.

A. The “California Administrative Code” (2013 Edition), as published by the California Building Standards Commission (also known as Part 1 of Title 24 of the California Code of Regulations).

B. The “California Building Code Volumes 1 and 2” (2013 Edition), as published by the California Building Standards Commission, based on the 2012 International Building Code (also known as Part 2 of Title 24 of the California Code of Regulations), including Appendix Chapters B & J.

C. The “California Residential Code” (2013 Edition), as published by the California Building Standards Commission, based on the 2012 International Residential Code (also known as Part 2.5 of Title 24 of the California Code of Regulations) including Appendix Chapters F, G, H, I and K.

D. The “California Electrical Code” (2013 Edition), as published by the California Building Standards Commission, based on the 2011 National Electrical Code (also known as Part 3 of Title 24 of the California Code of Regulations).

E. The “California Mechanical Code” (2013 Edition), as published by the California Building Standards Commission, based on the 2012 Uniform Mechanical Code (also known as Part 4 of Title 24 of the California Code of Regulations).

F. The “California Plumbing Code” (2013 Edition), as published by the California Building Standards Commission, based on the 2012 Uniform Plumbing Code (also known as Part 5 of Title 24 of the California Code of Regulations), including Appendix Chapters H, I (Installation Standards) & K.

G. The “California Energy Code” (2013 Edition), as published by the California Building Standards Commission (also known as Part 6 of Title 24 of the California Code of Regulations).

H. The “California Historical Building Code” (2013 Edition), as published by the California Building Standards Commission (also known as Part 8 of Title 24 of the California Code of Regulations).

I. The “California Existing Building Code” (2013 Edition), as published by the California Building Standards Commission, based on the 2012 International Existing Building Code (also known as Part 10 of Title 24 of the California Code of Regulations).

J. The “California Green Building Standards Code” (2013 Edition), as published by the California Building Standards Commission (also known as Part 11 of Title 24 of the California Code of Regulations).

K. “The California Referenced Standards Code” (2013 Edition), as published by the California Building Standards Commission. (also known as Part 12 of Title 24 of the California Code of Regulations).

L. The “International Property Maintenance Code” (2012 Edition), as published by the International Code Council.

M. The “Uniform Code for the Abatement of Dangerous Buildings” (1997 Edition), as published by the International Code Council.

SECTION 2. Section 22.04.020 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.020 Amendments to the California Building Code.

The California Building Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.020.

A. Section 105 “Permits” is amended by adding Sections 105.1.3 and 105.1.4 to read as follows:

105.1.3 Paving and Striping. Building permits shall be required for all paving, re-paving (including slurry coating), striping, re-striping, signage, and re-signage of parking spaces in parking lots and structures. Accessible parking spaces, access aisles, and signage shall be provided that meets currently adopted codes.

105.1.4 Demolition Permits. Building permits shall be required to demolish any building, portion of a building, or structure within the City of Santa Barbara and shall be subject to the following conditions:

1. The applicant shall ensure all utility connections have been removed by the appropriate utility providers, except such utility services that are approved for use in connection with the work of the demolition. The applicant shall provide verification from the utility providers that utility service has been disconnected.
2. The applicant shall obtain clearance from the Santa Barbara Air Pollution Control District for all commercial demolition, renovations and alterations.
3. All resulting building debris, trash, junk, vegetation, dead organic matter, rodent harborage, or combustible material that constitutes a threat to life, health, or property, or is detrimental to the public welfare or which may reduce adjacent property value shall be removed from the site within thirty (30) days after the demolition of the structure.

B. Section 105.2 "Work Exempt From Permit" is amended to read as follows:

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following (Note - For work involving detached one- and two-family dwellings or townhouses or buildings accessory to detached one- and two-family dwellings or townhouses, see Section 105 of the California Residential Code as amended):

Building:

1. One-story detached residential accessory structures used as tool and storage sheds, playhouses, portable and fixed playground equipment, bicycle or skateboard ramps and similar uses, provided the floor area does not exceed 120 square feet (11 m2) and the height does not exceed ten (10) feet at the highest point; and further provided the structure does not encroach into required setbacks or required open yards, does not obstruct required parking, and is not served by any utilities. The combined square footage of exempt accessory structures may not exceed 200 square feet on any single parcel.
2. Residential fences and walls not over 3 ½ feet high, as measured from the lowest adjacent grade within 5 feet of the fence or wall, that do not adversely affect drainage or cause erosion.
3. Oil derricks.
4. Residential retaining walls which are not over 4 feet in height as measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids, is installed on a slope 20% or greater, or the wall will tend to adversely affect drainage or cause increased erosion.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
6. Uncovered residential platforms, decks, porches, walks, and similar structures not more than 10 inches above adjacent grade, and not over any basement or story below.
7. Interior painting, papering, and similar finish work.
8. Temporary motion picture, television, and theater stage sets and scenery.
9. Ground mounted radio, television and other masts or antenna or dish shaped communication reception or transmitting structures less than 3 feet in diameter, which do not extend more than 15 feet above grade and are not served by electrical circuits

regulated under the National Electrical Code NEC). Light- weight roof-mounted radio, television, and other masts or antenna or dish shaped communication reception or transmitting structures less than 2 feet in diameter, which do not extend more than 15 feet above the roof, are not served by electrical circuits regulated under the NEC, and which are not subject to design review by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board.

10. Freestanding or movable cases, counters, and interior partitions not over 5 feet 9 inches in height, and not containing or requiring connections to electrical power or plumbing systems.

11. Permit applications shall be submitted for other miscellaneous and minor work; however, work which does not exceed $500 in valuation may be exempted by the Chief Building Official from permits and inspections.

Electrical:

Repairs and maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations. The provisions of this code shall not apply to electrical equipment used for radio and televisions transmissions, but do apply to equipment and wiring for power supply and installations of towers and antennas.

Temporary testing systems. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

C. Section 105.4 “Validity of Permit” is amended by adding Section 105.4.1 to read as follows:

105.4.1 Issuance. All work authorized by building permit for other than R-3 or U occupancies shall be issued to an appropriate contractor licensed in accordance with the provisions of California State Law.

D. Section 113 “Board of appeals” is deleted in its entirety and readopted to read as follows:

113. Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The Fire Code Official or the Building Official shall be ex officio members and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall abide by the rules and procedures in Appendix B of this code and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official or Building Official. This Board shall serve as the appeals boards defined in Section 1.8.8 and 1.9.1.5.

E. Section 701A.1 “Scope” is amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, remodels or additions to existing buildings located within a Wildland-Urban Interface Fire Area as defined in Section 702A and 701A.3.1 Item #3.

F. Section 701A.3 “Application” is amended to read as follows:

701A.3 Application. New buildings, remodeled buildings or additions to existing buildings in any Fire Hazard Severity Zone or Wildland-Urban Interface Area designated by the enforcing agency constructed after the application date shall comply with this chapter.

Exception: Accessory and/or Group U occupancy buildings may be exempted from all or portions of this chapter upon approval of the Fire Marshall and/or Chief Building Official.

G. Section 705A.2 “Roof Coverings” is deleted in its entirety and readopted to read as follows:

705A.2 Roof Coverings. Roof coverings on new buildings shall be class A noncombustible in accordance with adopted CBC Standards or otherwise as may be approved by the Chief Building Official. Roof coverings shall be class A or noncombustible fire retardant materials on existing buildings and additions or repairs to existing buildings. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two 2) year period, provided such replacement roofing is fire retardant

treated wood shakes or shingles. “Green” or “Vegetated” roofs shall not be used in the Wildland-Urban Interface Fire Area.

H. Section 705A.4 “Roof Gutters” is amended to read as follows:

705A.4 Roof Gutters. Roof gutters shall be provided with the means to prevent the accumulation of leaves and debris in the gutter. All roof gutters and downspouts shall be constructed of non-combustible materials.

I. Section 705A “Roofing” is amended by adding Section 705A.5 “Drip Edge Flashing” to read as follows:

705A.5 Drip Edge Flashing. When drip edge flashing is used at the free edges of roofing materials, it shall be non-combustible.

J. Section 706A.2 “Requirements” is amended to read as follows:

706A.2 Requirements. Ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and under-floor ventilation openings shall be fully covered with metal wire mesh, vents, other materials, or other devices that meet the following requirements:

1. The dimensions of the openings therein shall be a minimum of 1/16th inch (1.6 mm) and shall not exceed 1/8th inch (3.2mm).
2. The materials used shall be noncombustible.
   Exception to item #2: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.
3. The materials used shall be corrosion resistant.
4. Turbine attic vents shall be equipped to allow one-way direction rotation only and shall not free spin in both directions.
5. Ventilation openings protected with vent openings that resist the intrusion of flame and embers, and which are listed by the State Fire Marshal, are exempt from complying with this sub-section.

K. Section 708A.2 “Exterior Glazing” is amended to read as follows:

708A.2 Exterior Glazing. The following exterior glazing materials and/or assemblies shall comply with this section:

1. Exterior windows and/or skylights.
2. Exterior glazed doors.
3. Glazed openings within exterior doors.
4. Glazed openings within exterior garage doors.
5. Exterior structural glass veneer.
6. Glazing frames made of vinyl materials shall have welded corners, metal reinforcement in the interlock area, and be certified to the most current edition of ANSI/AAMA/NWWDA 101/I.S.2 structural requirements.

L. Section 903.2 “Where Required” is amended by adding Section 903.2.20 “Local Requirements” to read as follows:

903.2.20 Local Requirements. Approved automatic sprinkler systems shall be installed throughout buildings and structures as specified elsewhere in this Section 903.2 or as specified in this Section 903.2.18, whichever is more protective:

903.2.20 .1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.20.2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City's designated High Fire Hazard Area.

Exception: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.20.3 Additions to Buildings Other Than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.20.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 50% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 50% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.20.5 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification.

903.2.20.6 Computation of Square Footage. For the purposes of this Section 903.2.18, the floor area of buildings shall be computed in accordance with the definition of "Floor area, Gross" provided in Section 1002.1 of the California Building Code.

903.2.20.7 Existing Use. Any existing building not classified as Group R, Division 3, in existence at the time of the effective date of this code may have their use continued if such use was legal at the time. Additions to existing buildings shall require an automatic fire sprinkler system installed throughout, including areas not previously protected.

M. Section 907 "Where Required – New Buildings and Structures" is amended by adding Section 907.2.30 "Mixed-Use Occupancies" to read as follows:

907.2.30 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall be installed in a manner and location approved by the fire code official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030 B.

N. Section 1208.4 “Efficiency Dwelling Units” is amended to read as follows:

1208.4 Efficiency Dwelling Units. Unless modified by local ordinance pursuant to Health and Safety Code Section 17958.1, efficiency dwelling units shall comply with the following:

1. The unit shall have a living room of not less than 220 square feet (20.4 m^2) of floor area. An additional 100 square feet (9.3 m^2) of floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
5. Notwithstanding the provisions of subsection 1 above, for projects constructed or operated by a nonprofit or governmental agency offering housing at an Affordable Housing Cost to Lower Income Households (as those terms are defined in sections 50052.5 and 50079.5 of the California Health and Safety Code), the City may permit efficiency dwelling units for occupancy by no more than two persons who qualify as either very low or low income households where the units have a minimum useable floor area, (excluding floor area in the kitchen, bathroom and closet), of not less than 150 square feet. In all other respects, such efficiency dwelling units shall conform to the minimum standards specified in this code.

O. Table 1505.1 is amended to read as follows:

TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

P. Section 1505.1.3 “Roof coverings within all other areas” is deleted in its entirety and readopted to read as follows:

1505.1.3 Roof coverings within in all other areas. The roof covering or roofing assembly of any new building or the re-roofing of any existing building, regardless of type or occupancy classification, shall be no less than Class B, except that Group H, Division 1 and Group I occupancies shall be Class A. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20 % of the existing roof is being replaced within a two 2 year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

Exception: In the High Fire Hazard District, roof coverings shall be in accordance with Chapter 7A as amended.

Q. Section 1705.11.2 “Structural wood” is amended to read as follows:

1705.11.2 Structural wood. Continuous special inspection is required during field gluing operations of elements of the seismic force-resisting system. Periodic special inspection is required for nailing, bolting, anchoring and other fastening of components within the seismic force-resisting system, including wood shear walls, wood diaphragms, drag struts, braces, shear panels and hold-downs.

Exceptions:

1. Special Inspection is not required for wood shear walls, shear panels and diaphragms, including nailing, bolting, anchoring and other fastening to other components of the seismic force-resisting system, where the fastener spacing of the sheathing is more than 4 inches (102 mm) on center (o.c.).
2. *Special Inspection is not required if the building is designed in accordance with AWC SDPWS-2008 (NDS) Table 4.3A (Note: PLF values must be divided in half per 4.3.3)assuming that the allowable shear values reflected are reduced by 25%.*

R. Appendix B “Board of appeals” is deleted in its entirety and readopted to read as follows:

B101.1 Application. The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

B101.2 Membership of the Board. The City Council shall appoint individuals to an eligibility list. Appeals shall be scheduled before five members selected from the eligibility list by the Community Development Director or the Fire Chief as may be appropriate based on the subject matter.

B101.2.1 Quorum. It shall take a quorum of three members to hear an appeal and a majority vote of the Board convened to sustain an appeal.

B101.2.2 Chairperson. The chairperson shall be selected by the convened Board. The chairperson shall maintain order and conduct the meeting in accordance with Section B102 and B102.1.

B102 Rules and Procedures. The Chief Building Official or Fire Chief may use the procedure for “Conduct of Hearing Appeals" in accordance with Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings for appeals. The Board may elect alternate procedures by a unanimous vote of the convened Board as they may deem appropriate.

B102.1 Procedures. Appeal hearings shall be conducted substantially in accordance with the following format:

1. The Chairperson shall call the meeting to order.

2. The Chairperson shall note the Board members present for the minutes.

3. The Chairperson shall recognize the Chief Building Official or Fire Chief for presentation of the appeal. The Chief Building Official or the Fire Chief shall read his/her recommendation to the Board. This recommendation shall be the standing motion before the Board.

4. The Chairperson shall recognize the Appellant for presentation of rebuttals.

5. All witnesses must be called by either the Appellant or the Chief Building Official or the Fire Chief and may be questioned.

6. After a motion to amend, accept, or deny the standing motion has been made and seconded, the Board may entertain comments from the public.

7. The Board shall vote on the standing or amended motion.

8. The Chairperson shall adjourn the meeting at the end of business.

9. The Secretary shall prepare minutes for the record and shall serve as custodian of case records and said minutes.

B102.2 Meetings. The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Chief or their designee shall act as Secretary of the Board.

B103 Alternatives. The Board may consider any alternate provided that it finds that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in accessibility, suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

B104 Board Decisions. The decision of the Building and Fire Code Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Building Official or Fire Chief as may be appropriate.

S. Appendix J “Grading” is deleted in its entirety and readopted to read as follows:

J101. GRADING GENERAL

J101.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments, and the control of grading site runoff, including erosion sediments and construction-related pollutants. The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property.

J101.2 General Hazards. Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to

eliminate the hazard and to be in conformance with the requirements of this code.

J101.3 Safety Precautions. If at any stage of the work the Building Official determines by inspection that further grading as authorized is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the Building Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work. The Building Official may authorize the work to proceed if the Building Official finds adequate safety precautions can be taken or corrective measures incorporated in the work to avoid likelihood of such danger, deposition or interference.

If the grading work as done has created or resulted in a hazardous condition, the Building Official shall give written notice requiring correction thereof as specified in California Building Code - Section 114 “Violations” or California Residential Code - Section 113 “Violations”.

J101.4 Protection of Utilities. The owner of any property on which grading has been performed, and which requires a grading permit under Section J103, shall be responsible for the prevention of damage to any public utilities or services.

J101.5 Protection of Adjacent Property. The owner of any property on which grading, has been performed and which requires a grading permit under Section J103 is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property without supporting and protecting such property from settling, cracking or other damage which might result. Special precautions approved by the Building Official shall be made to prevent imported or exported materials from being deposited on the adjacent public way and/or drainage courses.

J101.6 Storm Water Control Measures. The owner of any property on which grading, has been performed and which requires a grading permit under Section J103 shall put into effect and maintain all precautionary measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, and deposition of mud, debris, and construction-related pollutants originating from the site during grading and related construction activities as required in Chapter 22.85 and/or any special conditions imposed on a project as a result of the issuance of a discretionary permit by the City.

J101.7 Maintenance of Protective Devices. The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this code, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures and other protective devices when they are shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit.

J101.8 Conditions of Approval. In granting any permit under this code, the Building Official may include such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:

1. Improvement of any existing grading to comply with the standards of this code.

2. Requirements for fencing of excavations or fills which may otherwise be hazardous.

3. Storm water control measures beyond those required by Section J101.6 of this Appendix J.

SECTION J102 DEFINITIONS

J102.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

APPROVAL. shall mean that the proposed work or completed work conforms to this chapter to the satisfaction of the Building Official.

AS–GRADED. is the extent of surface conditions on completion of the approved grading project.

BEDROCK. is in–place solid rock. is the relatively solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of alluvium, colluvium and/or soil.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

BEST MANAGEMENT PRACTICE (BMP). is a stormwater pollution mitigation measure which is required to be employed in order to comply with the requirements of the NPDES permit issued to the City of Santa Barbara by the California Regional Water Quality Control Board.

BORROW is earth material acquired from an off–site location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DESILTING BASINS are physical structures, constructed to allow the removal of sediments from surface water runoff.

DESIGN ENGINEER. Shall mean the civil engineer responsible for the preparation of the grading plans for the site grading work.

DOWN DRAIN. a device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility

EARTH MATERIAL. is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST. is a geologist experienced and knowledgeable in engineering geology. Shall mean a person holding a valid certificate of registration as a geologist in the specialty of engineering geology issued by the State of California under the

applicable provisions of the Geologist and Geophysicist Act of the Business and Professions Code.

ENGINEERING GEOLOGY. is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EROSION/SEDIMENTATION CONTROL PLAN (ESC). is a site drawing with details, notes, and related documents that identify the measures taken by the permittee to (1) control construction-related erosion and prevent construction-related sediment and pollutants from being carried offsite by stormwater, and (2) prevent construction-related non-stormwater discharges from entering the storm drain system that complies with the latest version of the Building & Safety Division's ESC Policy.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FIELD ENGINEER. shall mean the civil engineer responsible for performing the functions as set forth in Section J105.4.

FILL. deposition of earth materials by artificial means.

GEOTECHNICAL ENGINEER. See "soils engineer."

GEOTECHNICAL HAZARD. is an adverse condition due to landslide, settlement, and/or slippage. These hazards include loose debris, slopewash, and the potential for mud flows from natural or graded slopes.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The final grade of the site that conforms to the approved plan.

GRADE, ROUGH. A stage at which the grade approximately conforms to the approved plan.

GRADING. An excavation or fill or combination thereof.

KEY. a compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

LANDSCAPE ARCHITECT. shall mean a person who holds a certificate to practice landscape architecture in the State of California under the applicable landscape architecture provisions of Division 3, Chapter 3.5 of the Business and Professions Code.

LINE. shall refer to horizontal location of the ground surface.

NATURAL GRADE. is the vertical location of the ground surface prior to any excavation or fill.

PRIVATE SEWAGE DISPOSAL SYSTEM. is a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted.

PROJECT CONSULTANTS. shall mean professional consultants required by this code which may consist of the design engineer, field engineer, soils engineer, engineering geologist, and architect as applicable to this chapter.

PROFESSIONAL INSPECTION. is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include those performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE. is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE. is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL. is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER). is an engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING). is the application of the principals of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of construction thereof.

STORM DRAIN SYSTEM. is a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, pipes, ditches and man-made channels, designed or used for collecting, dissipating, or conveying stormwater.

SURFACE DRAINAGE. shall refer to flows over the ground surface.

SOIL TESTING AGENCY. is an agency regularly engaged in the testing of soils and rock under the direction of a civil engineer experienced in soil testing.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

SECTION J103 PERMITS REQUIRED

J103.1 Permits required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the Building Official. A grading permit does not include the construction of retaining walls or other structures. A separate permit shall be obtained for each site and may cover both excavations and fills. Any Engineered Grading as described in Section J104 shall be performed by a contractor licensed by the State of California to perform the work described herein. Regular Grading less than 5,000 cubic yards may require a licensed contractor if the Building Official determines that special conditions or hazards exist.

J103.2 Exemptions. A grading permit shall not be required for the following:

1. When approved by the Building Official, grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for the construction of a structure permitted under this code.

3. Cemetery graves.

4. Excavations for wells, or trenches for utilities.

5. Exploratory excavations performed under the direction of a Soils Engineer or Engineering Geologist. This shall not exempt grading of access roads or pads created for exploratory excavations. Exploratory excavations must be restored to existing conditions, unless approved by the Building Official.

6. An excavation that is less than 50 cubic yards (38.3 m3) and complies with one of the following conditions:

a) is less than 2 feet (610 mm) in depth, or

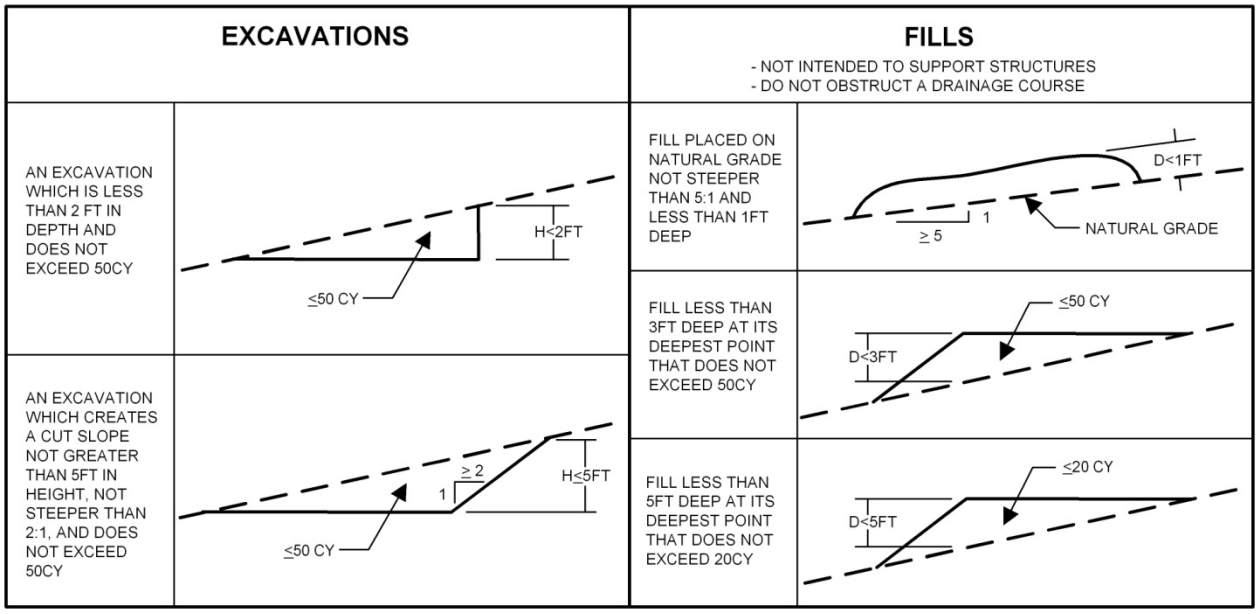
b) does not create a cut slope greater than 5 feet (1524 mm) measured vertically upward from the cut surface to the surface of the natural grade and is steeper than 2 units horizontal to 1 unit vertical (50% slope).

7. A fill not intended to support a structure which does not obstruct a drainage course and complies with one of the following conditions:

a) is less than 1 foot (305 mm) in depth and is placed on natural terrain with a slope flatter than 5 units horizontal to 1 unit vertical in (20% slope),

b) is less than 3 feet (914 mm) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, and does not exceed 50 cubic yards and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50% slope), or

c) is less than 5 feet (1524 mm) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, and does not exceed 20 cubic yards and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50% slope).



8. Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

J103.3 Unpermitted Grading. A person shall not own, use, occupy or maintain any site containing unpermitted grading. For the purposes of this Code, unpermitted grading shall be defined as any grading that was performed, at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section 103.1.

J103.4 Availability of Permit at Site. No person shall perform any grading for which a permit is required under this chapter unless a copy of the grading permit and approved grading plans is in the possession of a responsible person and available at the site.

J103.5 Grading Plan Review, Inspection and Permit Fees. Fees shall be assessed in accordance with the provisions set forth in the City of Santa Barbara's most currently adopted fee schedule.

J103.6 Grading Security. The Building Official may require a security in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. If required, a permit shall not be issued for grading unless the owner posts with the Building Official a security in one of the following forms:

1. A bond furnished by a corporate surety authorized to do business in this state.

2. A cash bond.

3. Savings and loan certificates or shares deposited and assigned to the City of Santa Barbara.

4. An instrument of credit from a financial institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out the grading are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

5. Where unusual conditions or special hazards exist, the Building Official may require security for grading involving less than 1,000 cubic yards (764.6 m3). Security required by this Section may include incidental off-site grading on property contiguous with the site to be developed, provided written consent of the owner of such contiguous property is filed with the Building Official.

6. The Building Official may waive the requirements for a security for:

a) Grading being done by or for a governmental agency.

b) Grading necessary to remove a geotechnical hazard, where such work is covered by an agreement and security posted pursuant to the provisions of the City's "Subdivision Ordinance".

c) Minor grading on a site, not exceeding a slope of three horizontal to one vertical, provided such grading as determined by the Building Official will not affect drainage from or to adjacent properties.

d) Filling of holes or depressions, provided such grading will not affect the drainage from or to adjacent properties, or affect a rare, threatened or endangered species or its habitat, or other sensitive habitat.

J103.6.1 Amount of Security. The amount of security shall be based on the number of cubic yards of material in either excavation or fill, whichever is greater, plus the cost of all drainage or other protective devices or work necessary to eliminate geotechnical hazards. That portion of the security valuation based on the volume of material in either excavation or fill shall be computed as follows:

1. 100,000 cubic yards or less - 50 percent of the estimated cost of grading work.
2. Over 100,000 cubic yards - 50 percent of the cost of the first 100,000 cubic yards plus 25 percent of the estimated cost of that portion in excess of 100,000 cubic yards.
3. When the rough grading has been completed in conformance with the requirements of this code, the Building Official may at his or her discretion consent to a proportionate reduction of the security to an amount estimated to be adequate to ensure completion of the grading work, site development or planting remaining to be performed. The costs referred to in this section shall be as estimated by the Building Official.

J103.6.2 Conditions. All security shall include the conditions that the principal shall:

1. Comply with all of the provisions of this code, applicable laws, and ordinances;

2. Comply with all of the terms and conditions of the grading permit; and

3. Complete all of the work authorized by the permit.

J103.6.3 Term of Security. The term of each security shall begin upon the filing thereof with the Building Official and the security shall remain in effect until the work authorized by the grading permit is completed and approved by the Building Official.

J103.6.4 Default Procedures. In the event the owner or the owner's agent shall fail to complete the work or fail to comply with all terms and conditions of the grading permit, it shall be deemed a default has occurred. The Building Official shall give notice thereof to the principal and security or financial institution on the grading permit security, or to the owner in the case of a cash deposit or assignment, and may order the work required to complete the grading in conformance with the requirements of this code be performed. The surety or financial institution executing the security shall continue to be firmly bound under an obligation up to the full amount of the security, for the payment of all necessary costs and expenses that may be incurred by the Building Official in causing any and all such required work to be done. In the case of a cash deposit or assignment, the unused portion of such deposit or funds assigned shall be returned or reassigned to the person making said deposit or assignment.

J103.6.5 Right of Entry. The Building Official or the authorized representative of the surety company or financial institution shall have access to the premises described in the permit for the purpose of inspecting the work.

In the event of default in the performance of any term or condition of the permit, the surety or financial institution or the Building Official, or any person employed or engaged in the behalf of any of these parties, shall have the right to go upon the premises to perform the required work.

The owner or any other person who interferes with or obstructs the ingress to or egress from any such premises, of any authorized representative of the surety or financial institution or of the City of Santa Barbara engaged in the correction or completion of the work for which a grading permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

SECTION J104 PERMIT APPLICATION AND SUBMITTALS

J104.1 Submittal requirements. In addition to the provisions of Sections J106 and J107, the applicant shall state the estimated quantities of excavation and fill.

J104.2 Site plan requirements. In addition to the provisions of Section J106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

J104.2.1 Grading Designation. Grading in excess of 5,000 cubic yards or for the support of a structure shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as “engineered grading.” Grading involving less than 5,000 cubic yards (3825 m3) shall be designated “regular grading” unless the permittee chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

J104.2.2 Regular Grading Requirements. In addition to the provisions of Section J106 and Section J104.2, an application for a regular grading permit shall be accompanied by three sets of plans in sufficient clarity to indicate the nature and extent of the work. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications.

Plans shall be drawn to scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Each sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include, but shall not be limited to, the following information:

1. General vicinity of the proposed site.

2. Limiting dimensions and depth of cut and fill.

3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.

4. Contours, flow areas, elevations, or slopes which define existing and proposed drainage patterns.

5. Erosion/Sedimentation, Storm water, and dust control provisions are required to be shown on the grading plan in accordance with the requirements of Sections J110, J111 & 112 of this appendix.

J104.2.3 Engineered Grading Requirements. In addition to the provisions of Sections J104.2 and J106, an application for an engineered grading permit shall be accompanied by specifications and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the Building Official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Each sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include, but shall not be limited to, the following information:

1. A vicinity map showing the proposed site.

2. Property limits and accurate contours of existing ground and details of terrain and area drainage.

3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.

4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within15 feet of the property or that may be affected by the proposed grading operations.

6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

8. A statement of the quantities of material to be excavated and/or filled and the amount of such material to be imported to, or exported from the site.

9. A statement of the estimated starting and completion dates for work covered by the permit.

10. A statement signed by the owner acknowledging that a field engineer, soils engineer and engineering geologist, when appropriate, will be employed to perform the services required by this code, whenever approval of the plans and issuance of the permit are to be based on the condition that such professional persons be so employed.

11. Erosion/Sedimentation, Storm water, and dust control provisions are required to be shown on the grading plan in accordance with the requirement of sections J110, J111 & J112 of this appendix.

12. A drainage plan for that portion of a lot or parcel to be utilized as a building site (building pad), including elevations of floors with respect to finish site grade and locations of proposed stoops, slabs and fences that may affect drainage.

13. Location and type of any proposed private sewage disposal system.

14. Location of existing utilities and drainage facilities and recorded easements. (public and private).

15. Location of all flood zones as designated and defined in Title 44, Code of Federal Regulations.

J104.3 Soils Engineering Report. The soils engineering report required by Section J104.2.2 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. All reports shall conform with the requirements of this Code and shall be subject to review by the Building Official. Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications.

J104.4 Engineering Geology Report. The engineering geology report required by Section J104.2.2 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. The engineering geology report shall include a geologic map and cross sections utilizing the most recent grading plan as a base. All reports shall conform with the requirements of this Code and shall be subject to review by the Building Official. Supplemental reports and data may be required as the Building Official may deem necessary. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plan or specifications.

Exception: A soils engineering or engineering geology report is not required where the Building Official determines that the nature of the work applied for is such that a report is not necessary.

J104.5 Liquefaction study. A geotechnical investigation may be required when the proposed work is a “Project” as defined in California Public Resources Code section 2693, and is located in an area designated as a “Seismic Hazard Zone” as defined in Title 14, Section 3722 of California

Code of Regulations on Seismic Hazard Zone Maps issued by the State Geologist under Public Resources Code section 2696.

Exception: A liquefaction study is not required where the Building Official determines from established local data that the liquefaction potential is low.

SECTION J105 INSPECTION

J105.1 General. Grading inspections shall be governed by Section J109 of this Appendix J and as indicated herein. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the Civil Engineer, Soils Engineer and the Engineering Geologist retained to provide such services in accordance with this Section for engineered grading and as required by the Building Official for regular grading.

J105.2 Special and Supplemental inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the Building Official. In addition to the called inspections specified in Section J109, the Building Official may make such other inspections as may be deemed necessary to determine that the work is being performed in conformance with the requirements of this code. Investigations and reports by an approved soil testing agency, Soils Engineer and/or Engineering Geologist, and Field Engineer may be required. Inspection reports shall be provided when requested by the Building Official.

Inspection of drainage devices by the Field Engineer in accordance with this section may be required when the Building Official determines the drainage devices are necessary for the protection of the structures in accordance with this code.

J105.3 Field Engineer Inspections. When required, the field engineer shall provide professional inspection within such engineer's area of technical specialty, oversee and coordinate all field surveys, set grade stakes, and provide site inspections during grading operations to ensure the site is graded in accordance with the approved grading plan and the appropriate requirements of this code. During site grading, and at the completion of both rough grading and final grading, the field engineer shall submit statements and reports required by Sections J105.11 and J105.12. If revised grading plans are required during the course of the work, they shall be prepared by a Civil Engineer and approved by the Building Official.

J105.4 Soils Engineer Inspections. When required, the Soils Engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The Soils Engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the Field Engineer.

J105.5 Engineering Geologist Inspection. When required, the Engineering Geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions

encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

J105.6 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee shall engage project consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the project consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

J105.7 Building Official Inspections. The Building Official may inspect the project site at the following various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants:

1. **Pregrade**. Before any construction or grading activities occur at the site; the permittee shall schedule a pregrade inspection with the Building Official. The permittee is responsible for coordinating that all project consultants are present at the pregrade inspection.

2. **Initial**. When the site has been cleared of vegetation and unapproved fill and it has been scarified, benched or otherwise prepared for fill. No fill shall have been placed prior to this inspection. All measures as shown on the Erosion/Sedimentation Control Plan shall be installed and/or materials stockpiled for use as needed.

3. **Rough**. When approximate final elevations have been established; drainage terraces, swales and other drainage devices necessary for the protection of the building sites from flooding are installed; berms installed at the top of the slopes; and the statements required by Section J105.12 have been received.

4. **Final.** When grading has been completed; all drainage devices necessary to drain the building pad and project site are installed; slope planting established, irrigation systems installed; and the as-graded plans and required statements and reports have been submitted.

J105.8 Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the Field Engineer, the Soils Engineer or the Engineering Geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies and corrective measures which should be taken shall be reported immediately in writing to the permittee and to the Building Official.

J105.9 Transfer of Responsibility. If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

J105.10 Non-inspected grading. No person shall own, use, occupy or maintain any non-inspected grading. For the purposes of this code, non-inspected grading shall be defined as

any grading for which a grading permit was first obtained, pursuant to Section J103, supra, but which has progressed beyond any point requiring inspection and approval by the Building Official without such inspection and approval having been obtained.

J105.11 Routine Field Inspections and Reports. Unless waived by the Building Official, routine inspection reports shall be provided by the Field Engineer for all engineered grading projects. The Field Engineer shall file these reports, with the Building Official as follows :

1. bi-weekly during all times when grading of 400 cubic yards or more per week is active on the site;

2. monthly, at all other times; and

3. at any time when requested in writing by the Building Official.

Such reports shall certify to the Building Official that the Field Engineer has inspected the grading site and related activities and has found them in compliance with the approved grading plans, the building code, grading permit conditions, and other applicable ordinances and requirements.

J105.12 Completion of work. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is required by the Building Official:

1. An as–built grading plan prepared by the Field Engineer retained to provide such services in accordance with Section J105.3 showing all plan revisions as approved by the Building Official. This shall include original ground surface elevations, as–graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and the outlets of subsurface drains. As–constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

2. The Field Engineer shall state in a report to the Building Official, that to the best of their knowledge, the work within their area of responsibility was done in accordance with the final approved grading plan.

3. A report prepared by the Soils Engineer retained to provide such services in accordance with Section J105.4, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils Engineer shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against hazard from landslide, settlement, or slippage.

4. A report prepared by the Engineering Geologist retained to provide such services in accordance with Section J105.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The Engineering Geologist shall submit a statement

that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

5. The grading contractor shall submit a statement of conformance to said as–built plan and the specifications.

J105.13 Notification of completion. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion–control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted and approved.

SECTION J106 EXCAVATIONS

J106.1 General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering or engineering geology report, these provisions may be waived, as approved by the Building Official, for minor cuts not intended to support structures nor subject to a surcharge.

J106.2 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2 units horizontal in 1 unit vertical (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property in conformance with the requirements of Section J111. The Building Official may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical if the Building Official finds it necessary for stability and safety.

J106.3 Slope Surface Protection. All slopes must be stabilized against surface erosion. Stabilization may be accomplished through the application of erosion control blankets, soil stabilizers or other means as approved by the Building Official.

J106.4 Drainage. Drainage, including drainage terraces and overflow protection, shall be provided as required by Section J109.

SECTION J107 FILLS

J107.1 General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report and if approved by the Building Official, these provisions may be waived for minor fills not intended to support structures.

J107.2 Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 2 units horizontal in 1 unit vertical (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 5 units horizontal in 1 unit vertical (20% slope) and the height is greater than 5 feet, benching into sound bedrock or other competent material shall be provided as a minimum in accordance with Figure J107.2 or as determined by the soils engineer. The bench under the toe of a fill on

a slope steeper than 5 units horizontal in 1 unit vertical (20% slope) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the Soils Engineer or Engineering Geologist or both as a suitable foundation for fill.

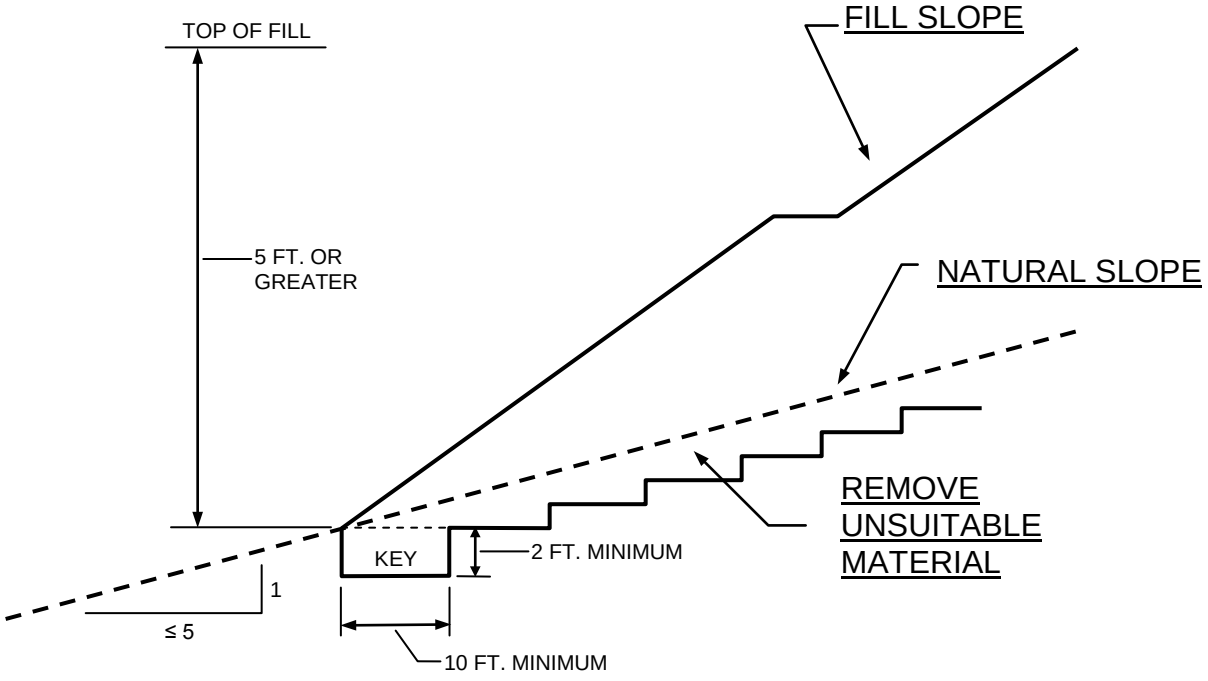


FIGURE J107.2 BENCHING DETAILS

J107.3 Subdrains. Except where recommended by the Soils Engineer or Engineering Geologist as not being necessary, subdrains shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident. Such sub-drainage systems shall be of a material and design approved by the Soils Engineer and acceptable to the Building Official. The permittee shall provide continuous inspection during the process of subdrain installation to conform with approved plans and Engineering Geologist's and Soils Engineer's recommendation. Such inspection shall be done by the soil testing agency. The location of the subdrains shall be shown on a plan by the Soils Engineer. Excavations for the subdrains shall be inspected by the Engineering Geologist when such subdrains are included in the recommendations of the Engineering Geologist

J107.4 Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Unless approved by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

EXCEPTION: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

2. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.

3. Rocks shall be placed so as to assure filling of all voids with well–graded soil.

4. The reports submitted by the soils engineer shall acknowledge the placement of the oversized material and whether the work was performed in accordance with the engineer's recommendations and the approved plans.

5. The location of oversized rock dispersal areas shall be shown on the as-built plan.

J107.5 Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density. Fills shall be compacted throughout their full extent to a minimum relative compaction of 90 percent of maximum dry density within 40 feet below finished grade and 93 percent of maximum dry density deeper than 40 feet below finished grade, unless a lower relative compaction (not less than 90 percent of maximum dry density) is justified by the soils engineer. The relative compaction shall be determined by A.S.T.M. soil compaction test D1557 where applicable. Where not applicable, a test acceptable to the Building Official shall be used, unless the owner furnishes a soils engineering report conforming with the requirements of Section J104.3, stating that the site has been investigated and giving an opinion that a fill at a steeper slope will be stable and not create a hazard to public or private property. Substantiating calculations and supporting data may be required where the Building Official determines that such information is necessary to verify the stability and safety of the proposed slope. The Building Official may require the fill slope be constructed with a face flatter in slope than two horizontal to one vertical if the Building Official finds it necessary for stability and safety.

Field density shall be determined by a method acceptable to the Building Official. However, not less than ten percent of the required density tests, uniformly distributed, shall be obtained by the Sand Cone Method.

Fill slopes steeper than two horizontal to one vertical shall be constructed by the placement of soil a sufficient distance beyond the proposed finish slope to allow compaction equipment to operate at the outer surface limits of the final slope surface. The excess fill shall be removed prior to completion or rough grading. Other construction procedures may be utilized when it is first shown to the satisfaction of the Building Official that the angle of slope, construction method and other factors will accomplish the intent of this Section.

J107.4 Maximum Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2 units horizontal in 1 unit vertical (50% slope).

J107.5 Slopes to Receive Fill. Where fill is to be placed above the top of an existing slope steeper than three horizontal to one vertical, the toe of the fill shall be set back from the top edge of the slope a minimum distance of 6 feet measured horizontally or such other distance as may be specifically recommended by a Soil Engineer or Engineering Geologist and approved by the Building Official.

J107.6 Inspection of Fill. For engineered grading, the Soils Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to be satisfied that the work is being performed in accordance with the conditions of plan approval and the appropriate requirements of this chapter. In addition to the above, the Soils Engineer shall be present during the entire fill placement and compaction of fills that will exceed a vertical height or depth of 30 feet (9144 mm) or result in a slope surface steeper than two horizontal to one vertical.

J107.6 Testing of Fills. Sufficient tests of the fill soils shall be made to determine the density thereof and to verify compliance of the soil properties with the design requirements, including soil types and shear strengths in accordance with the standards established by the Building Official.

SECTION J108 SETBACKS

J108.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the property line and shall be as shown in Figure J108.1., unless substantiating data is submitted justifying reduced setbacks.

J108.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

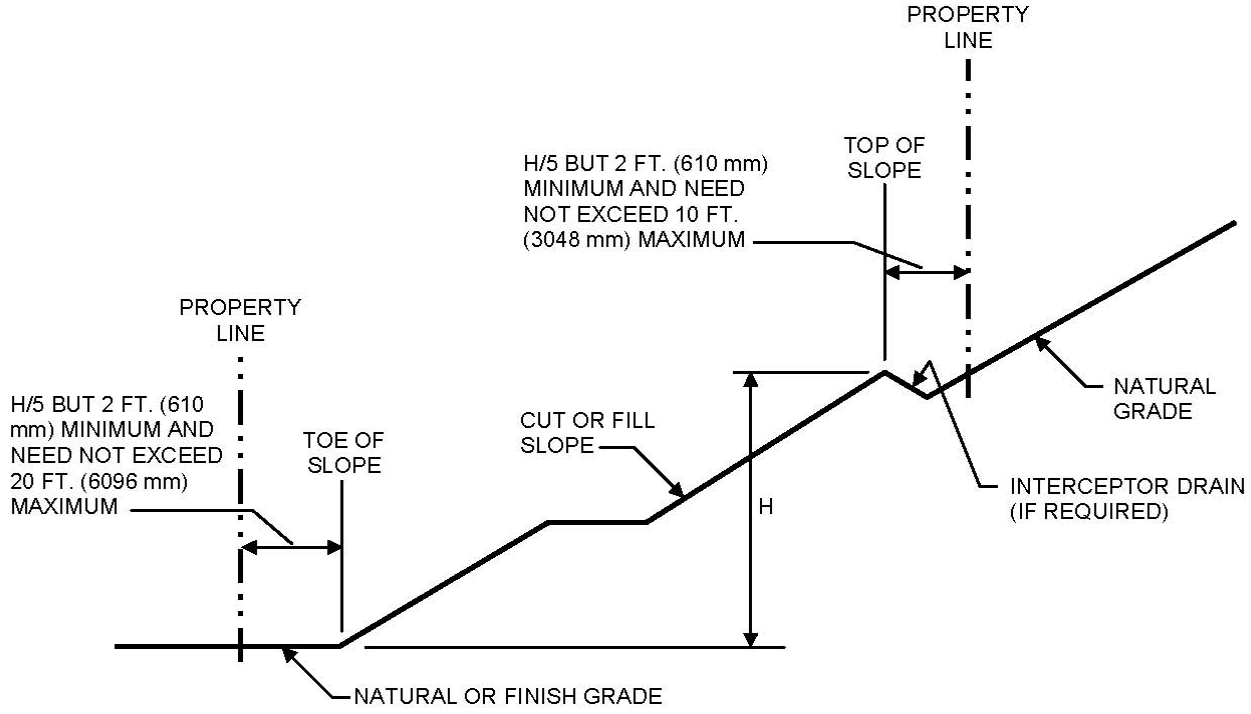


FIGURE J108.1
DRAINAGE DIMENSIONS

J108.3 Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096 mm). Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the Building Official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.

2. Provisions for retaining walls or similar construction.

3. Erosion protection of the fill slopes.

4. Provision for the control of surface waters.

J108.4 Alternate Setbacks. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

SECTION J109 DRAINAGE AND TERRACING

J109.1 General. Unless otherwise recommended by a registered design professional, and approved by the Building Official, drainage facilities and terracing shall be provided in accordance with the requirements of this Section .

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

J109.2 Drainage Terraces. Drainage terraces at least 8 feet (2438 mm) in width shall be established at not more than 30 foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 100 feet (30480 mm) and up to 120 feet (36, 576 mm) in vertical height, one terrace at approximately mid-height shall be 20 feet (6,096 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the Civil Engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Drainage Swales or ditches on terraces shall have a minimum gradient of 5 percent longitudinal grade of not less than 5 percent nor more than 12 percent and a minimum depth of 1 foot (305 mm) at the flow line. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Such terraces and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness, reinforced with 6-inch (152 mm) by 6-inch (152 mm) No. 10 by No. 10 welded wire fabric or equivalent reinforcing centered in the concrete slab or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1524 mm). Drainage terraces exceeding 8 feet (2438 mm) in width need only be so paved for a width of 8 feet (2438 mm) provided such pavement provides

a paved channel at least 1 foot (305 mm) in depth. Downdrains or drainage outlets shall be provided at approximately 300-foot (91.44 m) intervals along the drainage terrace or at equivalent locations. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal as defined in Section J109.5.

J109.3 Interceptor drains and overflow protection. Berms, interceptor drains or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of a slope. Berms used for slope protection shall not be less than 12 inches (305mm) above the level of the pad and shall slope back at least 4 feet (1219 mm) from the top of the slope.

Interceptor drains shall be installed along the top of manufactured slopes receiving drainage from a slope with a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the Building Official, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

J109.4 Drainage across property lines. Surface drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

J109.5 Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable street, storm drain, or natural watercourse drainage way approved by the Building Official and Public Works Director or other appropriate governmental agency jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices. De-silting basins, filter barriers or other methods, as approved by the Building Official and/or the Public Works Director, shall be utilized to remove sediments from surface waters before such waters are allowed to enter streets, storm drains or natural watercourses. If the drainage device discharges onto natural ground, riprap or a similar energy dissipater may be required.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, a public street or drainage structure approved to receive storm waters unless waived by the Building Official. A lesser slope may be approved by the Building Official for sites graded in relatively flat terrain, or where special drainage provisions are made, when the building official finds such modification will not result in unfavorable drainage conditions.

SECTION J110 SLOPE PLANTING AND EROSION CONTROL

J110.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall consist of effective planting, erosion control blankets, soil stabilizers or other means as approved by the Building Official.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials as approved by the Building Official.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

J110.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SECTION J111 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) COMPLIANCE

J111.1 General. All grading plans and permits shall comply with the provisions of this section for NPDES compliance including the owner of any property on which grading has been performed and which requires a grading permit under Section J103.

J111.2 Erosion/Sedimentation Control Plan (ESCP). No grading permit shall be issued unless the plans for such work include a Erosion/Sedimentation Control Plan, that conforms to the Erosion/Sedimentation Control Policy of the City of Santa Barbara's Building & Safety Division, with details of best management practices, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to control construction-related pollutants which originate from the site as a result of construction related activities. Sites which have been graded and which requires a grading permit under Section J103 are subject to penalties and fines per Section J111.4

All best management practices shall be installed before grading begins. As grading progresses, all best management practices shall be updated as necessary to prevent erosion and control constructed related pollutants from discharging from the site. All best management practices shall be maintained in good working order to the satisfaction of the Building Official unless final grading approval has been granted by the Building Official and all permanent drainage and erosion control systems, if required, are in place.

J111.4 Erosion/Sedimentation Control Plan, Effect of Noncompliance. Should the owner fail to install the best management practices required by Section J111.2 it shall be deemed that a default has occurred under the conditions of the grading permit security. There upon, the Building Official may enter the property for the purpose of installing, by City forces or by other means, the drainage, erosion control and other devices shown on the approved plans, or if there are no approved plans, as the Building Official may deem necessary to protect adjoining property from the effects of erosion, flooding, or the deposition of mud, debris or constructed related pollutants, or the Building Official may cause the owner to be prosecuted as a violator of this Code or may take both actions. The Building Official shall have the

authority to collect the penalties imposed by this section upon determining that the site is non-compliance. Payment of penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

If the best management practices for storm water pollution prevention are not installed as prescribed in Section J111.2 and approved by the Building Official, the following penalties shall be imposed:

Grading Permit Volume Penalty:

1--10,000 cubic yards (1--7645.5 m3) = $100.00 per day

10,001--100,000 cubic yards (7646.3--76455 m3) = $250.00 per day

More than 100,000 cubic yards (76455 m3) = $500.00 per day

NOTE: See Section J108 for inspection request requirements.

SECTION J112 DUST CONTROL

Santa Barbara County Air Pollution Control District's dust control measures identified as Construction Impact Mitigation: PM10 Mitigation Measures in SBCAPCD's *Scope and Content of Air Quality Sections in Environmental Documents* shall be adhered to during all ground disturbing activities.

SECTION J113 REFERENCED STANDARDS

These regulations establish minimum standards and are not intended to prevent the use of alternate materials, methods or means of conforming to such standards, provided such alternate has been approved.

The Building Official shall approve such an alternate provided he or she finds that the alternate is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, durability and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the alternate.

The standards listed below are recognized standards, compliance with these standards recognized standards shall be prima facie evidence with the standard of duty set forth in Section 107.

1. Testing.

a) ASTM D 1557, Laboratory Characteristics Compaction of Soil Using Modified Effort

b) ASTM D 1556, Density and Unit Weight of Soils In Place by the Sand Cone Method

c) ASTM D 2167, Density and Unit Weight of Soils In Place by the Rubber--Balloon

Method

d) ASTM D 2937, Density of Soils in Place by the Drive--Cylinder Method

e) ASTM D 2922, Density of Soil and Soil Aggregate In Place by Nuclear Methods

f) ASTM D 3017, Water Content of Soil and Rock in Place by Nuclear Methods

SECTION 3. Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is amended by adding Section 22.04.025 to read as follows:

22.04.025 Amendments to California Residential Code

The 2013 California Residential Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.025.

A. Section R105.1 "Required" is amended by adding Section R105.1.1 "Driveways and parking areas" and 105.1.2 "Demolition permits" to read as follows:

Section R105.1.1 Driveways and Parking Areas. Any work that is intended to create new, or to alter or demolish existing vehicular driveways and/or parking areas shall require a building permit. Prior to commencement of such work the owner or authorized agent shall first make application to the building official and obtain the required permit.

Section 105.1.2 Demolition Permits. Building permits shall be required to demolish any building, portion of a building, or structure within the City of Santa Barbara and shall be subject to the following conditions:

1. The applicant shall ensure all utility connections have been removed by the appropriate utility providers, except such utility services that are approved for use in connection with the work of the demolition. The applicant shall provide verification from the utility providers that utility service has been disconnected.

2. All resulting building debris, trash, junk, vegetation, dead organic matter, rodent harborage, or combustible material that constitutes a threat to life, health, or property, or is detrimental to the public welfare or which may reduce adjacent property value shall be removed from the site within thirty (30) days after the demolition of the structure.

B. Section R105.2 is deleted in its entirety and readopted to read as follows:

Section R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Note - For work, other than work involving, or accessory to, detached one- and two-family dwellings or townhouses, see Section 105 of the 2013 California Building Code as amended):

Building:

1. One-story detached residential accessory structures used as tool and storage sheds, playhouses, portable and fixed playground equipment, bicycle or skateboard ramps and similar uses, provided the floor area does not exceed 120 square feet and the height does not exceed 10 feet at the highest point; and further provided the structure does not encroach into required setbacks or required open yards, does not obstruct required parking,

and is not served by any utilities. The combined square footage of exempt accessory structures may not exceed 200 square feet on any single parcel.

2. Residential fences and walls not over 3 ½ feet high, as measured from the lowest adjacent grade of the fence or wall, and that such fence or wall will not adversely affect drainage or cause erosion.

3. Residential retaining walls which are not over 4 feet in height as measured from the bottom of the footing to the top of the wall, and that such wall will not support a surcharge, will not adversely affect drainage or cause erosion and is not located on a slope greater than 20%.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

5. Uncovered residential platforms, decks, porches, walks, patios, flatwork and similar structures not more than 10 inches above adjacent grade, and not over any basement or story below.

6. Interior painting, papering, tiling, carpeting, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24” deep.

8. Ground mounted radio, television and other masts or antenna or dish shaped communication reception or transmitting structures less than 3 feet in diameter, which do not extend more than 15 feet above grade and are not served by electrical circuits regulated under the National Electrical Code NEC). Light- weight roof-mounted radio, television, and other masts or antenna or dish shaped communication reception or transmitting structures less than 2 feet in diameter, which do not extend more than 15 feet above the roof, are not served by electrical circuits regulated under the NEC, and which are not subject to design review by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefore.
3. Replacement of branch circuit over current devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.

4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

C. Section R112.1 “General” of Section R112 “Board Of Appeals” is amended to read as follows:

R112.1 General. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020 of this Code.

D. Section R313.1 “Townhouse automatic fire sprinkler systems” is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 *R313.3 or NFPA 13D.*

E. Section R313.2 “One- and two- family dwellings automatic fire sprinkler systems” is amended to read as follows:

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 *R313.3* or NFPA 13D.

R313.2.2 City of Santa Barbara Local Requirements. Approved sprinkler systems shall be provided throughout a building in connection with the projects or changes of occupancy listed in this Section R313.2.2 or as specified elsewhere in this Section R313, whichever is more protective.

R313.2.3 Additions to or Remodels of Single Family Residences, duplexes and townhouses. Sprinklers are required for the addition of floor area to, or the modification or alteration of the interior of, an existing building that contains a Group R, Division 3 occupancy and townhouses, where the floor area of the portion of the building that is added, modified, or altered exceeds 75% of the existing floor area of the building. For purposes of this section, all additions, modifications, or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 75% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

R313.2.4 Computation of Square Footage. For the purposes of this Section R313, the floor area of buildings shall be computed in accordance with the definition of "Floor area, Gross" provided in Section 1002.1 of the California Building Code.

R313.2.5 Existing use. Except as provided in this Section R313, any building in existence at the time of the effective date of the ordinance adopting this section may continue with such use if such use was legal at the time.

F. Section R327.1.1 "Scope" is amended to read as follows:

R327.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, remodels or additions to existing buildings located within a Wildland-Urban Interface Fire Area as defined in Section R327.2 and R327.1.3.1 Item #3.

G. Section R327.1.3 "Application" is amended to read as follows:

R327.1.3. Application. New buildings, remodeled buildings or additions to existing buildings in any Fire Hazard Severity Zone or Wildland-Urban Interface Area designated by the enforcing agency constructed after the application date shall comply with this chapter.

Exception: Accessory and/or Group U occupancy buildings may be exempted from all or portions of this chapter upon approval of the Fire Marshall and/or Chief Building Official.

H. Section R327.5 "Roofing" is deleted in its entirety and readopted to read as follows:

R327.5 Roofing

R327.5.1 General. Roofs shall comply with the requirements of Sections R327 and R902. Roofs shall have a roofing assembly installed in accordance with its listing and manufacturers installation instructions.

R327.5.2 Roof Coverings. Roof coverings on new buildings shall be class A noncombustible in accordance with adopted CRC Standards or otherwise as may be approved by the Chief Building Official. Roof coverings shall be class A or noncombustible fire retardant materials on existing buildings and additions or repairs to existing buildings. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs where less than 20% of the existing roof is being replaced within a two (2) year period, provided such replacement roofing is fire retardant

treated wood shakes or shingles. Green" or "Vegetated" roofs shall not be used in the Wildland-Urban Interface Fire Area.

R327.5.3 Roof valleys. Where valley flashing is installed, the flashing shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72 pound (32.4 kg) mineral-surfaced non-perforated cap sheet complying with ASTM D 3909, at least 36-inch wide (914 mm)running the full length of the valley.

R327.5.4 Roof Gutters. Roof gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter. All roof gutters and downspouts shall be constructed of non-combustible materials.

R327.5.5 Drip Edge Flashing. When drip edge flashing is used at the free edges of roofing materials, it shall be non-combustible.

I. Section R327.6.2 "Requirements" is amended to read as follows:

R327.6.2 Requirements. Ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials, or other devices that meet the following requirements:

1. The dimensions of the openings therein shall be a minimum of 1/16th inch (1.6 mm) and shall not exceed 1/8th inch (3.2mm).
2. The materials used shall be noncombustible.

Exception to item #2: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.

3. The materials used shall be corrosion resistant.
4. Individual ventilation openings shall not exceed 144 square inches.
5. Turbine attic vents shall be equipped to allow one-way direction rotation only and shall not free spin in both directions.
6. Ventilation openings protected with vent openings that resist the intrusion of flame and embers, and which are listed by the State Fire Marshal, are exempt from complying with this sub-section.

J. Section R327.8.2 "Exterior glazing" is amended to read as follows:

R327.8.2 Exterior glazing. The following exterior glazing materials and/or assemblies shall comply with this section:

1. Exterior windows and/or skylights.
2. Exterior glazed doors.
3. Glazed openings within exterior doors.
4. Glazed openings within exterior garage doors.
5. Exterior structural glass veneer.

K. Chapter 3 ”Building Planning” is amended by adding Sections R332 through R334 to read as follows:

R332 Special Inspections and Structural Tests. When structural tests and special inspections are required due to the methods of construction the tests and inspections shall be performed and documented as is required in Chapter 17 of the California Building Code.

R333. Encroachments into the Public Right of Way. Encroachments into the public right of way shall comply with the standards of Chapter 32 of the California Building Code.

R334. Safeguards During Construction. Provisions for pedestrian safety during construction and the protection of adjacent public and private properties shall be governed by the requirements of Chapter 33 of the California Building Code.

L. Section R401 “Foundations” is amended by adding Section 401.5 “Grading” to read as follows:

R401.5 Grading. All grading, excavations and earthwork, including work required and/or related to structures regulated by this code, shall comply with Appendix J “Grading” of the 2013 California Building Code as amended.

M. Section R401.4 “Soils tests” is deleted in its entirety and readopted to read as follows:

R401.4. Soils Reports/Geotech Investigations. A Soils Report or Geotechnical Investigation shall be required as outlined in Section 1803 of the California Building Code.

Exceptions:

1. Single-story additions with less than a 500 sq. ft. “footprint” and that are less than 50% of the existing structure they are attached to.
2. Second story additions to an existing slab on grade structure that does not require new footings.
3. Detached “U” Occupancy Category buildings.

N. Section R401.4.1 “Geotechnical Evaluations” is amended to read as follows:.

R401.4.1 Load Bearing Values. Projects utilizing any of the exceptions of Section R401.4 shall use the presumptive load-bearing values of Table R401.4.1. Table R401.4.1 is not amended.

O. Section R403.1.2 “Continuous footing in seismic design categories D_0, D_1 and D_2” is amended to read as follows:

R403.1.2 Continuous footing in seismic design categories D_0, D_1 and D_2. The braced wall panels at exterior walls of buildings located in Seismic Design Categories D_0, $D_1$and D_2 shall be supported by continuous footings. All required interior braced wall panels in buildings shall be supported by continuous footings.

P. Section R403.1.5 “Slope” is amended to read as follows:

R403.1.5 Slope. The top surface of footings shall be level. The bottom surface of footings shall not have a slope exceeding one unit vertical in ten units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed one unit vertical in ten units horizontal (10-percent slope).

For structures located in Seismic Design Categories D_0, D_1, D_2, and E, stepped footings shall be reinforced with four ½-inch diameter (12.7 mm) deformed reinforcing bars. Two bars shall be placed at the top of the footing and two bars shall be placed at the bottom of the footing.

Q. Section R404.2 “Wood foundation walls” is amended to read as follows:

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the details shown in Figures 403.l(2) and R403.1(3). Wood foundation walls shall not be used for structures located in Seismic Design Categories D_0, D_1, D_2, and E.

R. Section R802.10.2 “Design” is amended to read as follows:

R802.10.2 Design. Wood trusses shall be designed in accordance with accepted engineering practice. The design and manufacture of metal-plate-connected wood trusses shall comply with ANSI/TPI 1. The truss design drawings shall be prepared by a professional registered by the State of California.

S. Section R902.1 “Roofing covering materials” is amended to read as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roof shall be installed in areas designated by this section. Classes A and B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

T. Section R902.1.1 “Roof coverings within very-high fire hazard severity zones” is amended to read as follows:

R902.1.1 Roof coverings within Wildland-Urban Interface Fire Area. The roofing and re-roofing requirements of structures within a Wildland-Urban Interface Fire Area as defined in Section R327.2 and R327.1.3.1 Item #3 shall meet the requirements of R327.

U. Section R902.1.2 “Roof coverings within state-responsibility areas” is deleted in its entirety without replacement.

V. Section R902.1.3 “Roof coverings in all other areas” is deleted in its entirety and readopted to read as follows:

R902.1.3 Roof coverings in all other areas. The roof covering or roofing assembly of any new building or the re-roofing of any existing building, regardless of type or occupancy classification, shall be no less than Class B, except that Group H, Division 1 and Group I occupancies shall be Class A. Treated or untreated wood shakes or shingles shall not be permitted, except on existing structures which are constructed with shake or shingle roofs

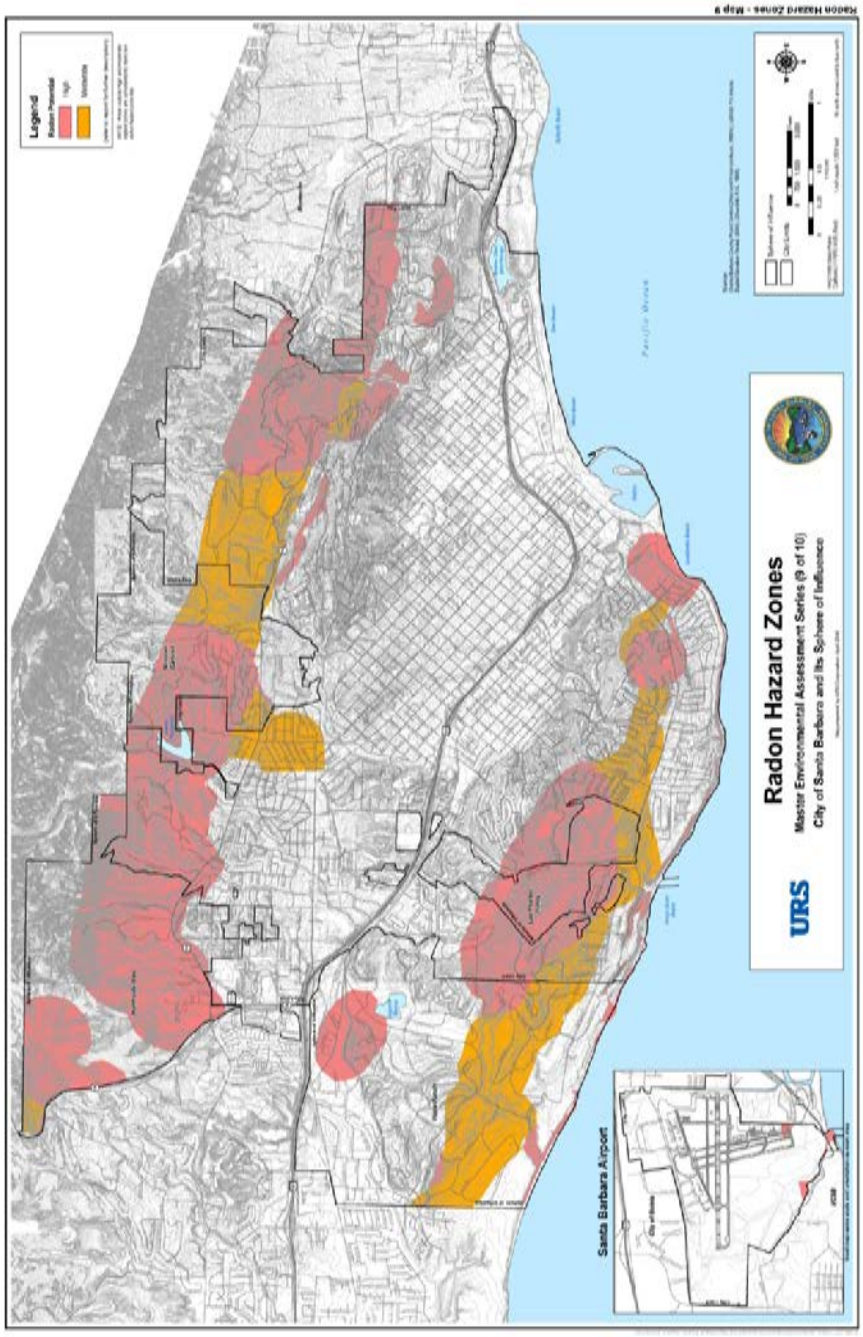
where less than 20% of the existing roof is being replaced within a two-year period, provided such replacement roofing is fire retardant treated wood shakes or shingles.

Exception: In the High Fire Hazard District, roof coverings shall be in accordance with Section R327 as amended.

W. Appendix Chapter F - Section AF101.1 “General” is deleted in its entirety and readopted to read as follows:

AF101.1 General. This chapter contains requirements for the construction of new one- and two-family dwellings and/or townhomes in where radon-resistant construction is required.

AF101.2 Application. The requirements of this chapter shall apply to all new one- and two-family dwellings and/or townhomes, which are located entirely or partially within the boundary of the “Moderate Potential” or “High Potential” radon zones as identified by the Radon Hazard Zone map, prepared by URS Corp (April 2008), and as determined by the Building Official. This map is adopted as part of this chapter. The City Clerk and the Chief Building Official shall each keep a copy of the Radon Hazard Zone Map.


Radon Hazard Zones - Map 9
Legend
Radon Potential
High
Moderate
Radon Hazard Zones
Master Environmental Assessment Series (9 of 10)
City of Santa Barbara and Its Sphere of Influence
URS
Santa Barbara Airport

X. Appendix Chapter G - Section AG105.2 “Outdoor swimming pool” is amended to read as follows:

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 60 inches (1524mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

2. Openings in the barrier shall not allow the passage of a 4-inch diameter (102 mm) sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be location on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where the decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches (44 mm).

6. Maximum mesh size for chain link fences shall be a 2 ½-inch (57 mm) square, unless the fence has slats fastened at the top of the bottom or the bottom which reduce the openings to not more than 1 ¾ inches (44 mm).

7. where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1 ¾ inches (44 mm).

8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and

8.2 The gate and barrier shall have no opening larger than ½ inch (12/7 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions will be met:

9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;

9.2 Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

9.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:

10.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

10.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

Y. Appendix Chapter I - Section AI101 “I” is deleted in its entirety and readopted to read as follows:

AI101.1 General Private sewage disposal systems shall conform to the 2013 California Plumbing Code Appendix Chapter H.

SECTION 4. Section 22.04.030 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.030. Amendments to California Plumbing Code.

The 2013 California Plumbing Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.030.

A. Section 102.3 “Board of appeals” is hereby deleted in its entirety and readopted to read as follows:

102.3 Board of Appeals. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

B. Section 103.4 “Fees” is deleted in its entirety and readopted to read as follows:

103.4 Fees. Fee payments, fee schedules, work commencing prior to permit issuance, related fees and refunds shall be in accordance with 2013 California Residential Code Section R108 for one- and two-family dwellings and townhomes and in accordance with 2013 California Building Code Section 109 for all other fees.

C. Section 402 “Installation” is amended by adding subsections 402.13 “Fountains” and 402.14 “Vehicle wash facilities” to read as follows:

402.13 Fountains. All fountains and other decorative bodies of water shall be equipped with a recirculation system and shall be designed to operate without a continuous supply of water.

402.14 Vehicle Wash Facilities.

402.14.1. All vehicle wash facilities using conveyorized, touchless and/or rollover in-bay technology shall reuse a minimum of fifty percent (50%) of water from previous vehicle rinses in subsequent washes.

402.14.2. Vehicle wash facilities using reverse osmosis to produce water rinse with a lower mineral content, shall incorporate the unused concentrate in subsequent vehicle washes.

402.14.3. All hoses pipes and faucets designed for the manual application of water to vehicles at vehicle wash facilities shall be equipped with a positive shut-off valve designed to interrupt the flow of water in the absence of operator applied pressure.

D. Section 422.1 “Fixture count” is deleted in its entirety and readopted to read as follows:

422.1 Fixture Count. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in Table 422.1 ***[OSHPD 1, 2, 3, & 4]*** and *Table 4-2*.

Exception: Within existing buildings, the Chief Building Official may make alternate consideration findings for partial compliance on the basis of one or more of the following criteria:

1. The cost of compliance is in excess of 15% of all cost of construction as proposed or incurred within one (1) year before or after the work proposed; or
2. The proposed use does not intensify the occupant load by more than 15% of the existing occupant load; or
3. Due to physical constraints of existing buildings and occupancies relative to disabled access regulations.

The total occupant load and occupancy classification shall be determined in accordance with *Occupant Load Factor Table A*. Occupancy classification not shown in Table 422.1 shall be considered separately by the Authority Having Jurisdiction.

The minimum number of fixtures shall be calculated at 50 percent male and 50 percent female based on the total occupant load. Where information submitted indicates a difference in the distribution of the sexes such information shall be used in order to determine the number of fixtures for each sex. Once the occupancy load and occupancy are determined, Table 422.1 shall be applied to determine the minimum number of plumbing fixtures required. Where applying the fixture ratios in Table 422.1 results in fractional numbers, such numbers shall be rounded to the next whole number. For multiple occupancies, fractional numbers shall be first summed and then rounded to the next whole number.

422.1.1 Family or Assisted-Use Toilet and Bathing Facilities. Where family or assisted-use toilet and bathing rooms are required, in applicable building regulations, the facilities shall be installed in accordance with those regulations.

422.1.2 [*DSA-AC*] *Effective January 1, 1990, in new construction and those existing facilities which occupancy type are listed in Tables 422.1 and 4-4 for public use, which apply for permit to undertake construction, structural alterations, repairs or improvements which exceed 50 percent of the square footage of the entire facility, shall install water closets, urinals, lavatories and drinking fountains as stipulated in Tables 422.1 and 404 for public use. Community and/or municipal parks with bleacher capacity not exceeding 500 seats shall be exempt from the requirements of this section and Tables 422.1 and 4-4. Each bathroom shall comply with Part 2, Chapter 11A and 11B of the California Building Code.*

E. Chapter 4 "Plumbing Fixtures and Fixture Fittings" is amended by the addition of Section 423 "Water meters required".

423. Water meters required.

423.1. Group R Occupancies. Each dwelling unit, including apartments units and secondary units, shall be served by a separate City water meter. For projects of five (5) dwelling units or more, such meter shall serve only uses within the dwelling unit. All other uses, including but not limited to irrigation, water features (pools, spas, fountains), and shared laundry facilities, shall be served by an additional separate City water meter.

423.2. Occupancies Other Than Group R. All occupancies other than Group R serving a separate legal parcel shall be served by a single meter and no such meter shall also serve Group R occupancy.

F. Section 603.1 "General" is amended to read as follows:

603.1 General. Cross-connection control shall be provided in accordance with the provisions of this chapter and Sections 7583 through 7630 "Drinking Water Supplies" of Title 17 of the California Administrative Code, and where there is a conflict between the requirements, the higher level of protection shall apply.

No person shall install any water-operated equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical, or substance causes pollution or contamination of the domestic water supply. Such equipment or mechanism shall be permitted only when equipped with an approved backflow prevention device or assembly.

G. Section 608.2 "Excessive Water Pressure" is amended to read as follows

608.2 Excessive Water Pressure. Regardless of the pressure at the main, all occupancies served by the City of Santa Barbara Water Resource Division shall be equipped with an approved pressure regulator preceded by a strainer (unless a strainer is built into the device). Any irrigation system or other secondary piping that bypasses said regulator shall be equipped with its own approved pressure regulator and strainer, installed upstream of any piping, backflow device, valve, solenoid or outlet. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the Authority Having

Jurisdiction. Each such regulator and strainer shall be accessibly located above ground or in a vault equipped with a properly sized and sloped bore-sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. Pipe size determinations shall be based on 80 percent of I the reduced pressure when using Table 6-6. An approved expansion tank shall be installed in the cold water distribution piping downstream of each such regulator to prevent excessive pressure from developing due to thermal expansion and to maintain the pressure setting of the regulator. The expansion tank shall be properly sized and installed in accordance with the manufacturer's instructions and listing. Systems designed by registered engineers shall be permitted to use approved pressure relief valves in lieu of expansion tanks provided such relief valves have a maximum pressure relief setting of one hundred (100) pounds per square inch (689 kPa) or less.

H. Section 710.0 “Drainage of Fixtures Below the Next upstream Manhole or Below the Main Sewer Level” is amended by adding Sections 710.14 “Sewage Pump Signaling Device” and 710.15 “Approved Type Backwater Valve” to read as follows:

710.14 Sewage Pump Signaling Device. Specially designed sewage disposal systems which depend upon a sewage lift pump or ejector for their operation shall be provided with an approved audible signaling device to warn building occupants in the event of pump failure.

710.15. Approved Type Backwater Valve. When the valuation of an addition, alteration, or repair to a building exceeds $1,000.00 or when additions, alterations, or repairs are made to the plumbing system or fixtures and a permit is required, an approved backwater valve shall be installed in accordance with Section 710.0 of this Code.

Exception: Repairs to the exterior surface of a building are exempt from the requirements of this section.

I. Section 713.2 “Private Sewage Disposal System” is amended to read as follows:

713.2 When no public sewer intended to serve any lot or premises is available in any thoroughfare or right of way abutting such lot or premises, drainage piping from any building or works shall be connected to an approved private sewage disposal system.

Approved private systems may be used until a public system is available. Upon written notice by the Chief Building Official to the record owner of title, such private systems shall be abandoned in accordance with the provisions of Section 722.0 of this code and permits to connect to the public system must be secured.

SECTION 5. Section 22.04.040 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.040 Amendments to the California Mechanical Code.

The 2013 California Mechanical Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.040.

A. Section 108 “Board of Appeals” is hereby deleted in its entirety and readopted to read as follows:

108 Board of Appeals. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

B. Section 114.0 “Fees” is deleted in its entirety and readopted to read as follows:

114.0 Permit fees. Fee payments, fee schedules, work commencing prior to permit issuance, related fees and refunds shall be in accordance with CRC Section R108 for one- and two-family dwellings and townhomes and in accordance with CBC Section 109 for all other fees.

SECTION 6. Section 22.04.050 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.050. Amendments to the California Electrical Code.

A. The 2013 California Electrical Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.050. Article 89.108.8 California Electrical Code is deleted and readopted to read as follows:

89.108.8 Appeals Board. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

SECTION 7. Section 22.04.060 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.060 Amendments to the 2013 California Green Building Standards Code

The 2013 California Green Building Standards Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.060.

A. Section 4.304 “Outdoor Water Use” is amended by adding Section 4.304.2 “Fountains” to read as follows:

4.304.2 Fountains. All fountains directly plumbed by potable water, on a single parcel of land, shall not exceed a total water surface area of twenty five square feet.

B. Section 5.304.2 “Outdoor Potable Water Use” is deleted in its entirety and readopted to read as follows:

5.304.2 Outdoor potable water use. For new water service or for addition or alteration requiring upgraded water service for landscaped areas of at least 1,000 square feet but not

more than 5,000 square feet (the level at which Water Code § 535 applies), a separate City-issued irrigation meter shall be installed for outdoor potable water use.

C. Section 5.304 is amended by adding Section 5.304.4 to read as follows:

5.304.4 Fountains. All fountains directly plumbed by potable water, on a single parcel of land, total water surface area shall not exceed twenty five square feet.

SECTION 8. Section 22.04.070 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.060 Amendments to the 2012 International Property Maintenance Code

The 2012 International Property Maintenance Code, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.060.

A. Section 101.1 "Title" is amended to read as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of the City of Santa Barbara, hereinafter referred to as "this code".

B. Section 103 "Department of Property Maintenance Inspection" is deleted in its entirety without replacement.

C. Section 111 "Means of Appeal" is deleted and readopted to read as follows:

111 Means of Appeal. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

D. Section 112.4 "Failure to Comply" is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, may be assessed a citation as outlined in Santa Barbara Municipal Code Section 1.25.

E. Section 302.4 "Weeds" is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12". All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

F. Section 304.14 “Insect Screens” is amended to read as follows:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fittings screens of minimum 12 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

G. Section 602.2 “Residential Occupancies” is deleted in its entirety and readopted to read as follows:

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68ºF (20ºC) in all habitable rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating

H. Section 602.3 “Heat Supply” is deleted in its entirety without replacement.

I. Section 602.4 “Occupiable work spaces” is deleted in its entirety without replacement.

SECTION 9. Section 22.04.070 of Chapter 22.04 of Title 22 of the Santa Barbara Municipal Code is adopted to read as follows:

22.04.080. Amendments to the 1997 Uniform Code for Abatement of Dangerous Buildings

A. The 1997 Uniform Code for Abatement of Dangerous Buildings, as adopted by reference pursuant to this Chapter, is amended as set forth in this Section 22.04.080. Section 205 is deleted and readopted to read as follows:

205 Board of Appeals. Appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction shall be addressed in accordance with the provisions of Section 113 and Appendix B of the California Building Code as amended by the City of Santa Barbara in Section 22.04.020.

SECTION 10. Whenever in this Ordinance or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, such reference shall incorporate and adopt by reference such other codes, standards or rules or regulations as part of this ordinance. A copy of said primary and secondary codes are on file and shall be maintained for public inspection by the Chief Building Official as provided in Title 5, Division 1, Part 1, Chapter 1 of the California Government Code while this Ordinance is in force.

SECTION 11. Ordinance Number 5536 repealed upon the effective date of this ordinance.

SECTION 12. The provisions of this ordinance shall take effect at 12:01 a.m. on January 1, 2014.

Attachment 2

City of Santa Barbara
Building & Safety Division

2013 Code-Adoption Cycle
Summary of Amendments

October 15, 2013

2013 California Administrative Code

#	Chapter/ Section	Title	Concept	New or Existing / Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
			No Changes		

2013 California Building Code (volumes 1 & 2)

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.	Chapter 1 105.1.3	Permits/ Paving & striping	Adds section 105.1.3 "Permits" requiring permits for re-paving and re-striping of commercial parking areas.	Existing Added	Admin
2	Chapter 1 105.1.4	Permits/ Demolition permits	Adds section 105.1.4 to clarify procedures and requirements needed prior to permit issuance for demo permits.	Existing Added	Admin
3	Chapter 1 105.2	Permits/ Work exempt from permits	Adds section 105.2 to specify local requirements. Revised this cycle.	Existing Revised	Admin
4	Chapter 1 105.4.1	Permits/ Issuance	Adds subsection 105.4.1 requiring licensed California contractor to pull permit for all but 1- and 2-family dwelling and accessory structures. Revised this cycle to reflect minor code change to "U" occupancy sub categories in CBC.	Existing Revised	Admin
5	Chapter 1 113	Permits/ Board of Appeals	Delete and replace section 113 outlining local Board of Appeals process and procedures	Existing Revised	Admin
6	Chapter 7A 701A.1	Materials and construction methods for exterior wildfire exposure/Scope	Clarify local high-fire-hazard zones and scoping of requirements	Existing Revised	Climatic Topo

7	Chapter 7A 701A.3	Materials and construction methods for exterior wildfire exposure/ Application	Eliminates 3 exceptions to this code section and section regarding Application Date	Existing Revised	Climatic Topo
8	Chapter 7A 705A.2	Materials and construction methods for exterior wildfire exposure/ Roof coverings	Specifies class “A” roofing, disallows wood shake and shingles, disallows “Green” or “Vegetated” roofs, in high fire hazard zone	Existing Revised	Climatic Topo
9	Chapter 7A 705A.4	Materials and construction methods for exterior wildfire exposure/Roof gutters	Revised to require non-combustible materials for roof gutters.	Existing Revised	Climatic Topo
10	Chapter 7A 705A.5	Materials and construction methods for exterior wildfire exposure/Drip edge flashing	Revised to require non-combustible materials for drip edge flashing	Existing Revised	Climatic Topo
11	Chapter 7A 706A.2	Materials and construction methods for exterior wildfire exposure/ Requirements	Specific requirements for roof turbine vents and allowance of State Fire Marshall approved vents.	Existing Revised	Climatic Topo
12	Chapter 7A 708A.2	Materials and construction methods for exterior wildfire exposure/ Exterior glazing	Adds language to ensure skylights are covered by High Fire Hazard area requirements	Existing Amended	Climatic Topo
13	Chapter 9 903.2.20	Fire Protection Systems/ Local Requirements	Section 903.20 and all sub-sections are new sections for local fire sprinkler requirements.	Existing Added	Climatic Topo
14	Chapter 9 907.2.30	Fire Protection Systems/ Mixed-use occupancies	Section specifies fire alarm system required for mixed-use occupancies	Existing Added	Climatic Topo
15	Chapter 12 1208.4	Interior Environment/ Efficiency dwelling units	Provides local jurisdiction ability to approve units with reduced floor area in certain circumstances	Existing Amended	Admin
16	Chapter 15 Table 1505.1	Roof Assemblies/ Roofing Classes	Eliminates class “C” roofs from all types of construction	Existing Amended	Climatic Topo
17	Chapter 15 1505.1.3	Roof Assemblies/ Roof coverings in all other areas	Specifies Class “B” minimum and refers high fire hazard requirements to Chapter 7A	Existing Amended	Climatic Topo

18	Chapter 17 1705.11.2	Structural Tests and Special Inspections/ Structural wood	This section has been revised due to changes in referenced design standards in structural provisions of CBC	Existing Amended	Geologic
19	Appendix Chapter “B”	Board Of Appeals	Provide uniform administrative procedures for all adopted codes. This appendix works in conjunction with Section 113	Existing Amended	Admin
20	Appendix Chapter “J”	Grading	This is a locally adopted version of the grading chapter with minor amendments to clarify reference to recently adopted SWMP Ordinance	Existing Amended	Topo Geologic

2013 California Residential Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1**.**	Chapter 1 R105.1.1	Permits/ Paving & striping	Adds section R105.1.1 requiring permits for driveways and parking areas.	New	Admin
2.	Chapter 1 R105.2	Permits/ Work exempt from permits	Revise and update “work exempt” list for 1 and 2 family residential occupancies.	Existing Revised	Admin
3.	Chapter 1 R112.1	Board of Appeals	Provide uniform administrative procedures for all adopted codes by referring to CBC Section 113 and Appendix Chapter B.	New	Admin
4.	Chapter 3 R313.1	Building Planning/ Townhouse automatic fire sprinklers	Local sprinkler requirements.	Existing Revised	Climatic Topo
5.	Chapter 3 R313.2	Building Planning/ One- and two family dwellings	Local sprinkler requirements.	Existing Revised	Climatic Topo
6.	Chapter 3 R313.2.1	Building Planning/ Design & installation	Local sprinkler requirements.	Existing Added	Climatic Topo
7.	Chapter 3 R313.2.2	Building Planning/ Local requirements	Local sprinkler requirements.	Existing Added	Climatic Topo
8.	Chapter 3 R313.2.3	Building Planning/ Additions to or Remodels of SFR or duplexes	Local sprinkler requirements.	Existing Added	Climatic Topo
9.	Chapter 3 R313.2.4	Building Planning/ Computation of Square Footage	Local sprinkler requirements.	Existing Added	Climatic Topo
10.	Chapter 3 R313.2.5	Building Planning/ Existing use.	Local sprinkler requirements.	Existing Added	Climatic Topo
11	Chapter 3 R327.1.1	Building Planning/ Scope	Clarify local high-fire hazard zones and scoping requirements.	Existing Revised	Climatic Topo

12.	Chapter 3 R327.1.3	Building Planning/ Application	Local High Fire Hazard area requirements.	Existing Revised	Climatic Topo
13.	Chapter 3 R327.5.2	Building Planning/ Roof Coverings	Requires class ”A” roofing and disallows use of wood shake or wood shingle roofs.	Existing Revised	Climatic Topo
14.	Chapter 3 R327.5.4	Building Planning/ Roof Gutters	Specifies non-combustible materials for roof gutters.	Existing Revised	Climatic Topo
15.	Chapter 3 R327.5.5	Building Planning/ Drip Edge Flashing	Specifies non-combustible materials for drip edge flashing.	Existing Revised	Climatic Topo
16.	Chapter 3 R327.6.2	Building Planning/ Requirements	Specific requirements for roof turbine vents and allowance of State Fire Marshall approved vents.	Existing Revised	Climatic Topo
17.	Chapter 3 R327.8.2	Building Planning/ Exterior glazing	Adds language to ensure skylights are covered by High Fire Hazard area requirements	Existing Revised	Climatic Topo
18.	Chapter 3 R332	Building Planning/ Special Inspections and Testing	Refers to CBC requirements.	Existing Added	Admin
19.	Chapter 3 R333	Building Planning/ Encroachments into the Public ROW	Refers to CBC requirements.	Existing Added	Admin
20.	Chapter 3 R334	Building Planning/ Safeguards During Construction	Refers to CBC requirements.	Existing Added	Admin
21.	Chapter 4 R401.5	Foundations/ Grading	Refers to CBC requirements.	Existing Revised	Geologic
22.	Chapter 4 R401.4	Foundations/ Soils Reports/Geotech Investigations	Refers to CBC requirements.	Existing Revised	Geologic
23.	Chapter 4 R401.4.1	Foundations/ Geotechnical Evaluation	Refers to CBC requirements for soils reports or geotechnical evaluations. Provides several exceptions to requirements for minor projects.	New Amended	Geologic
24.	Chapter 4 403.1.2	Foundations/ Continuous Footings	Requires continuous footings.	Existing Revised	Geologic
25.	Chapter 4 R403.1.5	Foundations/ Slope	Requires reinforcement for stepped footings.	Existing Revised	Geologic
26.	Chapter 4 R404.2	Wood foundation walls.	Virtually eliminates wood foundations walls from use in this jurisdiction.	Existing Revised	Geologic
27.	Chapter 8 R802.10.2	Design	Wood truss design requirements.	Existing Revised	Geologic
28.	Chapter 9 R902.1	Roofing covering materials	Eliminates class “C” roofs in jurisdiction.	Existing Revised	Climatic Topo
29.	Chapter 9 R902.1.1	Roofing covering materials within Wildland Fire Areas	Requires class “A” roofs in High Fire Hazard areas.	Existing Revised	Climatic Topo
30.	Chapter 9 R902.1.3	Roofing coverings in all other areas.	Eliminates class “C” roofs in jurisdiction.	Existing Revised	Climatic Topo

31.	Appendix F AF101.1	Radon Control Methods/ General	Adds requirements for Radon Control Methods in portions of the jurisdiction.	New Revised	Geologic
32.	Appendix F AF101.2	Application	Adds requirements for application of Radon Control Methods.	New Revised	Geologic
33.	Appendix G AG105.2	Outdoor swimming pool.	Adds requirements for pool barriers.	New Revised	Admin
34.	Appendix I AI101	General	Adds requirement for private sewage disposal system compliance.	New Revised1	Admin

2013 California Electrical Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.	Article 89 89.108.8	Appeals Board	Provide uniform administrative procedures for all adopted codes by referring to CBC Section 113 and Appendix Chapter B.	New	Admin

2013 California Mechanical Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.	Chapter 1 110	Board of Appeals	Provide uniform administrative procedures for all adopted codes by referring to CBC Section 113 and Appendix Chapter B.	Existing, updated CFC / MC	Admin

2013 California Plumbing Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.	Chapter 1 102.3	Administration/ Board of Appeals	Provide uniform administrative procedures for all adopted codes by referring to CBC Section 113 and Appendix Chapter B.	New	Admin
2.	Chapter 1 103.4	Administration/ Fees	Provide uniform fee assessment for all adopted codes.	New Revised	Admin
3.	Chapter 4 402.13	Plumbing Fixtures & Fixture Fittings/ Fountains	Updated to reflect numbering change for code section.	Existing Revised	Climatic

4.	Chapter 4 402.14	Plumbing Fixtures & Fixture Fittings/ Vehicle Wash Facilities	Updated to reflect numbering change for code section.	Existing Revised	Climatic
5.	Chapter 4 422.1	Plumbing Fixtures & Fixture Fittings/ Fixture Count	Updated to reflect numbering change for code section.	Existing Revised	Climatic
6.	Chapter 4 423	Plumbing Fixtures & Fixture Fittings/ Water Meters Required.	Updated to reflect numbering change for code section.	Existing Revised	Climatic
7.	Chapter 4 423.1	Plumbing Fixtures & Fixture Fittings/ Group R Occupancies	Updated to reflect numbering change for code section.	Existing Revised	Climatic
8.	Chapter 4 423.2	Plumbing Fixtures & Fixture Fittings/ Occupancies other than Group R	Updated to reflect numbering change for code section.	Existing Revised	Climatic
9.	Chapter 6 603.1	Water Supply & Distribution/ General	Updated to reflect numbering change for code section.	Existing Revised	Climatic
10.	Chapter 6 608.2	Water Supply & Distribution/ Excessive Water Pressure	Updated to reflect numbering change for code section.	Existing Revised	Climatic
11.	Chapter 7 710.14	Sanitary Drainage/ Sewage Pump Signaling Device	Updated to reflect numbering change for code section.	Existing Revised	Topo
12.	Chapter 7 710.15	Sanitary Drainage/ Approved Type Backwater Device	Updated to reflect numbering change for code section.	Existing Revised	Topo
13.	Chapter 7 713.2	Sanitary Drainage/ Private Sewage Disposal System	Allows private system until public sewer becomes available.	Existing	Admin

2013 California Energy Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.			No changes.		

2013 California Historical Building Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.			No Changes.		

2013 California Existing Building Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.			No changes.		

2013 California Green Building Standards Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.			No changes.		

2013 California Referenced Standards Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.			No changes.		

2012 International Property Maintenance Code

#	Chapter/ Section	Title	Concept	New or Existing/ Added, Deleted or Amended	Findings: Climatic, Topo., Geologic or Admin.
1.	Chapter 1 101.1	Title	Revised to reflect language specific to the City of Santa Barbara.	New Revised	Admin

2.	Chapter 1 103	Dept. of Property Maintenance Insp.	Separate Dept. of Property Maintenance Inspection not required.	Existing Deleted	Admin
3.	Chapter 1 111	Means of Appeal	Provide uniform administrative procedures for all adopted codes by referring to CBC Section 113 and Appendix Chapter B.	Existing	Admin
4.	Chapter 1 112.1	Failure to Comply	Modifies section to refer to SBMC Section 1.25 Administrative Citation	New Revised	Admin
5.	Chapter 3 302.4	Weeds	Revised to reflect language specific to the City of Santa Barbara requiring weeds to be kept to a maximum of 12”	New Revised	Admin
6.	Chapter 3 304.14	Insect Screens	Requires year-round insect screens on all habitable rooms, food-prep areas and food service areas.	New Revised	Admin
7.	Chapter 6 602.2	Residential Occupancies	Requires heating facilities in all residential habitable spaces.	New Revised	Climatic
8.	Chapter 6 602.3	Heat Supply	Residential heating facilities are covered in 602.3. Climatic conditions do not warrant heating facilities in other than residential facilities	New Deleted	Climatic
9.	Chapter 6 602.4	Occupiable Work Space	Residential heating facilities are covered in 602.3. Climatic conditions do not warrant heating facilities in other than residential facilities	New Deleted	Climatic

2007 Uniform Code For The Abatement Of Dangerous Buildings

#	**Chapter/ Section**	**Title**	**Concept**	**New or Existing/ Added, Deleted or Amended**	**Findings: Climatic, Topo., Geologic or Admin.**
1**.**	Chapter 2 205	Enforcement/ Board Of Appeals	Provide uniform administrative procedures for all adopted codes by referring to CBC Section 113 and Appendix Chapter B.	New Revised	Admin

CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

REGULAR MEETING
October 1, 2013
COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.
Councilmembers absent: None.
Staff present: Acting City Administrator Paul Casey, City Attorney Stephen P. Wiley, City Clerk Services Manager Gwen Peirce.

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through October 31, 2013.

Documents:
October 1, 2013, report from the Assistant City Administrator.

Speakers:
Staff: Acting City Administrator Paul Casey, Award Recipients Alison Baird and David Lewis.

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1. (Cont'd)

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

5 YEARS
Henry Carralejo, Automotive Parts Specialist, Public Works Department
Allison Gray, Supervising Librarian, Library Department
James Hatsedakis, Parking Coordinator, Waterfront Department
15 YEARS
Salvador Marquez, Vehicle Services Assistant, Public Works Department
Judith McCaffrey, Recreation Programs Manager, Parks & Recreation Department
25 YEARS
Alison Baird, Plans Examiner, Community Development Department
David Lewis, Wastewater Treatment Supervisor, Public Works Department

2. Subject: Proclamation Declaring October 4, 2013, As California Arts Day And October 2013 As National Arts and Humanities Month (120.04)

Action: The Proclamation was presented to Ginny Brush, Executive Director of the Santa Barbara County Arts Commission.

PUBLIC COMMENT

No one indicated a desire to speak.

CONSENT CALENDAR (Item Nos. 3 – 8)

Motion:
Councilmembers House/Francisco to approve the Consent Calendar as recommended.
Vote:
Unanimous voice vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of September 12, 2013 and the regular meeting of September 17, 2013.

Action: Approved the recommendation.

4. Subject: Contract For Professional Engineering Design Services For Phases 5 Through 8 Of The Santa Barbara Harbor Marina One Replacement Project (570.03)

Recommendation: That Council:

A. Authorize the Waterfront Director to execute a contract with URS Corporation (URS) in the amount of $85,300 to provide professional engineering design services for Phases 5 through 8 of the Santa Barbara Harbor Marina One Replacement Project; and

B. Authorize the Waterfront Director to approve expenditures up to $8,500 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract No. 24,630 (October 1, 2013, report from the Waterfront Director).

5. Subject: AB109 Public Safety Realignment Act Funds (520.04)

Recommendation: That Council:

A. Accept $49,200 in AB109 Public Safety Realignment Act Funds from Santa Barbara County Probation Department; and

B. Increase appropriations and estimated revenues by $49,200 in the General Fund Police Department.

Action: Approved the recommendations (October 1, 2013, report from the Chief of Police).

6. Subject: Contract For Water Distribution System Modeling Services (540.01)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services contract with Carollo Engineers in the amount of $108,210 for Water Distribution System modeling services, and authorize the Public Works Director to approve expenditures of up to $10,821 for extra services of Carollo Engineers that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,631 (October 1, 2013, report from the Public Works Director).

NOTICES

7. The City Clerk has on Thursday, September 26, 2013, 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.

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8. Receipt of communication advising of vacancy created on the Community Development and Human Services Committee with the resignation of Brenda Collins Powell; the vacancy will be part of the current City Advisory Group recruitment.

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

9. Subject: Gas Franchise Hearing And Introduction Of Ordinance (380.02)

Recommendation: That Council:

A. Hold a public hearing, as required by the City Charter Section 1401, regarding the grant of a thirty-year gas franchise, with an option to extend for ten additional years, to Southern California Gas Company; and

B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Granting Southern California Gas Company a Franchise to Install, Use, Maintain, Repair and Replace Pipes and Appurtenances for the Purpose of Transmitting and Distributing Natural Gas for Any and All Purposes Within the City of Santa Barbara.

Documents:

- October 1, 2013, report from the Assistant City Administrator.
- Proposed Ordinance.

The title of the ordinance was read.

Public Comment Opened:
2:12 p.m.

Speakers:

- Staff: Employee Relations Manager Kristy Schmidt.
- Members of the Public: Matthew Kramer.

Public Comment Closed:
2:14 p.m.

Motion:
Councilmembers Murillo/White to approve Recommendation B.

Vote:
Unanimous voice vote.

PUBLIC HEARINGS

10. Subject: Single-Use Bag Ordinance (630.02)

Recommendation: That Council:

A. Deny the appeal filed by Stephen Joseph, attorney for the "Save the Plastic Bag Coalition," and uphold the decision of the Planning Commission to certify the Final Environmental Impact Report for the proposed City Single-Use Bag Ordinance (the "FEIR") and direct the City Attorney to prepare a draft Council Resolution containing appropriate findings for the certification of the Final Environmental Impact Report and findings to support the use of the FEIR in connection with the enactment of the proposed Single-Use Bag Ordinance; and

B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Chapter 9.150 Pertaining to the Use of Single-Use Carryout Bags at Certain Retail Food and Grocery Store Establishments Within the City.

Councilmember Rowse announced that he would abstain from participating in this item due to a potential conflict of interest arising from his wife's business, which is a reusable bag service at Lazy Acres.

Documents:

- October 1, 2013, report from the Finance Director.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.
- September 30, 2013, e-mail from Anthony van Leeuwen.
- Documentation submitted by the Appellant and presented during public comment.

The title of the ordinance was read.

Public Comment Opened:
2:17 p.m.

Speakers:

- Staff: Environmental Services Manager Matt Fore, Associate Planner Daniel Gullett.

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- Rincon Consultants: Joe Power.
- Appellant: Stephen Joseph, Save the Plastic Bag Coalition.
- Beach Erosion Authority for Clean Oceans and Nourishment (BEACON): Board of Directors Member Brian Brennan.

(Cont'd)

10. (Cont'd)

Speakers (Cont'd):

- Members of the Public: Hillary Blackerby, representing Assemblymember Das Williams; Bonnie Raisin; James Hawkins, Heal the Ocean; Megan Diaz Alley; Kathi King, Community Environmental Council; Anthony van Leeuwen; Kate Nelson and Kaia Stachel, Save the Mermaids; Penny Owens and Kira Redmond, Santa Barbara Channelkeeper; Sarah Sheehy, California Grocers Association; Bill Hickman, Surfrider Foundation; Kat Lockwood and Lia Nelson, CALPIRG and Environment California; Rachel Riggio, The Red Road Foundation.

Public Comment Closed:
3:56 p.m.

Motion:
Councilmembers House/Murillo to approve Recommendations A and B, including denying the appeal filed by Stephen Joseph and upholding the Planning Commission's certification of the Environmental Impact Report for the Single-Use Bag Ordinance and introduction of the Single-Use Bag Ordinance.

Vote:
Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at the following meetings/events: 1) meeting of Youth Service Providers of the Gang Task Force; 2) ECO Faith event; and 3) Casa Serena Anniversary Event celebrating 54 years of offering sober living for women.
- Councilmember White reported on the recent Sustainability Committee meeting, at which a summary of FY 14 Sustainability Projects was reviewed.
- Councilmember Hotchkiss spoke regarding the Cottage Rehabilitation Hospital Ribbon Cutting ceremony he attended.
- Mayor Schneider commented on the Taste of Milpas event and congratulated City staff on receiving Awards from Santa Barbara Beautiful.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:25 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ATTEST:_____

HELENE SCHNEIDER
MAYOR

GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE AIRPORT DIRECTOR TO EXECUTE A CONSENT TO AMENDMENT OF SUBLEASE NO. 200855 BETWEEN SIGNATURE FLIGHT SUPPORT CORPORATION (SIGNATURE), A DELAWARE CORPORATION, AND FIDELITY NATIONAL FINANCIAL, INC., A DELAWARE CORPORATION, AMENDING THE "TERM" OF THE SUBLEASE TO MAKE IT COTERMINUS WITH THAT OF THE MASTER LEASE, JULY 31, 2016, TO TAKE EFFECT ON THE EFFECTIVE DATE OF THE ORDINANCE.

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 amendment to sublease between Signature Flight Support Corporation and Fidelity National Financial, Inc., extending the term of the sublease for the premises at Building 307, 1499 Cecil Cook Place, at the Santa Barbara Airport, to July 31, 2016, is hereby approved.

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA MAKING CERTAIN FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT CONCERNING THE CITY'S SINGLE-USE BAG ORDINANCE AND DENYING AN APPEAL OF THE CITY PLANNING COMMISSION DECISION TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY'S PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE.

WHEREAS, the City of Santa Barbara's proposed "Single-use Carryout Bag ordinance" would prohibit certain stores which sell food and pharmacies from providing plastic carryout bags, and would also require such stores to charge 10-cents for each recyclable paper bag provided by the stores to their customers at the point of sale;

WHEREAS, as currently proposed, the City's Single-use Carryout Bag Ordinance would apply to two categories of retail establishments that are located within or doing business within the geographic limits of Santa Barbara. The ordinance would both prohibit the free distribution of single use carryout paper and plastic bags and require retail establishments to charge customers for recyclable paper bags provided to those customers at the point of sale. The regulated retail establishments would also be allowed to sell reusable bags or to distribute them free of charge within certain limitations. The Ordinance sets forth that the minimum charge for single use recyclable paper bags would be ten cents ($0.10). The Ordinance would not apply to restaurants and other food-service providers, thus allowing them to continue to provide plastic bags to customers for prepared take-out food intended for consumption off of the food provider's premises;

WHEREAS, the intent of the City's Single-use Carryout Bag ordinance is to reduce the adverse environmental impacts related to the use of single-use carryout bags, whether paper or plastic, and to promote a shift by grocery store customers towards the greater use of reusable bags. It is anticipated that by prohibiting single use plastic carryout bags and by requiring stores to impose a mandatory charge for each paper bag distributed by stores, the Ordinance will provide a disincentive to customers to request paper bags when shopping at regulated stores and thereby promote a greater use of reusable bags by retail customers;

WHEREAS, the intent of the City in enacting the Single-use Bag Ordinance is to reduce the existing known negative environmental impacts from the widespread manufacture and use of plastic and paper bags, such as those negative impacts which may relate to our local biological and ocean resources (including the Santa

Barbara marine estuary and creek environments), an increase in litter, local water quality (such as storm water quality impacts), and for those negative impacts on City and quasi-public facilities (such as on solid waste disposal facilities) particularly with respect to how these impacts affect a smaller beachfront community such as Santa Barbara;

WHEREAS, the Final Environmental Impact Report ("EIR"), dated as of May 2013, was prepared at the request of the City, as one of the members of the joint powers authority public entity known as the "Beach Erosion and Clean Ocean Nourishment Authority (BEACON), in order to consider the possible environmental effects of the draft Single-use Bag Ordinance;

WHEREAS, the preparation of the EIR by BEACON has resulted in a comprehensive public process for comments on the Draft EIR and for the full public review and disclosure of the potential environmental consequences of a City Single-use Carryout Bag Ordinance within the context of a model Single-use Bag Ordinance for possible enactment within the Santa Barbara and Ventura county areas as required by the California Environmental Quality Act;

WHEREAS, the Single-Use Carryout Bag Ordinance Final EIR has, among other things, thoroughly analyzed such an Ordinance for its potential negative effects associated with air quality, biological resources, greenhouse gas emissions, hydrology and water quality, water, wastewater, solid waste, and storm water systems;

WHEREAS, the final EIR has concluded that no significant adverse environmental effects would result from the adoption of the proposed Single-use Carryout Bag Ordinance and, as a result, no mitigation measures to reduce environmental impacts are necessary or required by CEQA in order to address such impacts and to reduce them to a level of less than significant;

WHEREAS, the Santa Barbara City Planning Commission scheduled a public hearing for the possible City certification of the Final EIR for the Single-use Carryout Bag Ordinance prepared by BEACON on behalf of its member agencies and the City Planning Commission received a full City staff presentation and staff report, including a nine (9) page "Santa Barbara Addition" to the EIR dated as of August 1, 2013 which examines any possible impacts of the proposed Ordinance which might occur within the city of Santa Barbara (attached hereto as Exhibit A), conducted a public hearing, received and responded to comments from members of the public and the Commission considered the certification of the Final Environmental Impact Report as required for CEQA for the proposed Single-Use Carryout Bag Ordinance on August 8, 2013.

WHEREAS, the City Planning Commission duly certified the Final EIR (together with the August 1, 2013 Santa Barbara Addition to the FEIR) on August 8, 2013 – making the certification findings required by CEQA Guideline Section 15090 (as stated in Commission Resolution No. 011-13) and this certification was appealed to the Santa Barbara City Council pursuant to CEQA Guideline Section 15090(b); and

WHEREAS, after receiving and responding to additional public comments and after conducting an October 1, 2013 public hearing "de novo" on the certification of the Final EIR, as supplemented by the Santa Barbara Addition and the Staff Response to

Comments dated as of October 1, 2013, the Santa Barbara City Council has decided to certify the Final EIR and to use it as the appropriate form of environmental review for the enactment of the City's Single-Use Bag Ordinance;

NOW, THEREFORE, be it resolved that the Santa Barbara City Council does find, conclude, and determine as follows:

I. **Certification Findings**:

1. The Final Environmental Impact Report for the City of Santa Barbara Single-use Carryout Bag Ordinance is comprised of the Draft Environmental Impact Report, the comments on the Draft Environmental Impact Report, the responses to comments on the Draft Environmental Impact Report, and minor changes to the Draft Environmental Impact Report, as well as the City of Santa Barbara Addition (the "Santa Barbara Addition" dated as of August 1, 2013 and attached hereto as Exhibit A) to the Final Environmental Impact Report, and including the City Staff Response to Comments dated as of October 1, 2013 (attached hereto as Exhibit B), and the October 1, 2013 Santa Barbara City Council Agenda Report, all of which were presented to the Santa Barbara City Council as part of a duly-noticed public hearing on the proposed Ordinance and its environmental review of the Ordinance which was held on October 1, 2013.

2. The Santa Barbara City Council reviewed and considered the information contained in the proposed Final Environmental Impact Report, including the Santa Barbara Addition, City Staff Comments, and the City Staff Response, the public comment, and all other responses to comments, and has determined that the Final EIR, (with its attachments, the Santa Barbara Addition and the Staff Response dated as of October 1, 2013) constitutes a complete, accurate, and good faith effort toward full disclosure of the possible environmental impacts which might result from the City's enactment of a Single-use Carryout Bag Ordinance and, as such, is an adequate environmental analysis of the Ordinance as a discretionary City "Project."

3. The Council, upon completion of a "de novo" certification appeal hearing on October 1, 2013, rejects the appeal of the City Planning Commission's August 8, 2013 certification of the Final EIR for the Single-use Bag Ordinance filed by attorney Stephen L. Joseph on behalf of the "Save the Plastic Bag Coalition" and finds that proposed Final Environmental Impact Report for the Single-Use Bag Ordinance (together with the Santa Barbara Addition, the Staff Response to Comments dated as of October 1, 2013, and the other attachments, materials, and documents provided to the Council and available to the public for the October 1, 2013 hearing) have been prepared and completed in full compliance with the California Environmental Quality Act and Guidelines, both with respect to the public procedural and substantive requirements of CEQA and the CEQA Guidelines.

4. The proposed Final Environmental Impact Report (together with the Santa Barbara Addition, the Staff Response to Comments dated October 1, 2013, and

the other EIR attachments and materials in the City Council's record of proceedings) for the City's Single-use Carryout Bag Ordinance reflects the independent judgment and analysis and conclusions of the Santa Barbara City Council, both individually and collectively.

5. The location and custodian of all Environmental Review documents and materials for the City's proposed Single-use Bag Ordinance that constitute the record of proceedings upon which the decision to enact the City's Single-use Bag Ordinance is based is at the City of Santa Barbara Community Development Department, Planning Division, located at 630 Garden Street, Santa Barbara, California, 93101 Attention: Dan Gullet, and Barbara Shelton, Planners and Environmental Analysts.

II. Study of Project Alternatives.

1. As required by CEQA and without pre-determining whether the proposed Single-use Carryout Bag Ordinance had any possible Class I Impacts, the EIR for the Single-use Carryout Bag Ordinance examined a range of reasonable regulatory alternatives to the proposed ordinance that might feasibly attain most of the basic project objectives originally set by the City Council which range of alternatives also included an examination of the "no [ordinance] project" alternative. These alternatives are described and evaluated in Section 6.0 of the EIR, in the "*Alternatives"* portion of the Final EIR. The City Council fully considered and evaluated the relative merits of these possible alternatives in terms of effectuating the goals of the City Council established for this Project, as well as other possible legislative alternatives, as part of the City Council's normal legislative process for the proposed Ordinance within the context of what CEQA refers to as the "rule of reason" under CEQA Guideline Section 15126.6(f.) The Council finds that the EIR, when combined with the Santa Barbara Addition and the Staff Response to Comments, contains sufficient information about each alternative necessary to allow a meaningful evaluation, analysis, and comparison with the proposed Project of the Single-use Carryout Bag Ordinance.

2. Notwithstanding having fully considered a broad range of possible alternatives, the City Council expressly finds that the proposed Single-use Bag Ordinance being enacted concurrently with the adoption of this Resolution is the most appropriate and potentially most effective way to address the concerns apparent to the Council with the commonplace use of plastic and paper carry-out bags within Santa Barbara. This is true despite that the EIR ultimately concluded that the proposed Single-use Bag Ordinance is not actually likely to cause any possible Class I or Class II adverse environmental impacts and, consequently, it was not necessary or legally required that the City consider alternatives which avoid or substantially lessen any potential significant adverse impacts. The Council agrees that the rationale given in the EIR for selecting the Project alternative is appropriate and warranted.

III. Council Findings Concerning Potentially Significant Impacts and Mitigation Measures.

1. Table ES-1 of the Final EIR includes a description of the environmental issues relative to the proposed Single-use Carryout Bag Ordinance, the identified possible environmental impacts, any necessary proposed mitigation measures, and any residual environmental impacts. These impacts are categorized by classes. As Table ES-1 of the FERI indicates, all possible impacts from the proposed Single-use Bag Ordinance were identified as either Class III Impacts (impacts which are considered less than significant adverse impacts and, as a result, not in need of mitigation), or Class IV Impacts (impacts which are environmentally beneficial.) The Santa Barbara Addition to the FEIR also summarized possible environmental impacts specifically or uniquely within the city of Santa Barbara, which would constitute a fractional portion of the impacts found by the FEIR to be less than significant or beneficial for the entire EIR study area of Santa Barbara and Ventura Counties. The impacts identified within the City's jurisdiction were clearly demonstrated by the Santa Barbara Addition to be less than significant without any potentially necessary mitigation measures or demonstrated to be beneficial to the environment. As a result, the Santa Barbara City Council finds that the impact conclusions shown in Table ES-1 are correct and that it is clear to the Council that that the proposed Single-use Carryout Ordinance will not engender or cause any significant adverse environmental impacts, whether mitigated or unmitigated, within the City.

Consequently, the Council also finds and determines that, pursuant to CEQA Guidelines Section 15097 no mitigation measures are required in connection with the enactment of the proposed Ordinance

IV. **Required Environmental Findings:**

1. The Council finds that it is not necessary to make changes or alterations in the proposed City project in order to avoid or substantially lessen possible significant environmental effects because the Project's Final EIR (including the Santa Barbara Addition attached hereto as Exhibit A, and the Staff Response to Comments dated as of October 1, 2013 attached hereto as Exhibit B - along with the other supplemental attached materials contained within the Administrative Record herein) readily and convincingly show substantial evidence that the proposed Single –use Bag Ordinance will not, in the Council's opinion, have a potentially significant adverse environmental impact.

2. The City Council also finds that no required mitigation measures are needed nor is any mitigation measure monitoring necessary in order to avoid or lessen potentially significant environmental impacts from the proposed City Single-use Bag Ordinance nor is it necessary for some other public entity to act to mitigate a

potentially adverse environmental impact which might be caused by the proposed Ordinance.

3. The City Council finds that the information and responses contained within the Santa Barbara Addition (Exhibit A hereto) and the Staff Response to Comments (Exhibit B hereto), have also been thoroughly reviewed and considered by the City Planning Commission and the Council prior to the Council's enactment of the proposed Ordinance; for the most part, these additional documents were prepared in response to comments/demands made by the "Save the Plastic Bag Coalition" after the completion of the Final EIR to clarify the EIR's impact analysis and respond to further comments and questions regarding the Final EIR. Taken and considered together with the Final EIR, these supplemental materials constitute an appropriate comprehensive EIR with an Addendum prepared for a Program EIR such as this. This is true, in part, because the City has not been (and is not) proposing substantial changes to the proposed Single-use Carryout Bag Ordinance from the model single –use carryout bag ordinance project which was considered by BEACON in May 2013 in the Final EIR, nor have there been substantial changes to the circumstances under which the proposed City Single-use Carryout Bag Ordinance is being undertaken such that the changes require major revisions of the EIR or the environmental conclusions contained therein or a need to re-circulate the FEIR. For example, nothing in the Santa Barbara Addition warrants a conclusion that there may be a new potentially significant environmental effect or a substantial increase in the severity of a previously identified effect; as a result, there is substantial evidence supporting the City Council's independent judgment and decision to not prepare a subsequent or supplemental EIR and to, instead, prepare an Addendum consisting of clarifying materials (in the form of the Addition) concerning the Ordinance's Final EIR.

4. The City Council finds, determines, and concludes that the above-stated findings are supported by substantial evidence in the record of the Council proceedings on the proposed Single-use Bag Ordinance.

5. The City's Single-use Bag Ordinance, as approved and enacted by the City Council concurrently with the adoption of this Resolution, will not have a significant effect on the environment.

6. The location and custodian of all Environmental Review documents and materials for the City's proposed Single-use Bag Ordinance that constitute the record of proceedings upon which the decision to enact the City's Single-use Bag Ordinance is based is at the City of Santa Barbara Community Development Department, Planning Division, located at 630 Garden Street, Santa Barbara, California, 93101 Attention: Dan Gullet and Barbara Shelton, Planners and Environmental Analysts.

CITY OF SANTA BARBARA ADDITION TO FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2012111093)

SINGLE USE CARRYOUT BAG ORDINANCE
August 1, 2013

INTRODUCTION

This document is a City-prepared addition to the Final Environmental Impact Report (EIR) for the Single-Use Carryout Bag Ordinance ("Study Area Ordinance") that was prepared for jurisdictions within Santa Barbara and Ventura counties by the Beach Erosion Authority for Clean Ocean and Nourishment (BEACON) in May 2013 (SCH #2012111093).

The City of Santa Barbara is the Lead Agency and proposes an ordinance to ban plastic carryout bags that is consistent with the ordinance analyzed in the Final EIR. This City addition to the Final EIR clarifies environmental effects associated with adoption of the ordinance within the City of Santa Barbara. The City of Santa Barbara Ordinance would prohibit the free distribution of single-use carryout paper and plastic bags and require certain retail establishments to charge customers ten cents ($0.10) for single-use recyclable paper bags at the point of sale.

The Final EIR evaluation concludes that no substantial adverse environmental effects would result from the Ordinance and no mitigation is required. Beneficial environmental effects were identified in the areas of biological and marine resources, water quality and storm water systems, solid waste, and visual aesthetics. The new information contained in this City addition to the Final EIR involves only minor modifications to the Final EIR to clarify impacts within the City of Santa Barbara jurisdiction. There have been no substantial changes in existing environmental conditions since preparation of the Final EIR (SCH#2012111093).

The EIR was circulated for public review from February 12, 2013 to March 28, 2013. Written responses to comment are provided in the Final EIR. A lead agency recirculates an EIR for comment prior to its certification only when significant new information involving significant impacts is added to the Final EIR (Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines). New information is not "significant" unless the EIR is changed in such a way that that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate such an effect. Recirculation of

the EIR is not necessary for this City addition to the Final EIR since the new information contained in this addition merely clarifies and makes insignificant modifications to the EIR. The opportunity for public comment is provided prior to and at the City Planning Commission hearing on Final EIR certification.

PROJECT DESCRIPTION

The proposed City of Santa Barbara Single-Use Carryout Bag Ordinance ("City Ordinance") would prohibit the free distribution of plastic and paper carryout bags and impose a minimum ten cent charge on recyclable paper carryout bags at regulated stores. Reusable bags could be sold or given out by a retailer without charge. The stores that would be affected are located within the City limits and include grocery stores, pharmacies, convenience stores, and other similar retail stores which sell a limited line of grocery items. Restaurants and fast food providers would be exempt from the City Ordinance.

Consistent with the EIR analysis with a ban on single-use plastic carryout bags and a minimum charge of ten cents for recycled paper bags, it is assumed that 65% of plastic bag use would be switched to reusable bags (each assumed to be re-used 52 times), and 30% would switch to recycled paper bags, and 5% of plastic bags would remain to account for exempt retailers. An estimated 47,302,542 plastic bags are currently used annually within the City of Santa Barbara. With the City Ordinance, as shown in Table 1, it is estimated that total single-use carryout bag usage would be reduced to approximately 16,555,890 bags per year.

Table 1: Existing and Proposed Carryout Bag Use

Area	Existing Total Plastic Bags Used Annually	Proposed Reusable Bags (65% Switch to Reusable)[1]	Proposed Paper Bags (30% switch to paper)[1]	Proposed Plastic Bags (5% Remain)[2]	Proposed Total Carryout Bags Used Annually
BEACON Study Area	658,241,406	8,228,018	197,472,422	32,912,070	238,612,510
City of Santa Barbara	47,302,542	591,282	14,190,763	2,365,127	17,147,172

[1] Rates used in the City of San Jose Final EIR, SCH # 2009102095, October 2010.
[2] Rate used in the City of Sunnyvale Final EIR, SCH # 2011062032, November 2011.
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix C.

As discussed in Section 6.0 Alternatives, the Final EIR includes an Alternative (Alternative 4) that considers a ban on both single-use plastic and paper bags. Alternative 4 was considered to be "environmentally superior" to the Proposed Study Area Ordinance (with a $0.10 fee on paper bags), because Alternative 4 is expected to result in the use of fewer recyclable paper bags (and more reusable bags).

Nevertheless, as discussed in Section 6.0 Alternatives of the Final EIR, the Proposed Study Area Ordinance would not have any significant adverse impacts; therefore, adopting an environmentally superior alternative rather than the Proposed Study Area Ordinance would not avoid any significant adverse environmental effects.

The City objectives for the City Ordinance would be the same as the objectives for the Study Area Ordinance as described in the Final EIR:

- Reducing the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources (including marine environments), water quality, and utilities (solid waste)
- Deterring the use of paper bags by retail customers
- Promoting a shift toward the use of reusable carryout bags by retail customers
- Reducing litter and the associated adverse impacts to storm water systems, aesthetics, and marine and terrestrial environments

ENVIRONMENTAL IMPACTS

This section addresses each of the environmental issues studied in the Final EIR, comparing the effects of the City Ordinance within the City of Santa Barbara with the effects on the larger Study Area evaluated in the Final EIR.

The City Ordinance would not change the level of significance of any of the impacts identified as less than significant or beneficial in the EIR or Initial Study (Appendix A of the Final EIR). Each of those impacts would remain less than significant for the City Ordinance.

Air Quality

The City Ordinance impacts related to air quality would be the same as identified in the Final EIR. The City's existing and proposed bag use was considered in the Final EIR analysis, which analyzed bag use in unincorporated Santa Barbara and Ventura counties and within 16 municipalities in those two counties. The City Ordinance does not involve any construction activities; therefore there would be no regional or localized construction impacts. Operational impacts include emissions associated with bag manufacture, transportation, and use as well as emissions resulting from increased delivery trips.

Emissions from Manufacture, Transportation and Use

As described in Section 4.1 of the Final EIR, the City Ordinance is expected to result in an overall decrease in ozone and atmospheric acidification (AA) emissions.

Table 2 shows the estimated daily emission changes that would result if the Counties of Santa Barbara and Ventura and cities in the Study Area (including Santa Barbara) were to implement a plastic bag ban ordinance similar to the City Ordinance. The emissions related to converting from plastic to paper and reusable bags as a result of the City Ordinance are shown in Table 2. Ozone and atmospheric acidification emissions would be expected to decrease in Santa Barbara. Therefore, as determined in the Final EIR, air quality impacts from the manufacture, transportation, and use of carryout bags would be beneficial compared to existing conditions.

Table 2: Estimated Changes in Ozone and Atmospheric Acidification Emissions

Ordinance Jurisdiction	Existing Emissions from Carryout Bags		Change in Emissions from Ordinance	
	Ozone Emissions (kg/year)	AA Emissions (kg/year)	Ozone Emissions (kg/year)	AA Emissions (kg/year)
BEACON Study Area	15,140	713,534	(8,195)	(244,306)
City of Santa Barbara	1,088	51,276	(589)	(17,556)

() Denotes a decrease in emissions compared to existing conditions.
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Emissions Resulting From Increased Delivery Trips

Similar to the effects identified area-wide in the EIR, the City Ordinance would be expected to potentially result in incrementally more delivery truck trips to transport paper and reusable carryout bags to affected stores. The EIR identified an overall increase of approximately 1.87 truck trips per day throughout the Study Area. Using the EIR methodology to determine truck trips, the City of Santa Barbara's contribution to this increase would be approximately 0.13 truck trips per day.[1]

As shown in Table 3, the increase of truck trips expected area-wide would not result in exceeding any air pollution thresholds of impact significance set by the Santa Barbara County Air Pollution Control District (SBCAPCD) and used by local jurisdictions. The City Ordinance would account for approximately 7% of the increase in the number of truck trips from the larger EIR Study Area, resulting in emissions in reactive organic gases (ROG), nitrogen oxides (NO_X), and particulate matter (PM_{10}) emissions much less than SBCAPCDs thresholds. Therefore, impacts related to mobile emissions from the City Ordinance would be less than significant.

Table 3: Study Area Ordinance-Generated Operational Emissions from Truck Deliveries

Emissions	Emissions (lbs/day)		
	ROG	NO_x	PM_{10}
BEACON Study Area	0.08	0.41	0.04
Thresholds	25	25	80
Threshold Exceeded?	No	No	No

Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Biological Resources

The City of Santa Barbara's General Plan identifies Mission, Arroyo Burro, San Roque, and Sycamore creeks as the major creek systems within the City that provide drainage from the mountains and hills and states that these creeks are largely natural in appearance. These creeks contribute substantially to the aesthetic quality of the City, function as important ecological resources, provide connecting linear open space links from the hillsides to the shoreline, and aesthetic enhancement of recreational, residential, and commercial areas.

As identified in the Final EIR for the Study Area Ordinance, the City Ordinance would result in a reduction in the use and disposal of plastic carryout bags and an increase in the use and disposal of recycled paper and reusable bags. As such, the City Ordinance would incrementally reduce the amount of single-use plastic bag litter that could enter the marine and terrestrial environments and affect sensitive species. The City Ordinance would also be anticipated to increase consumer

[1] Existing bag use in the City of Santa Barbara is estimated to be 47,302,542 plastic bags per year. Assuming that 30% of existing plastic bag use would switch to paper (14,190,783 paper bags), 65% would switch to reusable bags (591,282 reusable bags assuming 52 uses a year) and 5% would remain (2,365,127 plastic bags) to account for exempt retailers. Assuming 2,080,000 plastic bags per truck load, 217,665 paper bags per truck load, and 108,862 reusable bags per truck load.

use of recycled paper and reusable carryout bags, which, as discussed in the Final EIR, have not been widely noted to have adverse impacts on biological resources. Although reusable bags may eventually be disposed of as solid waste, they are heavier than plastic carryout bags, can be reused multiple times, and the number of reusable bags that would likely end up as litter and impact biological resources would therefore be lower. In addition, because paper bags are not as resistant to biodegradation, paper bags do not persist in the marine environment for as long as plastic bags. For the reasons stated above, consistent with the findings of the Final EIR, the City Ordinance would result in beneficial effects on sensitive wildlife species and habitats.

Greenhouse Gas Emissions

Carryout bags have the potential to contribute to the generation of greenhouse gas emissions (GHGs) either through emissions associated with the manufacturing process of carryout bags, truck trips delivering carryout bags to retailers or through disposal during landfill degradation. The SBACPCD does not have adopted GHG emissions thresholds or a GHG emissions reduction plan.

The City of Santa Barbara's Climate Action Plan was adopted in September 2012. Past, present, and forecasted future citywide greenhouse gas emissions were analyzed in the Plan and associated Addendum to the 2010 Final Program EIR for the Plan Santa Barbara General Plan Update in comparison to the State and City greenhouse gas emissions targets (year 2020 total emissions at 1990 level; 2020 and 2035 per capita vehicle emissions at 2005 level). The analysis demonstrates that citywide emissions are decreasing. With continued implementation of existing State and City legislative measures, citywide emissions associated with growth under the General Plan would meet and surpass these State and City emissions targets. The City Climate Action Plan constitutes a citywide mitigation program for greenhouse gas emissions in accordance with SB 97. Regardless, consistent with the Final EIR analysis, the City Ordinance is evaluated based on the project-level threshold of 4.6 metric tons CO_2e per service population per year based on the County of Santa Barbara's interim approach for evaluating GHG emissions. Based on existing population and employment data provided by the California Department of Finance, the existing population in the City of Santa Barbara used for this analysis is 89,082.[2]

Manufacturing, Transportation, Washing and Disposal

As discussed in the Final EIR, the manufacture, transport, and disposal of a single-use paper bag generates 3.3 times more GHG emissions than the manufacture, transport, and disposal of a single-use plastic bag. If only used once, the manufacture, use, and disposal of a reusable carryout bag results in 2.6 times the GHG emissions of a single-use HDPE plastic bag. However, reusable carryout bags are intended to be used multiple times. With reuse of carryout bags, the total carryout bags that would be manufactured, transported, and disposed of would be reduced. Washing and cleaning of reusable bags would use electricity or natural gas and therefore would incrementally increase energy production-related GHG emissions.

The Final EIR estimates that the Study Area Ordinance would contribute indirectly to an overall increase of approximately 10,919 metric tons of CO_2e emissions per year for manufacturing, transportation, washing, and disposal, or 0.0088 metric tons CO_2e per person per year, as shown in Table 4. Thus, the Final EIR determined that the Study Area Ordinance would not exceed

[2] California Department of Finance, "City/County Population and Housing Estimates" (May 2012)

GHG thresholds and therefore impacts related to a shift toward use of paper and reusable bags would be less than significant. Similarly, for the City Ordinance, the shift from plastic carryout bags to paper and reusable bags could be estimated to increase GHG emissions in the City by approximately 785 metric tons per year as shown in Table 4. As such, the City Ordinance would have a less than significant impact related to GHG emissions, consistent with the findings of the Final EIR.

Table 4: Estimated Increase in GHG Emissions from City Ordinance and Study Area Ordinance

Ordinance Jurisdiction	Total CO_2e Emissions (metric tons/year)[1]	Emissions per Capita (metric tons/year)
BEACON Study Area	10,919	0.0088
City of Santa Barbara	785	0.0088

[1] *Represents a net change in GHG emissions compared to existing plastic bag use.*
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Consistency with Applicable GHG Plans and Policies

The City Ordinance would be consistent with the City of Santa Barbara General Plan climate policies, the City Climate Action Plan, the City Climate Action Team strategies, and measures suggested in the Attorney General's Greenhouse Gas Reduction Report as discussed in Tables 4.3-4, 4.3-5 and 4.3-6 of the Final EIR. Therefore, the City Ordinance would be consistent with the objectives of AB 32, SB 97, and SB 375. There would not be significant impacts associated with inconsistency with plans and policies.

Hydrology and Water Quality

Hydrology and water quality impacts would be similar to those identified in the Final EIR. The following discusses the impacts related to drainage and surface water quality that would result from implementation of the City Ordinance.

Drainage

Consistent with the findings of the Final EIR, the City Ordinance would not require construction of new structures or additional storm water infrastructure. Consequently, the capacity of existing storm water drainage would remain unchanged and redirecting storm water flows would be unnecessary. Single-use plastic bags that become litter may enter storm drains from surface water runoff or may be blown directly into local waterways by the wind. By banning plastic carryout bags within the City, the City Ordinance is expected to improve the existing drainage capacity by removing a substantial source of trash that can clog features of the system and reduce its capacity. Therefore, consistent with the findings of the Final EIR, the City Ordinance would not result in significant adverse impacts to hydrology and water quality related to drainage.

Surface Water Quality

As noted in the Final EIR, the manufacturing processes for single-use plastic, single-use paper, and reusable bags use various chemicals and materials. The City Ordinance is estimated to reduce plastic bag use by 95% and increase the use of recycled paper and reusable bags.

With implementation of the City Ordinance, approximately 17.1 million carryout bags (including single-use paper, single-use plastic, and reusable bags) would be manufactured for use in the City annually—a decrease of approximately 65% compared to existing conditions. Consequently, the City Ordinance would reduce the overall impacts to water quality associated with bag manufacturing. Furthermore, manufacturing facilities would be required to adhere to existing Federal, State and local regulations. Therefore, impacts to water quality related to the potential change of processing activities as a result of the City Ordinance would not be significant, which is consistent with the Final EIR analysis.

Utilities and Service Systems

Impacts to utilities and service systems as a result of the City Ordinance would be similar to impacts discussed in the Final EIR. The following summarizes the impacts related to water supply, wastewater collection and treatment, and solid waste for the City Ordinance compared to the findings contained in the BEACON Final EIR.

Water Supply

Carryout bags would indirectly result in water use through the manufacturing process of carryout bags. As discussed in the Final EIR, the conversion from plastic bags to paper carryout bags and reusable carryout bags would result in an increase of water use from the manufacturing process of paper and reusable bags. No manufacturing facilities of carryout bags are known to be located within either the County of Santa Barbara or the County of Ventura. Therefore, carryout bag manufacturing facilities would not use water supplies of either county or the City of Santa Barbara.

In addition to water use from manufacturing carryout bags, the City Ordinance may result in increased water use as reusable bags would be washed. The Final EIR determined that the area-wide water demand from washing reusable bags would increase by 470.5 acre-feet per year (AFY) under the assumption that all new reusable carryout bags would require monthly cleaning in either a washing machine or by rinsing.

The City's portion of the expected 470.5 AFY water demand increase would be 44.2 AFY as a result of the City Ordinance. Total average year water demand in the City of Santa Barbara is estimated to be 14,000 AFY[3]. The estimated increase of water demand associated with the City Ordinance would represent approximately 0.32% of the total City water demand. This increase would not have significant impacts. Any increase in water supply necessary for paper carryout bag manufacturing would not impact Santa Barbara City or County water supplies. Consistent with the findings in the Final EIR, the City Ordinance would not necessitate new or expanded entitlements for water, and water supply impacts would be less than significant.

Wastewater Generation

As noted above and in the Final EIR, no manufacturing facilities for paper carryout bags appear to be located within the Study Area or City of Santa Barbara. Therefore, any increase in wastewater generation due to paper carryout bag manufacturing would not affect local wastewater treatment providers. The Final EIR assumed that 100% of the water used to wash reusable bags would become wastewater, identifying an increase in wastewater of approximately

[3] City of Santa Barbara Long-Term Water Supply Plan, 2011

470.5 acre-feet per year (AFY). This is equivalent to 153,300,948 gallons per year, or approximately 420,002 gallons per day. The City's portion would be 44.2 AFY, which is equivalent to 14,402,633 gallons per year, or approximately 39,433 gallons per day.

The El Estero Wastewater Treatment Plant, which serves the City of Santa Barbara, has a remaining capacity of 3.3 million gallons per day (MGD) and therefore has capacity to treat the potential incremental increase in wastewater resulting from the City Ordinance. The estimated increase of wastewater and impacts related to wastewater generation for the City Ordinance would be less than significant.

Solid Waste

The Final EIR provided two analyses for solid waste impacts, using EPA recycling estimates with two separate data sets: Ecobilan (2004) and Boustead (2007). Using the Ecobilan data, it was determined that a single-use plastic bag would generate 0.0065 kilograms (kg) of solid waste per bag per day, a paper bag would generate 0.0087 kg of waste per bag per day, and a reusable bag (used 52 times) would generate 0.001 kg of waste per bag per day. Using the Boustead data, it was determined that a single-use plastic bag would produce 0.004 kg waste per bag per day, while a paper bag would result in 0.021 kg of waste per bag. The Boustead analysis did not estimate the solid waste from reusable bags. Based on the Ecobilan data, the Final EIR estimated that the Study Area Ordinance would reduce solid waste by 2,596 tons per year. Based on the Boustead data, the Final EIR estimated that the Study Area Ordinance would result in an increase of approximately 1,814 tons of solid waste per year.

As shown in Table 5, the Study Area Ordinance would result in a reduction of approximately 2,596 tons of solid waste per year and the City Ordinance would result in a reduction of 222 tons of solid waste per year using the Ecobilan data. Using the Boustead data, the Study Area Ordinance would result in an increase of approximately 1,814 tons of solid waste per year and the City Ordinance would result in an increase of approximately 155.14 tons of solid waste per year, or 0.43 tons per day. As stated in the Final EIR, the permitted daily maximum throughput of the Tajiguas Sanitary Landfill, which serves the City of Santa Barbara, is 1,500 tons per day. Using the worst case scenario (the Boustead data) the potential increase of 0.43 tons of solid waste per day would represent approximately 0.029% of the daily capacity of the landfill. Thus, existing waste disposal facilities could accommodate estimated increases in solid waste related to the City Ordinance, and impacts related to solid waste would be less than significant.

Table 5: Solid Waste Generation Due to Plastic and Paper Carryout Bags

Ordinance Jurisdiction	Solid Waste Generation (tons/year)	
	Ecobilan	Boustead
BEACON Study Area	-2,596.27	1,813.50
City of Santa Barbara	-222.11	155.14

CONCLUSION

Based on analysis in the Final EIR and discussion in the City of Santa Barbara addition to the Final EIR, impacts from the proposed City of Santa Barbara Single-Use Carryout Bag Ordinance related to air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and utilities and service systems were determined to be less than significant (Class 3) impacts or beneficial (Class 4).

Based on the above review of the project, in accordance with State CEQA Guidelines Section 15088.5, recirculation of the Environmental Impact Report prior to certification is not required, because new information and changes in project description, circumstances, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts. The Final EIR (SCH#2012111093), including this City of Santa Barbara addition to the Final EIR constitute adequate environmental documentation in compliance with CEQA for the current project.

Prepared by: _____ **Date:** July 24, 13
Daniel Gullett, Associate Planner

Reviewed by: Barbara R. Shelton **Date:** 7-25-13
Barbara Shelton, Environmental Analyst

Staff Responses to Appeal Issues dated as of October 1, 2013

A1. Save the Plastic Bag Coalition asserts that the EIR should consider post-ban paper bag use trends from Santa Monica High School survey data.

The Santa Monica High School report is based on a survey of five grocery stores before and after implementation of the City of Santa Monica single-use carryout bag ordinance. Like the proposed City of Santa Barbara Ordinance, the Santa Monica Ordinance banned single-use carryout plastic bags and required a 10 cent charge on paper bags. The report shows that paper bag use from Albertsons, Vons, and Ralphs (stores that typically offer plastic carryout bags) increased 23% after the ban, and paper bag use at Whole Foods and Trader Joes (stores that typically do not offer plastic carryout bags) dropped 23% after the ban.

This comment by the appellant was made in a previous letter and was responded to in the Final EIR on page 8-289 (Response 12.1). The EIR response noted that the Santa Monica study supports the EIR analysis that assumes an initial increase in paper carryout bag use following the plastic bag ban. Due to the short duration of the Santa Monica High School survey, it is not clear that the study is indicative of longer-term bag use trends following the plastic bag ban. It is also not clear whether there would be any differences in bag usage by customers in Santa Barbara compared to Santa Monica.

The proposed Santa Barbara Ordinance includes a 10-cent charge for carryout paper bags, intended as a disincentive for their use and an incentive to shift toward use of reusable bags. The proposed City ordinance also requires monitoring and a report to City Council on its effectiveness in reducing the number of plastic and paper bags used at regulated stores. Based on information from the monitoring reports, the City Council would have the opportunity to adjust the regulations as needed, including the amount of the paper bag charge.

A.2 Save the Plastic Bag Coalition asserts that purchases of trash/recycling can liners and other bags to replace plastic carryout bags that are used multiple times should be evaluated.

The appellant has cited an article from the *Irish Examiner* from January 2003 that reports increases in trash can liner and plastic diaper bag sales at various retailers following implementation of a fee on plastic carryout bags by the government of Ireland (see Final EIR page 8-117) and a South Australian report from 2013 that indicates an increase in post-ban purchases of can liners, from 15% of all consumers before the ban to 80% of consumers after the plastic carryout bag ban (see Final EIR page 8-289) . The appellant also references a 2007 survey by the American Chemistry Council that asked the question "Do you or does anyone in your household ever reuse plastic shopping bags?" to which 92% of respondents said yes (see Final EIR page 8-118).

This comment by the appellant was made in a previous letter and responded to in the Final EIR on page 8-42 (Response 1.47) and page 8-289 (Response 12.2). The EIR states that some plastic carryout bags are currently used more than once, and that there may be an increase in purchased trash/recycling can liners and other plastic bags to replace the plastic carryout bags currently reused as can liners or for other uses.

The EIR also notes that plastic bags sold to contain waste, including can liners, do not typically end up as litter since they are more often properly disposed of with trash or recycling. Therefore, plastic bags purchased for containing waste are much less likely than plastic carryout bags to impact biological resources, clog storm drains, and enter the marine environment. Increased manufacture and use of plastic waste bags (including can liners, diaper and dog waste bags, etc.) to replace reused plastic carryout bags would, however, partially offset reductions of air quality, solid waste, and greenhouse gas emissions impacts due to the ban on plastic carryout bags.

Following ordinance implementation, paper carryout bags will still be available and some can be expected to be reused for the secondary uses, replacing some plastic bags currently reused. In addition, since much of the volume of material carried out from grocery stores is consumed, the disposal volume of food waste and packaging is much less than the original grocery volume, requiring less plastic or paper to contain the waste than the original product. Substantially less overall plastic material waste and litter is expected when using specific bag types designed for dog waste, diaper disposal, and trash/recycling can liners compared with plastic carryout bags used for these secondary uses. Further analysis is provided below to augment the EIR analysis in response to this comment.

The 2010 United States Census reports that City of Santa Barbara had an average household size of 2.47 persons. With the Final EIR's estimate for current average annual bag use of 531 plastic carryout bags per person (page 2-7 of the Final EIR), 1,312 plastic bags would be used annually per household on average in the City of Santa Barbara, or approximately 25 plastic carryout bags per household per week for the City's population of 89,082. A comment letter from Anthony van Leeuwen received following the close of the public comment period suggests that the total number of replacement bags for secondary uses would be the equivalent of 40% of the existing plastic carryout bags, citing the 2011 United Kingdom Environment Agency study "Life cycle assessment of supermarket carrier bags: a review of the bags available in 2006". For the City of Santa Barbara, 40% of all existing plastic bags would be 10 bags on average per household per week. Using this assumption, no significant environmental impacts would be expected to result, as demonstrated by the discussions below.

Air Emissions: As shown in the table below, estimated ozone emissions would be reduced in comparison with existing emissions, still resulting in a beneficial air quality effect. Estimated Atmospheric Acidification Emissions would slightly increase above existing emissions from plastic carryout bags by 5.76%, a less than significant increase. This increase is primarily related to the increased number of recyclable paper carryout bags that are anticipated to initially result from the Proposed Ordinance.

City of Santa Barbara Estimated Yearly Ground Level Ozone and Atmospheric Acidification (AA) Emissions from Proposed Ordinance with 40% Secondary Use Replacement for Plastic Carryout Bags

Bag Type	# of Bags Used per Year[1]	Ozone Emission Rate/ Bag[2]	Ozone Emissions (kg) per 1,000 bags[3]	Ozone Emissions/ year (kg)	AA Emission Rate/ Bag[2]	AA Emissions (kg)/ 1,000 bags[4]	AA Emissions/ year (kg)

Plastic Carryout	2,365,127	1.0	0.023	**54**	1.0	1.084	**2,564**
Paper Carryout	14,190,763	1.3	0.03	**426**	1.9	2.06	**29,233**
Reusable	591,282	1.4	0.032	**19**	3.0	3.252	**1,923**
Replacement for Plastic Carryout	**18,921,017**	**1.0**	**0.023**	**435**	**1.0**	**1.084**	**20,510**
Total				**934**	**Total**		**54,230**
Existing				**1,088**	**Existing**		**51,276**
Net Change (Total minus Existing)				**(154)**	**Net Change**		**2,954**

[1] Refer to Appendix C of the Final EIR and discussion in A.2 response above.
[2] Impact rate per bag as stated in Stephen L. Joseph, 2009; Ecobilan, 2004; FRIDGE, 2002; and Green Cities California MEA, 2010; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.
[3] Emissions per 1,000 bags from Ecobilan, 2004; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.
[4] Emissions per 1,000 bags from FRIDGE, 2002 and Green Cities California MEA, 2010; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.

Water and Wastewater Effects: The Final EIR analyzes the proposed ordinance with two life cycle assessment methods [Ecobilan (2004) and Boustead (2007)] for water and wastewater. In the tables below, the EIR analysis is augmented to include 40% replacement of plastic carryout bags with equivalent purchased bags for secondary uses. The City's water demand increase from the proposed ordinance along with 40% replacement secondary use bags would be 48.3 acre feet per year (AFY). With total average year water demand in the City of Santa Barbara estimated to be 14,000AFY , the estimated increase of water demand associated with the City Ordinance would represent approximately 0.35% of the total City water demand (up from 0.32% from the previous analysis). This increase in water demand would be an insignificant impact. The City's wastewater demand increase from the proposed ordinance and including 40% replacement bags would be approximately 1,889 gallons per day. The El Estero Wastewater Treatment Plant, which serves the City of Santa Barbara, has a remaining capacity of 3.3 million gallons per day and, therefore, has capacity to treat the potential incremental increase in wastewater resulting from the City Ordinance. The estimated increase of wastewater and impacts related to wastewater generation for the City Ordinance would remain less than significant.

Solid Waste Effects. Based on the Ecobilan method and including the 40% secondary use replacement bags, solid waste would decrease in the City of Santa Barbara by 60 tons per year. Based on the Boustead data and including the secondary use replacement bags, solid waste in the City of Santa Barbara would increase by approximately 258 tons of solid waste per year (0.71 tons per day). As stated in the Final EIR, the permitted daily maximum throughput of the Tajiguas Landfill, which serves the City of Santa Barbara, is 1,500 tons per day. Using the higher end of the range (the Boustead data) the potential increase of 0.71 tons of solid waste per day would represent approximately 0.047% of the daily

capacity of the landfill. Thus, the existing waste disposal facility can accommodate estimated increases in solid waste related to the City Ordinance, including secondary effects, and impacts related to solid waste would be less than significant. See additional discussion of the solid waste analysis in the response to appeal issue L below.

See response to appeal issue B below for an analysis of greenhouse gas emissions with an additional 40% replacement bags for secondary plastic carryout bag uses.

Area Wide and City of Santa Barbara Estimated Water, Wastewater, and Solid Waste Impacts With a 40% Secondary Use Replacement for Plastic Carryout Bags Using Ecobilan Method

Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Wastewater Generated (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	12.73	8.11	(703)
City of Santa Barbara	89,082	8.55%	1.08	0.69	(60)

Area Wide and City of Santa Barbara Estimated Water and Solid Waste Impacts With a 40% Secondary Use Replacement for Plastic Carryout Bags Using Boustead Method

Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	184.26	3,014
City of Santa Barbara	89,082	8.55%	15.75	258

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Comments received during the Draft EIR public comment period, including these comments, have been considered and evaluated, and written responses were provided in the Final EIR, as required by CEQA statute §21091 (d), CEQA Guidelines §15088, and judicial decisions including Flanders Foundation v. City of Carmel by the Sea. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144

(forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

The EIR analysis uses reasonable assumptions on the topics raised in these comments, and the EIR meets the CEQA test of adequacy, completeness, and a good faith effort at full disclosure. As made clear by Guidelines §15151, differing opinions about analytic assumptions used do not make an EIR inadequate. An evaluation of environmental impacts need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. The appellant's opinions are part of the record and available for consideration by decisionmakers and the public.

B. Save the Plastic Bag Coalition asserts that it is improper to assume that lifetime greenhouse gas emissions from Low Density Polyethelene (LDPE) reusable bags are representative of all reusable bags. The appeal states that a reasonable assumption for greenhouse gas emissions would be 104 single-use plastic bag equivalents per reusable bag rather than the 2.6 emissions multiplier used in the Final EIR.

This comment was made previously and responded to in the Final EIR on page 8-209 (Response 4.25). The following are excerpts from the EIR response:

> …the Draft EIR utilizes the best available information to disclose environmental impacts associated with the Proposed Ordinance. The analysis uses the LDPE carryout bag as a representation of reusable bags in evaluating GHG impacts. There is no known available Life Cycle Assessment that evaluates all types of reusable bags (canvas, cotton, calico, etc.) with respect to potential GHG emissions. Further, the study that utilizes the 2.6 per bag rate assumption is from the Ecobilan (2004) and the Scottish Report (AEA Technology, 2005) that the commenter references in his previous comments (see Comment # 11 and Comment #24) and recommended for use in the Draft EIR analysis. As described in Response 1.77, this methodology is consistent with the greenhouse gas impact analysis contained in other CEQA documents pertaining to bag ordinances. This rate compared to an HDPE single-use plastic bag (2.6 times) is related to an LDPE bag being used once and then disposed. Given the high rate of reuse for all types of reusable bags (125 times or more as required by the Proposed Ordinance), the greenhouse gas emissions associated with the reusable bags, are expected to be comparable to an LPDE reusable bag or lower. As stated by CEQA Guidelines Section 15144, EIRs are to use the "rule of reason" with respect to content. The analysis contained in the Draft EIR satisfies the rule of reason.
>
> In regard to using a GHG impact rate of 104 times that of a HDPE single-use carryout bag, while this rate appears to be unreasonably exaggerated and unreasonable in comparison to the 2.6 rate (as described above), even if it were used as the rate for GHG impact, as shown in the table below, the net increase of GHG emissions in the Study Area as a result of the Proposed

Ordinance (approximately 0.0357 metric tons CO2e per person per year) would not exceed the threshold of significance (4.6 metric tons per person per year) and thus the impact would remain less than significant (the same as in the Draft EIR using the rate of 2.6 for LDPE bags).

This EIR response to comment provides a table using the appellant's suggested multiplier for the BEACON area-wide study. The EIR analysis is further augmented with the table showing estimated greenhouse gas emissions considering manufacturing, transportation, washing, and disposal for the proposed ordinance in the City of Santa Barbara using the appellant's suggested 104 multiplier for reusable bags and including the replacement of 40% of plastic carryout bags with equivalent bags for secondary uses as discussed in A.2 above. The resulting greenhouse gas emissions would be 0.290 Carbon Dioxide Equivalents per person, which is substantially below the EIR's project-level threshold of significance of 4.6 Carbon Dioxide Equivalents per person per year.

City of Santa Barbara Estimated Greenhouse Gas Emissions from Proposed Ordinance with 40% Secondary Use Replacement for Plastic Carryout Bags and a 104 GHG Impact Rate for Reusable Bags

Manufacture, Use and Disposal					
Bag Type	**Proposed # of Bags Used per Year**[1]	**GHG Impact Rate per Bag**	**GHG Impact Rate (metric tons CO_2E)**	**CO_2E per year (metric tons)**	**CO_2E per Person (metric tons)**[5]
Plastic Carryout	2,365,127	1	0.04 per 1,500 bags[2]	63	0.0007
Paper Carryout	14,190,763	2.97	0.1188 per 1,000 bags[3]	1,686	0.0189
Reusable	591,282	**104**	4.16 per 1,000 bags[4]	2,460	0.2762
Replacements for Secondary Uses	**18,921,017**	**1**	**0.04 per 1,500 bags[2]**	**505**	**0.0057**
			Subtotal	*4,714*	*0.3015*
Washing					
Bag Type	**# of Loads per Year**[6]	**Electricity Use Per Load (kW)**[7]	**Total Electricity Use Per Year (kW)**	**CO_2E per year (metric tons)**[8]	**CO_2E per Person (metric tons)**
Reusable	186,721	3.825	714,208	231.6	0.0026
			Subtotal	231.6	0.0026
			Total GHG Emissions from Proposed Ordinance	**4,946**	**0.3041**
			Existing GHG Emissions	**1,261**	**0.0142**
			Net Change (Total minus Existing)	**3,685**	**0.290**

CO_2E = Carbon Dioxide Equivalent units

[1] Refer to Appendix C of the Final EIR and discussion in A.2 response above.
[2] Based on Boustead Report, 2007; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.
[3] 10% reduction (from a rate of 3.3 or 1.32) based on Santa Clara County Negative Declaration, October 2010 based on Environmental Defense Fund's Paper Calculator.
[4] Based on AEA Technology "Scottish Report, 2005; Santa Monica Single use Carryout Bag Ordinance Final EIR, Jan. 2011.
[5] Emissions per person are divided by the existing population in the Study Area – 89,082 (Dept. of Finance, May 2012)
[6] Assumes that half of all reusable bags would be machine washed. Assumes that each bag is washed once a month. Assumes an average load capacity of 8 pounds per load and 6.8 ounces per bag (as measured on 8/10/2010 by Rincon Consultants, Inc.). See Table 4.5-10 in Section 4.5, Utilities and Service Systems.

[7] *US Department of Energy: Energy Efficiency and Renewable Energy, 2010.*
[8] *See Appendix D of the Final EIR for calculations*

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

CEQA Statute §21080 (e)(1) and (2) states the following: "(1)…substantial evidence includes facts, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment." The appellant does not indicate in what way the EIR is thought to violate this section. The EIR analysis was based on facts, and reasonable assumptions and expert opinion supported by fact.

Comments received within the DEIR public review period, including the appellant's comments, were considered and evaluated, and written responses were provided in the FEIR, in accordance with CEQA Statute §21091 (d) and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea*. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR, have been met by this EIR. [There is no Guidelines section 15126.1.]

C. Save the Plastic Bag Coalition asserts that the Final EIR's assumption that each reusable bag will be used 52 times, on average, is unjustified and inappropriate. The appeal states that the assumption should be that each reusable bag will be used two times, on average.

This comment was made previously and was responded to in the Final EIR on page 8-209 (Response 4.26). The Final EIR response states that proposed ordinance requires that reusable bags have a minimum lifetime of 125 uses. Assuming an average of 52 uses for a single reusable bag is a conservative estimate, which results in a higher impact assessment and reasonable worst-case scenario. No substantial evidence has been provided to support the appellant's assertion that reusable bags would on average be used only two times.

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the Final EIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. Comments received within the DEIR public review period, including the appellant's comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions, including *Flanders Foundation v. City of Carmel-by-the-Sea*. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no

new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

D. Save the Plastic Bag Coalition asserts that the statement that non-woven polypropylene reusable bags are recyclable is incorrect.

This comment was made by the appellant in a previous letter and responded to in the Final EIR on page 8-210 (see Response 4.28). The Final EIR analysis of reusable bags assumes as a reasonable worst-case scenario that all reusable bags are landfilled (not recycled). The only reference to the recyclability of non-woven polypropylene is on page 2-6 in the EIR's description of reusable bags where it states that non-woven polypropylene bags are 100% recyclable. Non-woven polypropylene has a recycle code and is recyclable, but is not currently being recycled in Santa Barbara County. This fact does not affect the impact conclusions of the Final EIR.

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the FEIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. In accordance with CEQA Statute §21091 (d), comments received within the DEIR public review period, including these comments, were considered and evaluated, and written responses were provided in the FEIR. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR, have been met by this EIR. [There is no Guidelines section 15126.1.]

E. Save the Plastic Bag Coalition asserts that the Final EIR fails to disclose that stormwater capture devices and trash excluders prevent bags from entering waterways.

This comment was made previously and responded to in the Final EIR on page 8-38 (Response 1.28). The Final EIR notes that storm water capture devices and trash excluders help reduce the amount of litter entering storm drains. It also notes that plastic carryout bags that become litter can enter storm drains and watersheds from surface water runoff or may be blown directly into drainages or the ocean by the wind.

The City of Santa Barbara installed storm drain screens on the front of most catch basin inlets within City limits from 2009 to 2011. Since then, monitoring results have shown a reduction in the amount of trash/litter in a sample of catch basins and creek sections. The screens are designed to keep trash/litter from entering the storm drains only during dry weather. The screens keep trash/litter on the street so it can be picked up by street sweeping. In order to avoid the potential for street flooding, the storm drain screens are designed to open during rainstorms to allow stormwater runoff to flow unobstructed into

the catch basins and the storm drain system. Because of this, bags can be carried past the open screens during rainstorms and into the storm drain system. The City of Santa Barbara also installed a CDS (Continuous Deflective Separation) unit on Haley Street at Mission Creek to capture pollutants including trash and street litter before entering Mission Creek. These stormwater devices prevent trash/litter including plastic bags from entering waterways, but they do not capture the trash/litter in places where the storm drain system is made of open swales that drain directly to the waterways, at catch basin inlets where it was infeasible to install the storm drain screens, or outside the City limits.

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the FEIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. Comments received within the DEIR public review period, including these comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions including Flanders Foundation v. City of Carmel-by-the-Sea.

CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

F. Save the Plastic Bag Coalition asserts that the Final EIR contains misleading statements regarding marine impacts.

This comment was made previously and responded to in the Final EIR on page 8-211 (Response 4.31). The Final EIR demonstrates that single-use plastic bags are more likely to become litter than paper bags or reusable bags and, therefore, have a greater potential for litter that could enter the marine environment, where they could affect marine life through ingestion or entanglement. As such, reducing the potential of plastic bag litter by reducing the number of plastic carryout bags would be expected to result in beneficial impacts to biological resources.

Response to Appellant's Assertion of CEQA Violations:

Per CEQA Statute §21080 (e)(1) and (2), the Final EIR analysis is based on facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. The commenter has not provided substantial evidence to suggest otherwise, but the commenter's opinion is included in the Final EIR as part of the Section 8 Comments and Responses.

Comments received within the DEIR public review period, including these comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d), and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* and *Save the Plastic Bag Coalition v. Manhattan Beach*.

CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

G. Save the Plastic Bag Coalition asserts that the definition of Plastic Carryout Bag is inaccurate since it does not state that some bags are derived from waste byproducts of oil and natural gas refining.

This comment was made previously and responded to in the Final EIR on page 8-211 (Response 4.33). The previous version of the draft ordinance did not include reference natural gas as a source of material for some plastic bags. The draft ordinance definition of plastic bag was revised in response to this comment to read as follows:

> *Any bag made predominantly of plastic derived from either petroleum, natural gas, or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.*

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the FEIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. Comments received within the DEIR public review period, including the appellant's comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea.*

CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR, and judicial decisions, have been met by this EIR. [There is no Guidelines section 15126.1.]

H. Save the Plastic Bag Coalition asserts that the City must prepare and recirculate a revised Draft EIR.

Changes to the Final EIR clarify and amplify, but do not involve new significant impacts, or a substantial increase in the severity of impacts. The public has not been deprived of the opportunity to comment on any significant impacts. All impacts have been identified as less than significant or beneficial. Therefore, there is no requirement to recirculate a revised document.

Response to Appellant's Assertion of CEQA Violations: The City's EIR process complies with CEQA Guidelines §15088.5 regarding criteria for recirculation of an EIR prior to certification. Comments received within the DEIR public review period, including the appellant's comments, were considered and

evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea.*

I. Save the Plastic Bag Coalition requests that the Save the Plastic Bag Coalition's correspondence submitted after the close of public review period be attached to the Final EIR.

The appellant's letters received during the Draft EIR public review period are included in the Final EIR along with responses. The appellant's letters, including letters received following the Draft EIR public review process and the appeal letter, are part of the public record provided to City Council with the Council Agenda Report and are available to the public. Save the Plastic Bag Coalition's letters, including this appeal letter and these responses, will also be included in the City's record of the Final EIR.

Response to Appellant's Assertion of CEQA Violations: CEQA Statute §21091 (d) provides that public comments on the EIR received after the close of the Draft EIR public comment period *may* be responded to, but there is no requirement for written responses. The City EIR process has provided responses to Save the Plastic Bag Coalition letters, which are part of City record and is compliant with CEQA requirements and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea.*

J. Save the Plastic Bag Coalition asserts that Save the Plastic Bag Coalition and Anthony van Leeuwen were entitled to notice of the Planning Commission EIR certification hearing.

Individual mailed notices for EIR certification hearings are not required by the CEQA statues, State CEQA Guidelines, City CEQA guidelines, or the Municipal Code, except to public agencies that commented on the Draft EIR, which were provided. The City published a display ad in the Santa Barbara News-Press for the Planning Commission certification hearing, consistent with the CEQA and the City's practice for noticing projects under consideration that involve citywide issues and effects. It is the City's practice to provide mailed notices to interested parties for EIR certification hearings when requested and when address information is provided. Notices for the Planning Commission hearing were provided to the addresses included on the mailing list provided by BEACON, including Save the Plastic Bag Coalition. Mr. Leeuwen's letters did not contain a mailing address, and no request for notification was received from him. Notices were provided to Save the Plastic Bag Coalition and Anthony van Leeuwen for the City Council EIR certification appeal hearing.

Response to Appellant Assertion of CEQA Violations: The City EIR process is compliant with CEQA and case law noticing requirements.

K. Anthony van Leeuwen asserts in his letter dated August 17, 2013 that the EIR should include an alternative that considers a ban on single use plastic bags and no charge for paper bags.

This comment was made previously and responded to as follows in the Final EIR on page 8-60 (Response 1.145):

> The commenter suggests that an alternative for a "No Charge for Paper Bags" should have been considered in the Draft EIR, as evaluating this alternative would have provided decision makers

specific information as to how this option differs from the proposed ordinance or other alternatives.

As described in Section 6.0, Alternatives, on page 6-26, a "No Charge for Paper Bags" alternative was considered but ultimately rejected. CEQA Guidelines § 15126.6 requires that an EIR consider a range of reasonable alternatives to a proposed project, which would feasibly obtain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. This alternative was rejected because it would not deter customers from using paper bags, which have greater impacts related to air quality, GHG emissions, and water quality than plastic bags on a per bag basis. Therefore, this alternative would not avoid or substantially lessen any of the impacts from the Proposed Ordinance and may increase certain environmental impacts. In addition, this alternative would not achieve the Proposed Ordinance's objective of promoting a shift toward the use of reusable carryout bags by retail customers to as great a degree as would occur with the Proposed Ordinance as customers would simply switch from "no fee" plastic bags to "no fee" paper bags as there would be no financial disincentive to utilize reusable bags.

L. Anthony van Leeuwen asserts in his letter dated August 17, 2013 that the solid waste analysis is inaccurate.

This comment was made previously and responded to as follows in the Final EIR on page 8-82 (Response 2.32):

The commenter reiterates that the amount of solid waste associated with reusable bags in Section 4.5 appears to be low and should be reevaluated. The commenter also suggests that the Draft EIR should assume that the weight of all reusable bags (approximately 8.2 million bags at 6.8 ounces per bag) is deposited into a landfill each year. The Draft EIR assumes that a reusable bag is used 52 times per year. Nevertheless, using the commenter's suggested rate of solid waste from reusable bags (6.8 ounces per bag x 8.2 million reusable bags per year) that would be deposited into a landfill, the Proposed Ordinance would result in an increase of approximately 1,748.45 tons of solid waste per year from reusable bags. Adding this total to the solid waste generated from paper bags (1,900 tons) and the waste from the remaining single use plastic carryout bags in the Study Area (237 tons) as shown in Table 4.5-11, the Proposed Ordinance would result in approximately 3,885 tons per year of solid waste. The current amount of solid waste associated with the approximately 658 million single use plastic carryout bags is estimated at 4,733 tons per year (as shown in Table 4.5-11). Thus, using the commenter's suggested rate, the Proposed Ordinance would result in a net decrease of approximately 848 tons per year of solid waste compared to existing conditions. This is less than the 2,596 tons per year reduction identified in the Draft EIR, but there would still be a reduction as compared to existing conditions. In addition, the significance determination is based on the Boustead data, which shows an incremental increase in solid waste generation as compared to existing conditions. Even based on this "worst case" scenario, the impact would not be significant.

As shown in the table in A.2 above, the Boustead method's solid waste impact for the City of Santa Barbara is expected to be approximately 258 tons per year as a reasonable worst case scenario. Adding the approximately 1,748 tons of solid waste per year from reusable bags (since the Boustead analysis does not calculate solid waste from reusable bags) in addition to the approximately 258 tons of solid waste, which included secondary use replacement bags, solid waste in the City of Santa Barbara would increase by approximately 2,006 tons per year or approximately 5.50 tons per day. As discussed above in A.2, the permitted daily maximum throughput of the Tajiguas Landfill, which serves the City of Santa Barbara, is 1,500 tons per day. Using the Boustead data along with the commenter's reusable bag solid waste assumptions, the potential increase of 5.50 tons of solid waste per day would represent approximately 0.37% of the daily capacity of the landfill. Thus, the existing waste disposal facility can accommodate estimated increases in solid waste related to the City Ordinance, including secondary effects. This incremental increase in solid waste generation would be less than significant.

Further, the commenter previously suggested a separate alternative methodology and assumptions to estimate solid waste generated by the Proposed Ordinance. Under these assumptions, the net increase of solid waste that would be generated by the City's Proposed Ordinance would be approximately 1,102 tons per year or approximately 3.02 tons per day. Similar to the impacts using either the Ecobilan or the Boustead method, the potential increase of 3.02 tons of solid waste per day would represent approximately 0.20% of the daily capacity of Tajiguas Landfill. Thus, based on the commenter's suggested alternative methodology, the existing waste disposal facility could accommodate estimated increases in solid waste related to the City Ordinance and impacts related to solid waste would be less than significant.

Solid Waste Generation in the City of Santa Barbara Using Van Leeuwen's Suggested Methodology and Assumptions

Bag Type	Weight (lbs/bag)	Current Conditions				With Bag Ordinance			
		Quantity	Weight (lbs)	Weight (tons/ year)	Weight (tons/ day)	Quantity	Weight (lbs)	Weight (tons/ year)	Weight (tons/ day)
Plastic Carryout Bags	0.01213	47,302,542	573,780	287	0.79	2,365,127	28,689	14.34	0.039
Paper Carryout Bags	0.14875	-	-	-		14,190,763	2110876	1,055.44	2.89
Reusable Carryout Bags	0.42500	-	-	-		591,282	251,295	126	0.345
Replacement Bags (40%)	0.01213	-	-	-		19,486,114	236,267	118	0.323
"Other	0.140708	-	-	-		1,073,685	151,076	75.5	0.207

Plastic"									
Totals			**573,780**	**287**	**0.79**			**1,389**	**3.81**
Net change (with ordinance minus existing)								**+1,102**	**+3.02**

M. Anthony van Leeuwen asserts the Final EIR utility data in Appendix E is incorrect and provides alternative solid waste, water, energy and wastewater data and new data on eutrophication in his paper dated September 10, 2013.

Mr. van Leeuwen states that discrepancies exist in the EIR data and provides information without explicitly identifying what the discrepancies were or why the changes were suggested. He suggests increased water and wastewater use for reusable bags and decreased plastic carryout bag waste due to recycling compared to the Final EIR data. Water, wastewater, and solid waste effects using Mr. van Leeuwen's data are presented in his paper dated September 10, 2013. The tables below were generated from Mr. van Leeuwen's data and include the additional 40% plastic carryout bag replacement rate discussed in A.2 above. The alternative assumptions result in impacts similar to the impacts identified in the Final EIR, which are less than significant impacts as described below.

Water and Wastewater Effects: Using Mr. van Leeuwen's suggested assumptions for water use, with an additional 40% secondary use replacement bags, the City's water demand increase from the proposed ordinance using the worst case analysis (Boustead) would be 48.3 AFY, equal to the analysis in A.2 above. As discussed above, this increase in water demand would constitute an insignificant impact.

Using Mr. van Leeuwen's suggested assumptions for wastewater, with an additional 40% secondary use replacement bags, the City's wastewater demand increase from the proposed ordinance would be approximately 2,190 gallons per day (301 more gallons than in A.2 above). The El Estero Wastewater Treatment Plant, which serves the City of Santa Barbara, has a remaining capacity of 3.3 million gallons per day (MGD) and, therefore, has capacity to treat this potential incremental increase in wastewater. The estimated increase of wastewater and impacts related to wastewater generation for the City Ordinance would thus remain a less than significant impact under this scenario.

Solid Waste Effects: Using Mr. van Leeuwen's Ecobilan solid waste assumptions with an additional 40% secondary use replacement bags, solid waste would decrease in the City of Santa Barbara by 119 tons per year (more beneficial than the 60 ton per year decrease expected with the Final EIR Ecobilan data). Using Mr. van Leeuwen's data for the worse case Boustead assumptions with an additional 40% secondary use replacement bags, solid waste in the City of Santa Barbara would increase by approximately 254 tons of solid waste per year, slightly less than the 258 tons per year expected with the Final EIR data. The impacts related to solid waste would be less than those identified in A.2 above, and less than significant.

Area Wide and City of Santa Barbara Estimated Water, Wastewater, and Solid Waste Impacts with 40% Secondary Use Replacement for Plastic Carryout Bags Using Ecobilan Method and Van Leeuwen Data

Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Wastewater Generated (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	13.93	9.31	(1,396)
City of Santa Barbara	89,082	8.55%	1.19	0.80	(119)

Area Wide and City of Santa Barbara Estimated Water and Solid Waste Impacts with 40% Secondary Use Replacement for Plastic Carryout Bags Using Boustead Analysis and Van Leeuwen Data

Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	184.26	2,974
City of Santa Barbara	89,082	8.55%	15.75	254

Energy: Mr. van Leeuwen provides alternative Ecobilan and Boustead data on energy use related to bag manufacturing. The Final EIR estimates energy use in the form of electricity associated with washing reusable bags to calculate greenhouse gas emissions associated with that washing. Those emissions were added to emissions associated with bag manufacturing, including emissions from energy use at manufacturing facilities. Impacts from energy use were analyzed in the Final EIR with regard to greenhouse gas emissions resulting from energy use. As demonstrated in the Final EIR, the impacts from greenhouse gas emissions would be less than significant.

Eutrophication: Mr. van Leeuwen provides new data on eutrophication based on the Ecobilan method. Eutrophication occurs when high levels of nutrients, such as fertilizers, enter a water body and cause excessive growth of plants, such as algae, resulting in a reduction in water quality. Eutrophication is qualitatively discussed on pages 4.4-10 and 11 of the Final EIR. Any direct increase in pollutant discharge from manufacturing plants would be regulated and controlled by local, regional, and federal water quality laws, including National Pollutant Discharge Elimination System requirements and permits, applicable to each manufacturing plant. Therefore, indirect impacts to water qualify from eutrophication due to the potential increase in bag manufacturing would be less than significant.

Ordinance No.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE SANTA BARBARA MUNICIPAL CODE BY ADDING CHAPTER 9.150 PERTAINING TO THE USE OF SINGLE-USE CARRY OUT BAGS AT CERTAIN RETAIL FOOD AND GROCERY STORE ESTABLISHMENTS WITHIN THE CITY.

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

SECTION ONE: Title 9 of the Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 9.150 ("Single-Use Carry Out Bags"), which reads as follows:

Section 9.150.010 Definitions.

The following definitions apply to this Chapter:

A. Customer. Any person purchasing goods from a store.

B. Operator. The person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.

C. Person. Any natural person, firm, corporation, partnership, or other organization or group however organized.

D. Plastic carryout bag. Any bag made predominantly of plastic derived from either petroleum, natural gas, or a biologically- based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.

E. Postconsumer recycled material. A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

F. Produce bag or product bag. Any bag without handles used exclusively to carry produce, meats, or other food items from a display case within a store to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

G. Recyclable. Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

H. Recyclable paper carryout bag. A paper bag (of any size) that meets all of the following requirements: 1. contains no old growth fiber; 2. is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; 3. is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; 4. is accepted for recycling in curbside programs in the City; 5. has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and 6. displays the word “Recyclable” in a highly visible manner on the outside of the bag.

I. Reusable bag. A bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: 1. has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; 2. has a minimum volume of 15 liters; 3. is machine washable or is made from a material that can be cleaned or disinfected; 4. does not contain lead, cadmium, or any other heavy metal in toxic amounts; 5. has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and 6. if made of plastic, is a minimum of at least 2.25 mils thick.

J. Store. Any of the following retail establishments located and operating within the City:

1. A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and which sells a line of dry grocery or canned goods, or non-food items together with some perishable food items or a store that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or

2. A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other similar retail store or entity engaged in the retail sale of a limited line of grocery items or goods which typically includes, but is not limited to, milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 liquor license issued by the state Department of Alcoholic Beverage Control.

Section 9.150.020 Plastic carryout bags prohibited.

A. No store shall provide any customer with a plastic carryout bag.

B. The prohibition on providing plastic carryout bags applies only to bags provided by a store for the purpose of carrying away goods from the point of sale within the store and does not apply to produce bags or product bags supplied by a store.

Section 9.150.030 Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type which the customer may bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

Section 9.150.040 Regulation of recyclable paper carryout bags.

A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer ten cents ($0.10) for each bag provided, except as otherwise allowed by this Chapter.

B. No store shall rebate or otherwise reimburse a customer any portion of the ten cent ($0.10) charge required in subparagraph A, except as otherwise allowed by this Chapter.

C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged the customer for such bags.

D. All charges collected by a store under this Chapter may be retained by the store and used for one or more of the following purposes: 1. the costs associated with complying with the requirements of this Chapter; 2. the actual costs of providing recyclable paper carryout bags; 3. the costs of providing low or no cost reusable bags to customers of the store who are exempted by section 9.150.060; or 4. the costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores shall report to the City Finance Director, on an annual (calendar year) basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior year. Such reporting must be done on a form prescribed by the City Finance Director, and must be signed by a responsible agent or officer of the store in order to confirm that the information provided on the form is accurate and complete. Such reports shall be filed no later than ninety (90) days after the end of each year following the year in which this chapter becomes effective.

Section 9.150.050 Use of reusable bags.

A. All stores must provide reusable bags to customers, either for sale or at no charge.

B. Stores are strongly encouraged to educate their staff to promote the use of reusable bags and to post signs and other informational materials encouraging customers to use reusable bags.

Section 9.150.060 Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the state Welfare and Institutions Code.

Section 9.150.070 Enforcement and violations - penalties.

A. Administrative Enforcement. The City Finance Director (or his designee) shall have the primary responsibility for enforcement of this Chapter. The Director is authorized to promulgate Departmental regulations to assist stores in understanding and in complying with this Chapter and to take any and all other actions reasonable and necessary to enforce and interpret this Chapter.

B. Regulations on Free Reusable Bags. If determined to be appropriate and necessary, the City Finance Director may adopt regulations restricting or limiting the ability of those stores defined in subparagraphs J(1) and J(2) of section 9.150.010 to offer customers free reusable bags as a promotional item.

Section 9.150.080 Operative date.

For those stores defined in subparagraph (J)1) of section 9.150.010, this Chapter shall become operative One Hundred Eighty (180) days after the effective date of the City ordinance adopting this Chapter. For stores defined in subparagraph J(2) of Section 9.150.010, this Chapter shall become operative one year after the effective date of the City ordinance adopting this Chapter.

SECTION TWO: Within two years of the adoption date of this ordinance, the staff of the City Finance Department shall submit a written agenda report to the City Council describing, among other things, whether it appears to the Finance Department that this ordinance has reduced the number of plastic and paper bags used within the City by those stores regulated by this ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA POLICE OFFICERS' ASSOCIATION FOR THE PERIOD OF JULY 1, 2013, THROUGH JUNE 30, 2016

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Officers Association entered into as of July 1, 2013 and attached hereto and incorporated herein by reference as Exhibit "A" is hereby adopted.

SECTION 2. During the term of the agreement, the City Administrator is hereby authorized to implement the terms of the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Officers Association without further action by the City Council, unless such further action is explicitly required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and publish changes to the salary schedule(s) adopted with the annual operating budget.

EXHIBIT A

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SANTA BARBARA
AND THE
SANTA BARBARA POLICE OFFICERS ASSOCIATION

THIS AGREEMENT, SIGNED ON_____, IS ENTERED INTO AS OF JULY 1, 2013, BETWEEN THE CITY OF SANTA BARBARA, HEREINAFTER REFERRED TO AS THE "CITY," AND THE SANTA BARBARA POLICE OFFICERS ASSOCIATION, HEREINAFTER REFERRED TO AS THE "ASSOCIATION."

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City and the Association, having met and conferred in good faith concerning wages, hours, and terms and conditions of employment of Unit employees, declare their agreement to the provisions of this Memorandum of Understanding.

FOR THE CITY:

_____
Kristine Schmidt
Employee Relations Manager

_____
Frank Mannix
Deputy Police Chief

_____
Michael Pease
Budget Manager

_____
Bruce Barsook
Counsel

FOR THE ASSOCIATION:

_____
Eric Beecher
Association President

_____
MaryLinda Arroyo
Police Sergeant

_____
Crystal Bedolla
Police Officer

_____
Andrew Hill
Police Officer

_____
Jaycee Hunter
Police Officer

_____
Susan Segura
Records Supervisor

_____
Kent Wojciechoski
Police Officer

_____
Charles Goldwasser
Counsel

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1. "B" Step (Secondary Salary Step)

The parties agree that achieving the second salary step, or "B," and subsequent salary steps thereafter, shall require, in addition to satisfactory performance, a period of one year of actual service.

It is further agreed that any salary adjustments in cases of employee reclassification shall not necessarily move "step to step."

2. Benefits- Domestic Partners

Employees may be entitled to add their registered domestic partners to City health and welfare benefits, to take family medical leave to attend to a domestic partner, and to other domestic partner benefits, as provided under City policy or under state law.

3. Benefits- During Authorized Leave Without Pay

No sick leave, vacation, or holidays shall accrue to any employee during authorized leave without pay for any full biweekly pay period. Employee shall be responsible for full payment of insurance premiums during authorized leave without pay, except as otherwise provided by law.

4. Benefits- Part-time Employees

A. Employees filling positions authorized by City Council in the official Position and Salary Control Resolution at more than 20 hours per week on a less-than-full time basis shall receive benefits as follows:

   i. Cafeteria plan contribution, medical contribution, dental contribution, vision contribution, holiday time, and other benefits under this agreement equal to the percent of time regularly scheduled versus a regular work week rounded up to the nearest ten percent (10%).

   ii. Vacation and sick leave equal to the percent of time actually worked versus a regular work week rounded up to the nearest ten percent (10%).

B. Grandfathering: Employees filling positions authorized by City Council in the official Position and Salary Control Resolution at more than 20 hours per week on a less-than-full-time basis before March 1, 2005 will continue to receive full-time health benefits (cafeteria plan contribution, medical contribution, dental contribution, vision contribution).

5. Bereavement Leave

In case of the death of an immediate family member, full-time employees shall be eligible for up to forty (40) hours leave with pay.

Immediate family member is defined as: mother, father, brother, sister, spouse, registered domestic partner, child, grandparents by blood or marriage, grandchildren by blood or marriage, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, person standing in loco parentis, and step family members. “In-law” and “step” relationships shall include the immediate family of a registered domestic partner on the same basis as that of a spouse.

Co-worker funeral attendance is acceptable upon the approval of the Chief of Police, consistent with the operational needs of the Department.

6. Biweekly Pay Period

It is understood that all references to "hours or days per month" may be considered on the basis of "hours per biweekly pay period" through conversion factors providing substantially equal employee benefits.

7. Cafeteria Plan

A. Each full-time employee shall be eligible to allocate a discretionary amount equal to $6,000 per plan year under the "125 Cafeteria Plan."

B. If medical, dental, and vision insurance plan selections exceed the cafeteria plan allocation, the City will pay the difference of these insurance premiums up to the amounts in the Medical, Dental and Vision Insurance Article of this MOU; said excess premiums are not discretionary.

8. Call Back

A. An employee officially called back to duty after being off from scheduled duty for ten (10) hours or more shall be compensated for actual hours worked with a minimum of two (2) hours of pay or compensatory time off at the overtime rate. Effective July 7, 2007, this shall be increased to a minimum of three (3) hours.

B. An employee officially called back to duty after being off from scheduled duty for less than ten (10) hours shall be compensated at the overtime rate for actual hours worked with a minimum credit of four (4) hours at the overtime rate set forth in the Overtime Article of this agreement. An employee called back to work in this capacity shall continue to be compensated at the overtime rate for as many continuous hours worked from the reporting time of the call back including regularly scheduled work hours.

C. Multiple call backs within the minimum paid time periods outlined in Sections A and B of this Article will not receive additional compensation.

D. A "call back" occurs when an employee has left work and is on a regular day off or otherwise off duty and is requested to return to work. Call back does not begin until the employee arrives at duty station and begins work. At no time does a “call back” entitle an employee to “portal” pay or travel time.

An employee shall not be compelled to take vacation or CTO to avoid payment of overtime for a call back.

E. Management shall make every effort to avoid scheduling consecutive work days (excluding overtime) without a minimum of ten (10) hours of time off with the following exceptions:

1. Shift change;

2. By mutual consent of both management and the employee; or

3. During an emergency or natural disaster.

F. Telephone Consultations: An employee who receives a phone call authorized in advance by the shift commander on off-duty hours for which he or she is not otherwise receiving compensation (i.e. standby or callback pay) shall be paid for the time actually spent on the phone call, or ½ hour, whichever is greater. This will apply to phone calls for professional consultation purposes, not routine phone calls such as calling an employee back to work.

This section will apply independently to multiple phone calls, even regarding the same event, except if those multiple phone calls occur within the same half hour.

9. Canine Pay

It is agreed that employees assigned to serve as canine handlers shall receive the following overtime pay in addition to their regular base salary:

The time spent by a canine handler in the care, grooming and feeding of his/her assigned police dog shall be hours worked payable at a time and one half overtime rate of $35.6475 per hour (hourly rate of $23,765 at a time and one-half overtime premium) effective July 1, 2013. In order to maintain equivalency, this hourly rate for dog care shall be increased by the same percentage as the general salary increases for Police Officers.

It is agreed that canine handlers normally spend 6 hours per biweekly pay period performing such work and written authorization from the Police Chief must be obtained to perform such work for more than 6 hours.

10. Child Care

The City will maintain a pre-tax salary reduction plan for employee dependent care needs in accordance with Section 129 of the Internal Revenue Code.

11. Educational Incentive Pay Plan

A. Effective the beginning of the first full pay period after the City is notified officially by POST of an officer's qualification for an Intermediate or Advance POST certificate, said officer shall receive the supplement to his or her base pay as described in Section B of this Article.

B. The monthly amount of Intermediate or Advance POST pay a full-time employee shall receive is as follows:

	Police Officer		Sergeant	
Effective Date	Intermediate	Advance	Intermediate	Advance
July 1, 2013	$396	$603	$420	$656

Said supplemental pay shall be included in the employee's regular biweekly paycheck.

12. Emergency Medical Dispatch Personnel

Public Safety Dispatch personnel (Dispatchers I, II and III, and Supervisors) who are certified as Emergency Medical Dispatchers and provide pre-arrival medical instructions to callers to the Police/Fire Communications Center shall be eligible to receive a biweekly premium equal to 5% of the employee’s biweekly base salary.

13. Equal Employment Opportunity

A. The City and the Association agree that the provisions of this agreement shall be applied equally to all employees covered herein without discrimination because of a person’s age (over 40), ancestry, color, mental or physical disability including HIV and AIDS, gender identity and expression, marital status, medical condition (cancer or genetic characteristics), national origin, race, religious belief, sex (including pregnancy/childbirth), sexual orientation, political affiliation, or union membership.

B. The City and the Association agree to commit themselves to the goal of equal employment opportunity in all City services. Further, the Association agrees to encourage their members to assist in the implementation of City equal employment opportunity programs.

C. Employees shall adhere to, and have the ability to file a complaint under, the Citywide "Non-discrimination and Harassment Policy and Employee Complaint Procedure" as that policy may be amended from time to time.

14. Grievance Procedure

A. Any employee who has a grievance shall first try to get it settled through discussion with that employee's immediate supervisor without undue delay. Every effort shall be made to find an acceptable solution at the lowest possible level of supervision.
B. If after such discussion the employee does not believe the grievance has been satisfactorily resolved, that employee may file a formal appeal in writing to the Police Chief within ten (10) calendar days after receiving the informal decision of the immediate supervisor. The Police Chief shall render a written decision and comment to the employee within ten (10) calendar days after receiving the appeal.
C. If after receipt of the written decision of the department head the employee is still dissatisfied, that employee may appeal the decision of the Police Chief to the City Administrator. Such appeal shall be made by filing a written appeal to the City Administrator within five (5) days after receipt of the written decision of the Police Chief. The City Administrator shall review the decision of the Police Chief, and the City Administrator's decision, which shall be rendered within twenty-five (25) days after the appeal is made, shall be final. The City Administrator may request the advice of the Board of Civil Service Commissioners (Board) in any grievance proceeding, but the City Administrator shall not be bound to follow any recommendation of the Board.
D. Grievances general in nature regarding interpretation of City-wide policy or which involve matters beyond the authority of the Chief of Police, shall be filed with the Assistant City Administrator who shall respond in accordance with the rules applicable to the Police Chief outlined herein.

15. Health Insurance for Unit Members' Survivors

The City shall maintain and pay for the existing level of insurance benefits for up to six (6) months for the surviving family of a unit member who dies in the line of duty, or for such greater period of time required by state or federal law.

16. Holidays

A. Except as indicated below, full-time employees shall accrue four (4.333) hours of holiday leave each biweekly pay period (24 pay periods). Said hours shall be credited to the employee's Holiday bank.

B. The following days shall be designated as holidays by the City:

January 1st (New Year's Day)
3rd Monday in January (Martin Luther King Jr.'s Birthday)
3rd Monday in February (President's Day)
Last Monday in May (Memorial Day)
July 4th (Independence Day)
1st Monday in September (Labor Day)
4th Thursday in November (Thanksgiving)
The Friday immediately following Thanksgiving Day
December 25th (Christmas Day)

Four additional days (32 hours) each fiscal year may be designated by the employee as holidays.

C. When a holiday falls on a Saturday or Sunday the preceding Friday or following Monday respectively, shall be observed as a legal holiday.

D. If a holiday is requested by the employee and approved by the City or is a day listed in Section B of this Article, and designated by the City and if the employee is called back to work on that holiday, the employee shall receive compensation for the hours worked in accordance with the overtime section of this Agreement and also shall be entitled to reschedule the holiday for the hours lost. Requests for holiday time off shall not unreasonably be denied.

E. If an employee's holiday bank exceeds 120 hours, the City shall have the option to either require the employee to take holiday time off or to pay the employee for the hours. The option of time off or pay in-lieu of holiday hours shall be at the sole discretion of the City.

F. Employees may schedule up to 80 hours of their accrued holiday time during the regular annual the vacation sign up period established by the Department, pursuant to the same rules and procedures.

17. Implementation of MOU

City shall implement provisions of this Memorandum of Understanding by adopting appropriate resolutions, ordinances, and administrative policies.

18. Jury Duty and Court Appearances

The parties agree that members of the bargaining unit performing jury duty or responding to a subpoena arising from line of duty civil court appearances shall be compensated as though they were on duty. Any and all other remuneration received by the employee for such jury duty or court appearances shall be paid to the City.

A sworn employee who is required by subpoena to be at court outside of his/her regularly scheduled work week regarding a matter arising from line of duty, and whose presence in the courtroom is necessary both before and after a scheduled court lunch period, shall be deemed to be on duty during the scheduled lunch period.

Notwithstanding the above, the Chief of Police has the right to adjust an employee's work schedule in keeping with court appearances, jury duty schedules, and/or needs of the City.

19. Layoff Procedure

In cases of abolition of positions, which result in layoff of personnel, or reduction-in-force, the following seniority policy shall apply to sworn members of the bargaining unit:

A. The individual with the least time in rank shall be first reduced. Where equal time in the rank is the case, total time with the Police Department shall be used to determine seniority.

B. The individual affected shall have the right to "bump" downward to the next lower sworn classification such that the last hired employee in the lowest sworn rank shall be the first employee laid off. Rehiring shall be accomplished pursuant to Section 3.16.350 of the Municipal Code.

In cases of abolition of positions, which result in layoff of personnel, or reduction-in-force, the seniority and layoff policy found in Municipal Code Section 3.16.350 shall apply to non-sworn members of the bargaining unit.

20. Life Insurance

The City and the Association agree that employees shall be entitled to a term life insurance policy covering the employee only, the premium for which shall be paid by the City. The limits of life insurance coverage shall be seventy-five thousand ($75,000) of term insurance with one hundred fifty thousand ($150,000) double indemnity in case of accidental death for sworn employees; and fifty thousand ($50,000) of term insurance with one hundred thousand ($100,000) double indemnity in case of accidental death for non-sworn employees. Said life insurance policy will be subject to such reasonable restrictions and requirements as may be imposed by the insurance carrier.

21. Loss Control Support

A. The Association agrees to support, without qualification, the City's Safety Program and will encourage its members to attend safety courses if required by the City and made available on City time.

B. Both the City and the Association recognize the need and will strive to reduce the number of industrial injuries among employees.

C. It is the duty of management to make every reasonable effort to provide and maintain a safe place of employment. The Association will cooperate by encouraging all employees to perform their work in a safe manner. It is the duty of all employees in the course of performing their duties to be alert to unsafe practices, equipment and conditions, and report them to their immediate supervisor. If such conditions cannot be satisfactorily remedied by the immediate supervisor, an employee has the right to submit the matter either personally or through the Association to the Chief of Police or designated representative. On any matter of safety that is not resolved, consultation will take place between management and Association representatives.

D. It is agreed that the City shall continue maintaining vehicles and equipment in a safe operating condition and that no employee will be penalized for refusing to use vehicles or equipment proven to be unsafe pursuant to State law.

22. Maintenance of Benefits

A. City and Association agree that all benefits other than direct wages as provided by ordinances, resolutions and City Charter in existence at the commencement of this agreement shall not be diminished, lessened, altered or reduced except as may be herein provided for the duration of the agreement.

B. Wage adjustments as provided for from time to time by ordinance, resolution, or City Charter, as such may be amended in accordance with this agreement, shall also continue for the duration of this agreement.

C. City and Association shall meet and confer concerning any work schedule changes from current 4/10 work schedule for sworn personnel.

23. Management Rights

The rights of the City include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of economic reasons or for cause as provided in Section 1007 of the City Charter; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be

conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

24. Medical, Dental, and Vision Insurance

A. The parties agree that the City will pay 100% of the premium for medical insurance for the employee only up to a monthly maximum of $1,374.64 per month.

It is agreed that should the amount of subject premium be less than the limits herein described, the difference between the employee only premiums and said dollar amount limits shall be applied to employee dependent medical coverage, if any.

B. Effective January 1, 2016, the monthly maximum toward medical insurance for employees enrolled in a PPO that is coordinated with a Health Reimbursement Account (HRA) will be increased to $1,414.64

C. Effective January 1, 2015, for a sworn employee enrolled in a PPO plan that is coordinated with a Health Savings Account (HSA), the City will match the employee's contribution to the HSA on a dollar-for-dollar basis, not to exceed a maximum City contribution of $50.00 per month, provided however that the total combined employer and employee amount will not exceed the annual indexed allowable HSA contribution limits. Effective January 1, 2016, this amount will be increased to a match not to exceed $75.00 per month and will also be available for non-sworn employees enrolled in the HSA coordinated PPO plan.

D. The City will pay for the premium for dental insurance up to a monthly maximum of $65.00. Effective January 1, 2015, this amount will be increased to a monthly maximum of $105.00 for sworn employees.

E. For the length of this agreement the City will pay for the premium for vision insurance up to a monthly maximum of $7.50.

F. The City retains full and complete control over the selection, approval and administration of insurance programs to include selection of carrier, insurance contract renewal and changes in program specifications.

G. Should the City discontinue offering an HMO plan, or discontinue offering an HRA coordinated PPO plan, or discontinue offering an HSA-coordinated PPO plan, the parties will reopen negotiations for the sole purpose of developing an alternative City contribution structure that will maintain the same total City contribution toward bargaining unit medical benefits as was in place immediately before the change.

25. Meeting and Conferring

Except as provided in the "Municipal Code Changes" Article of this Agreement, or as otherwise provided in this Agreement, the parties agree that there shall be no meeting or conferring over any issues of wages, hours, or other terms and conditions of employment covered by this agreement during the term of this agreement unless both parties consent.

26. Municipal Code Changes

During the term of the Agreement the City and the Association shall meet and confer with regard to any City proposed updates to Santa Barbara Municipal Code Title 3 affecting the terms and conditions of employment of Association Members as required by law.

27. No Unfair Labor Practices

The parties agree that during the term of this agreement the City will not lock out employees and the Association will not engage in labor practices detrimental to providing services to the Citizens of Santa Barbara, or detrimental to the interests of the City; nor will the Association sanction, support, condone, approve, or engage in a strike, sit-in, slow down, work stoppage, or speed-up.

The City and the Association further agree that all matters of controversy concerning issues covered by this agreement, will be settled by established grievance procedures.

The Association acknowledges that violations of the above shall be just cause for disciplinary action including termination.

28. "Non-Sworn Personnel" Shift Assignments

Non-sworn personnel in the bargaining unit shall normally be allowed a minimum of ten (10) hours off between shifts unless the employee consents otherwise. The above ten hour provision shall not apply during the regular periods of shift rotation, in cases where the employee has worked overtime prior to reporting for his/her next regular shift assignment, or in cases of emergency.

29. Overtime

A. Except as provided in the Call Back Article overtime shall be defined as any hours worked beyond eighty (80) hours in a fourteen-day work period. For the purpose of computing overtime, all regular, scheduled work hours, including paid leave time shall be considered time worked.

B. Overtime shall continue to be compensated at a time and one-half overtime cash or time and one-half CTO rate.

C. Effective September 17, 2013, if an employee's scheduled overtime is cancelled within 8 hours of the scheduled overtime start time, the employee will receive 3 hours of pay at straight time. ,

D. If an employee is called back to work or held over from his/her previous regularly scheduled shift and works five (5) or more hours outside his/her normal shift, and any portion of the hours worked on a call-back or hold-over basis falls within five (5) hours of the beginning of his/her next scheduled shift, that employee will be receive at least five (5) hours of continuous rest before resuming work without a loss in pay. If any portion of the rest period falls during the next regularly scheduled shift, then that portion of the rest period will be paid by the City at the employee's normal straight time pay rate. The employee shall have not restrictions on the location of the rest area.

   If such call-back or hold over is concluded less than 3 hours before the start of the employee's next scheduled shift, then the employee may request to take the equivalent paid rest period at the back-end of the shift instead. If the request is approved, the employee will be paid at the employee's normal straight time rate during the regularly scheduled shift and the rest period.

E. An employee who has accrued CTO shall be permitted to use such time within a reasonable period after making the request to do so if the use of compensatory time does not unduly disrupt the operations of the City. For purposes of this provision, "unduly disrupt the operation of the City" shall include, but not be limited to, requested use of compensatory time during Fiesta (Old Spanish Days), July 4th, and Christmas.

F. The City shall have the option to pay off all overtime subject to an employee retaining a CTO bank that shall not exceed a maximum of 50 hours.

G. Overtime for declared disasters shall be paid time and one-half only if federal or State disaster or emergency relief funds are made available to defray costs. Section F of this Article shall apply to the duration of emergency incidents, not the duration of the formal declared emergency.

H. Employees may use up to 40 emergency leave hours per calendar year from their overtime bank for time off due to illness or injury of their spouse, registered domestic partner, or children. Such emergency leave shall not be withheld by the City, and shall be in addition to paid sick leave use for this purpose under State law. Emergency leave shall be deducted from the employee's accumulated overtime. No emergency leave payment shall be made except after satisfactory evidence of dependent illness or injury has been accepted and approved by the Chief of Police.

30. Payroll Deductions

A. Any changes in Association dues deduction only shall be subject to indemnification of City by the Association.

B. City shall maintain payroll program with equal bi-weekly deductions (24 checks plus 2 checks without voluntary deductions).

31. Premium Pay for Use of Bilingual Skills

For all full-time Patrol Officers and employees in other positions designated by the Chief of Police, who establish to the satisfaction of the Chief and the Human Resources Manager proficiency in conversing and reading skills in Spanish, as demonstrated by appropriate testing every other year, the City will pay premium pay of $51.20 each biweekly pay period.

For all full-time employees in positions designated by the Chief of Police who meet the following qualifications, the City paid premium will be $102.50 each biweekly pay period:

A. Establish to the satisfaction of the Chief and the Human Resources Manager a complex level of verbal and/or written proficiency in Spanish as demonstrated by appropriate testing every other year.

B. Provide written translation from Spanish-to-English and English-to-Spanish and/or act as a translator for complicated interviews with Spanish speaking witnesses or suspects.

32. Recruitment Incentives

The City may, at its option, implement any of the following recruitment incentive programs at any time during the term of this Agreement:

A. Vacation Credit for Prior City Service: An employee who (1) received a performance evaluation of “meets standards” or better on his or her last two performance evaluations, and (2) separates from City service and then is rehired within 3 years of his or her termination date, may recoup his or her past service credit toward the vacation accrual rate. Such employee may also be eligible for credit for other government service under section B of this article.

B. Vacation and Sick Leave Credit for Prior Government Service: An employee appointed from outside City of Santa Barbara government service within 6 months of leaving employment with either a city, county, state agency, federal agency or special district and who, in the opinion of the Police Chief, possesses government experience directly related to the position to which he

or she has been appointed, may receive credit for years of prior service with his or her immediate previous government employer in the following ways:

i. Vacation Accrual: Upon appointment, employee will receive credit for the full prior years of service at his or her immediate previous government employer toward the initial vacation accrual rate. Employee will not be eligible to progress to a higher accrual rate until employee has the normal required minimum amount of City of Santa Barbara service (including prior service under Section A of this Article) for that accrual rate.

ii. Sick Leave: Employee will be credited with 96 hours of sick leave. Thereafter, employee will accrue sick leave at the normal rate.

C. Uniform: New employees may be provided an initial uniform set at City cost.

D. Signing Bonus: New employees who have already completed a full basic academy at the time of hire (e.g., a lateral hire or a post-academy hire) may be provided a signing bonus in an amount determined by the City.

E. Employee Referral Bonus: Existing employees who refer an applicant from outside City employment who is hired and successfully completes the probationary period may be provided a referral Bonus. City may establish the amount of such bonus and procedures for documenting the referral at the time of application.

33. Retiree Medical Insurance Contribution

A. This provision is applicable to employees who retire from City service, and

1. Have 15 or more years of regular City service; or

2. Retire from the City with an industrial disability.

B. The City shall contribute $9.10 per month, per year of service up to a maximum of 35 years (i.e., $318.50/month). Employees will receive a prorated contribution for portions of a year of service. Service will be calculated based on the nearest full one hundredth (.01) of a year. (For example, an employee retiring on November 30th with 15.233 years of service will receive 15.23 x $8.70= $132.50 per month). The retiree medical contribution will increase as follows:

Accrued liability for past retiree medical increases was factored into past labor agreements and will not be charged again toward costing in future negotiations.

C. The retiree is not limited to purchase of a City sponsored plan, provided however, that if the retiree purchases another insurance plan, the retiree must supply the City with adequate proof of insurance coverage prior to any contribution from the City. Proof of such coverage shall be provided to the City on a periodic basis, as determined by the City.

The City will contribute only up to the maximum monthly premium of the City's sponsored plan.

D. Except as specifically provided in Section F of this article, below, the City shall continue to make its contribution until the retiree reaches age 65 or dies, whichever occurs first. If there is a surviving spouse or registered domestic partner, he/she will be permitted to remain on the medical insurance plan at his/her own cost, subject to the conditions set forth by the insurance company.

E. The City will continue the normal retiree medical allowance past the age of 65 for the six (6) employees named below who retire after December 23, 2006 and thereafter certify, on an annual basis, that they are not eligible to apply for Medicare Part A (hospitalization) coverage

on the basis of their City service, other covered employment, through a spouse's covered employment, or through any other means.

	Name	Title	Hire Date
1.	Robert E. Casey	Police Officer	1/6/75
2.	Leonard J. Gomez	Police Officer	9/25/78
3.	David M. Gonzales	Police Sergeant	3/7/77
4.	George B. Hansen	Police Officer	7/13/79
5.	Jessie M. Ramey	Parking Enforcement Officer	2/11/75
6.	Kathryn H. Denlinger	Parking Enforcement Officer	10/19/77

The City shall continue to make its contribution until the retiree dies. However, if at the time the retiree dies there is a surviving spouse or registered domestic partner over 65 years of age who is not eligible for Medicare Part A, one half of the allowance will continue until the death of the spouse or registered domestic partner.

F. In the event Health Care legislation is passed which affects the nature of the benefit described above, the parties will reopen negotiations and modify this benefit, if necessary, so as to maintain their original intent (e.g., eligibility, scope, cost).

34. Retirement

A. The City contract with the Public Employees' Retirement System (PERS) shall provide the 3% at age 50 benefit formula for all Police Safety members.

B. The City's Employer Paid Member Contributions for Safety employees will be reduced as follows:

1. For the period of June 29, 2013 through July 26, 2013, employees will continue to pay 2.266% of compensation toward the 9% member contribution, and the City will contribute 6.734%;
2. For the period of July 27, 2013 through July 11, 2014, employees will contribute 3% of compensation toward the 9% member contribution, and the City will contribute 6%;
3. For the period of July 12, 2014 through July 10, 2015, employees will pay 6% of compensation toward the 9% member contribution, and the City will contribute 3%; and
4. Effective July 11, 2015, employees will pay the full 9% member contribution.

C. The City contract with the Public Employees' Retirement System (PERS) shall provide the 2.7% at age 55 benefit formula for all Miscellaneous members.

D. Under the negotiated 2.7% at 55 cost/benefit sharing formula for Miscellaneous employees:

1. If the PERS miscellaneous plan employer rate is exactly equal to 20.164%, the employee shall pay 7.162% of the 8% required employee contribution. The City will pay *0.838%* of the 8% required employee contribution.

2. If the employer rate is less than 20.164%, the employee shall receive credit for 30.559% of the amount by which the employer rate is less than 20.164%. The credit shall be applied until the City again pays a full 7% of the 8% required employee contribution.

[For example: If the employer rate is only 18.164% of PERS-able compensation, the City will pay an additional 0.61% (2% times 30.559%) of the 8% employee contribution, for a total of 1.448%];

3. If the employer rate exceeds 20.164%, the employee shall pay 30.559% of the amount by which the employer rate exceeds 20.164%. The employee shall pay for this cost in the following manner:

i. First, through an increase in the employee-paid portion of the 8% required employee contribution up to a maximum increase of 0.838%

[For example: If the employer rate is 22.164% of PERS-able compensation, the employee will pay an additional 0.61% (2% times 30.559%) of the 8% employee contribution, for a total of 7.772%];

ii. Second, through payroll deduction.

[For example: If the employer rate is 25.164% of PERS-able compensation, the employee will pay an additional 1.528% (5% times 30.559%) of PERS-able compensation as follows: an additional 0.838% (8%-7.162%) to cover the full 8% employee contribution, and a payroll deduction equal to 0.69% (1.528%-0.838%) of PERS-able compensation.]

E. The City shall report the value of Employer Paid Member Contributions (EPMC) to PERS as compensation earnable for both Safety and Miscellaneous employees pursuant to Government Code Section 20636(c)(4). Effective July 11, 2015, the City will discontinue this practice for Safety employees through adoption of the appropriate resolutions.

F. The City will provide the PERS One-Year Highest Compensation benefit to Safety and Miscellaneous employees.

G. The City will provide an amendment to the Public Employees' Retirement System (PERS) contract to allow widows/widowers to continue receiving benefits upon remarriage.

H. The City will provide the PERS Increased Level of 1959 Survivor Benefits (Level Two) for Safety employees, and the PERS Increased Level of 1959 Survivor Benefits (Level Four) for Miscellaneous employees.

I. The PERS contract shall provide for Public Service Credit for Peace Corps or Americorps: Volunteers in Service to America (VISTA) for Miscellaneous employees only.

J. Notwithstanding the provisions above, effective January 1, 2013, new members as defined by California Public Employees' Pension Reform Act of 2013 (hereinafter "AB 340") will be covered under the 2.7% at 57 Safety retirement formula or the 2% at 62 Miscellaneous retirement formula, with a final compensation measurement period of the average of the highest three (3) consecutive years, as well as all other statutory requirements of AB 340. Effective July 1, 2013, new employees and/or members as defined by AB 340 shall contribute half the normal cost for benefits, as defined by AB 340; the City will not pay any portion of these employees' required contributions.

35. Retroactivity

An employee will be eligible for retroactive increases to salaries and benefits provided under this Agreement on the dates specified for each increase if the employee is an active City employee and bargaining unit member on the date that the City Council ratifies this Agreement.

To the extent possible, in order to reduce the impact on employee pay, the City shall coordinate any retroactive employee pension deductions necessary under this agreement with the payment for the 2013 vacation cash out opportunity.

36. Salary Adjustments

A. All sworn positions represented by the Association (police officers and police sergeants) shall receive the following regular increases to base salary:

Date	Increase
July 12, 2014	2.0%
July 11, 2015	3.0%

B. All non-sworn positions represented by the Association shall receive the following regular base salary increases:

Date	Increase
July 12, 2014	1.5%
July 11, 2015	2.0%

C. Effective September 21, 2013, the base salary for the Police Records Supervisor classification will be increased from range 293 to Range 325.

37. Salary Increases Upon Promotion

Employees shall receive at least a five percent (5%) salary increase upon promotion provided however that the City shall not be required to pay a salary in excess of the authorized salary range in the City Position and Salary Control Resolution.

For purposes of this article, the base for the (5%) salary increase shall be the employee's current step on the appropriate salary range plus Specialty Assignment pay if appropriate. All officers promoted to the classification of Sergeant shall be appointed to "C" Step.

38. Scope of Representation

A. The Association represents all employees (except hourly and confidential employees) in a police bargaining unit composed of the following job classifications:

Police Sergeant
Police Officer
Police Officer - Entry Level
Identification Technician
Assistant Identification Technician
Public Safety Dispatcher (I,II,III)
Public Safety Dispatcher Supervisor
Police Property/Evidence Specialist
Police Property/Evidence Assistant
Police Range/Equipment Specialist
Police Crime Analyst
Parking Enforcement Officer
Police Records Specialist
Police Records Supervisor
Police Technician

Reclassification of these positions that does not entail changes in job duties or responsibilities will not affect their inclusion in the bargaining unit except as is provided by applicable State law.

B. If the City creates a Community Services Officer classification to perform some or all functions currently being performed by sworn officers, but not requiring the service of a sworn employee, the classification will be included as a non-sworn classification in the bargaining unit. City agrees that the creation of new Community Services Officer positions will not result in layoff of any sworn officer.

39. Service Credit for Sick Leave Upon Retirement

At the time of retirement, the City shall purchase an annuity for a retiring employee that pays a monthly benefit similar to the PERS amendment that provides service credit for sick leave under Government Code Section 20965.

The following conditions apply to this benefit:

A. In order to qualify for service credit for sick leave upon retirement, the retiring employee must have been hired by the City on or before September 17, 2013 and have at least 500 sick leave hours;

B. The conversion rate of 0.004 years of service credit for each day of sick leave is utilized. (For purposes of this section, a "day" is the equivalent of eight (8) hours.);

C. The retiring employee may take the cash purchase value of the annuity in lieu of the monthly annuity;

D. Prior to September 17, 2013, safety group members who obtain 90% of final compensation upon retirement are not eligible for this benefit; however, employees who retire on or after September 17, 2013 and who obtain 90% of final compensation upon retirement will be eligible for this benefit; and

E. If the City amends its PERS Miscellaneous or Police contract to include service credit for sick leave upon retirement, non-safety or Police members, respectively will be included in that PERS contract amendment and the annuity program will be discontinued for that group.

40. Shift Differential for Non-Sworn Personnel

A. Full-time, non-sworn personnel regularly assigned to a shift of eight (8) or more hours shall receive:

1. Swing shift differential pay when 50% or more of the hours of their regularly assigned shift , excluding overtime, falls between 5:00 p.m. and midnight; or

2. Graveyard shift differential pay when 50% or more of the hours of their regularly assigned shift, excluding overtime, falls between midnight and 7:00 a.m.

B. Employees who are regularly assigned to a shift that does not meet the definition of a swing shift or graveyard shift shall not receive shift differential. This includes, but is not limited to, circumstances wherein an employee may be called back to work or scheduled to work an overtime shift that qualifies for shift differential pay when regularly assigned to the shift.

C. The biweekly amount of shift differential for a full-time employee shall be as follows:

Effective Date	Swing Shift Biweekly	Graveyard Shift Biweekly
July 1, 2010	$64	$128

41. Sick Leave

A. Employees shall accrue sick leave at the rate of eight (8) hours per month of service rendered up to a maximum of 2,080 hours of accumulated sick leave.

B. The City's "non-replenishable" sick leave program (M.C. 3.08.150b) shall be retained for the term of this agreement.

C. An employee may use up to 48 hours of available accrued sick leave (the equivalent of 6 months of accrual) per calendar year to attend to an illness of a child, parent, domestic partner, or spouse of the employee, as provided under State law. Part-time employees may use the equivalent of six (6) months of sick leave accrual at their prorated accrual rate for such purposes. All rules for use of sick leave will apply, including those regarding physician statement requirements and use of sick leave for medical appointments

42. Specialty Assignment Program

The Specialty Assignment Program is as follows:

A. For each employee, management will identify number of specialties per person, excluding temporary assignments, and rate all persons at 2% per specialty with a maximum of 6%. Each 2% increment is retained after the assignment ends.

1. Credit for a specialty position held prior to June 30, 1992, shall be given regardless of the duration of the assignment. Credit for the same specialty position held more than once shall be given so long as the assignments were not continuous.

2. Credit for specialty positions held subsequent to June 30, 1992, shall require that the position be held for a minimum of 75% of the maximum duration of that assignment unless approved by the Division Commander. If the employee is on a leave of absence of more than 30 consecutive calendar days during the assignment, then the maximum duration of the assignment will be extended by the period of the leave. Duration of assignments is determined by the Career Development Program.

B. At the sole discretion of the Police Chief, certain specialty assignments may be designated as “long-term specialty assignments" not having a maximum duration, and allowing increasing specialty pay in the same assignment. For such positions, specialty pay shall be earned in the following increments:

1. 2% upon assignment, retained upon reassignment if the employee holds the position for four (4) years;

2. An additional 2% after four (4) years in the assignment, retained upon reassignment if the employee holds the position for six (6) years; and

3. An additional 2% after six (6) years in the assignment, retained upon reassignment if the employee holds the position for at least eight (8) years.

To receive credit for each 2% increment, the employee must hold the position for a minimum of 75% time required to retain that increment, unless approved by the Division Commander. The combined maximum specialty pay for all specialty assignments, including long-term assignments, shall be 6%.

C. Retention of specialty pay. In order to retain specialty pay employees must:

1. Meet or exceed performance standards.

2. Work any assignment as ordered. Requirements for the assignment and procedures for selection shall be set forth in the Career Development Program.

3. Continue to apply for and compete in good faith for upcoming specialty assignments as described in the annual performance evaluation.

D. Failure to comply with the above requirements results in the loss of all specialty pay.

E. If an employee has lost specialty pay as a result of failing to meet the requirements of Section C of this Article, the employee may have the specialty pay prospectively reinstated by again complying with the above requirements of Section C. Complying again with the requirements of Section C.3. above means competing for and selection to a specialty assignment.

43. Standby Pay

The City and the Association agree that when an employee is officially designated by management to remain available to return to work, at any time during specific hours outside of normal working hours, the employee shall receive two (2) hours of straight time pay or compensatory time off for each eight (8) hours on standby or fraction thereof. Effective July 5, 2008, this will be increased to three (3) hours of straight time pay or compensatory time off for each eight (8) hours on standby or fraction thereof. To the extent feasible, the parties agree that standby shall be assigned on an equitable basis to all eligible employees.

The City and Association agree that all employees will be on automatic standby duty during a state of emergency or civil defense disaster as declared by the President of the United States, the Governor of the State, the Mayor of the City, the City Council, or the City Administrator. Such automatic emergency standby shall be without compensation unless the City is reimbursed by the State or federal government for such an expenditure.

44. Term of Agreement

A. This Memorandum of Understanding shall become effective July 1, 2013 and shall remain effective through June 30, 2016.

B. The agreement may be extended beyond its expiration date, if both parties concur.

45. Time Off for Association Officers

A. Reasonable time off with pay at straight time will be granted to Association officers and negotiators for the purpose of meeting and conferring or consulting with the City subject to approval by the Chief of Police as to specific times.

B. The Association will maintain a complete and current list of its officers and negotiators on file with the Assistant City Administrator.

C. Upon reasonable advance notice, Association officers will be granted up to an aggregate of one hundred sixty (160) hours pay annually for attendance at Association meetings and conventions and for conducting normal and regular Association business during the term of this agreement.

46. Training

The City and the Association agree that all direct costs for all training or instruction required by the City shall be paid for by the City. However, the City shall retain the right to determine what training is required for the employee to improve his performance on the job and to make such training a condition of employment.

For the purposes of this agreement, this section shall include requests by Department Heads for additional training of current employees, subject to the approval of the City Administrator.

Both parties recognize that training programs and the advancement of employees to positions of higher skill are matters of great importance and interest to the City, the Association, and the employees covered by this agreement.

47. Transportation Demand Management

A. Effective December 23, 2006, will provide up to 8 additional carpool parking spaces, based on need, with reasonable distance from the Police Department.

B. Bargaining unit members shall be eligible to participate in any established Citywide Alternative Transportation Program.

48. Tuition Reimbursement

Employees shall be eligible for tuition reimbursement through the City of Santa Barbara's Educational Reimbursement Program.

49. Unauthorized Leave/Suspension

No sick leave, vacation, or holiday time shall accrue or be paid during any period of unauthorized leave or suspension. Suspension is defined as provided in Municipal Code Section 3.16.310 and City Charter Section 1007. Retroactive accrual of sick leave, vacation, or holiday time shall be provided for suspensions later found to be in error. This section shall not apply to any non-disciplinary suspension.

50. Uniform Allowance

A. Except as indicated below, the City shall provide an annualized uniform allowance to full-time employees in the bargaining unit who are required to maintain a uniform as follows:

Sworn police personnel not assigned motorcycle, SWAT or canine duty	$1,038
Sworn police personnel assigned canine duty	1,088
Sworn police personnel assigned motorcycle or SWAT duty	1,238
Non-sworn personnel	863

B. Payment of the uniform allowance will be paid to employees who are on the payroll during the pay period ending two (2) weeks prior to the payday on which the uniform allowance is paid in June or December of each year. Payment will be made in a separate check, in an amount equal to half of the annualized allowance, per the following schedule:

December 13, 2013 and June 13, 2014
December 12, 2014 and June 12, 2015
December 11, 2015 and June 10, 2016

51. Use of Computer Resources

Employees' rights and obligations regarding use of the City's computers and computing resources are governed generally by the City's computer use policies. The Association and the City agree that occasional and incidental employee use of City computing resources for Association business is allowable within the same parameters applied to other acceptable non-commercial personal use under those policies.

The parties agree that such use shall not interfere with the performance of work duties or the effective delivery of services, and shall not result in any significant cost to the City or compromise the security of City systems. The parties further agree that City computer resources, including the e-mail system, will not be used by the Association or City employees to support or oppose a political campaign or ballot measure.

The Association acknowledges that employees have no expectation of privacy in the use of City computer resources, including but not limited to e-mail and text messaging, even if they are locked or password-protected.

52. Vacation

A. It is agreed that vacation time may be taken as accrued subject to City approval.

B. It is agreed that vacation accrual for sworn personnel shall be in accordance with the following schedule:

Length of Service	Vacation Entitlement
0 through 5 years	80 hours per year
6 through 10 years	120 hours per year
11 through 24 years	160 hours per year
After 24 years	200 hours per year

C. It is agreed that vacation accrual for non-sworn police personnel shall be in accordance with the following schedule:

Length of Continuous Service	Vacation Entitlement
0 through 2 years	80 hours per year
3 through 5 years	104 hours per year
6 through 10 years	144 hours per year
11 through 17 years	184 hours per year
18 through 23 years	200 hours per year
24 and over years	224 hours per year

D. Maximum vacation accrual will be 280 hours. Effective September 21, 2013, this maximum will be increased to 320 hours. Said maximum vacation accrual shall not apply if scheduled vacations are canceled by the City for emergencies or personal emergencies of employees. Where requested in advance by the employee, management will make reasonable efforts to work with the employee to try to avoid the loss of vacation time accruals under the accrual maximum.

E. There will two final vacation “cash-in” opportunities during the term of this Agreement. The first shall occur, concurrent with any retroactive employee pension contributions required under this Agreement, before October 29, 2013. The second opportunity shall be offered for payment on the paycheck employees receive on December 12, 2014. A maximum of 40 hours of vacation may be cashed in during each of these opportunities.

53. Work Schedule

A. When regular days off (RDO) are changed, reasonable notice shall be given to the affected employee(s). “Reasonable notice” is at least 48 hours unless by mutual consent.

B. All sworn employees shall be placed on a 4/10 work schedule. Management retains the right to change an employee’s day off at any time with less than 48 hours notice without incurring overtime liability in order to meet departmental needs related to court subpoenas and other planned events. Other planned events shall include incidents such as drug sweeps in Investigations and employee training. Overtime liability will continue to occur when an

employee works in excess of eighty (80) hours in a 14-day work period as required by the Fair Labor Standards Act (FLSA).

Uniformed sworn officers on a 4/10 schedule who are subject to call for service during the lunch period will work ten (10) hours and take a one half (1/2) hour paid lunch break. Other sworn and non-sworn employees on a 4/10 schedule will work ten (10) hours and take a one-half (1/2) hour or one-hour unpaid lunch break. A change made by management to this practice will be a normal meet and confer issue.

C. Upon mutual agreement between management and an employee represented by the Association, s/he may work a schedule different than that delineated in Section B of this Article.

54. Workers' Compensation: Non-Sworn Personnel

A. Non-sworn employees who sustain illness or injury arising out of and in the course of their City employment shall receive benefits equal to those mandated by the State of California plus the difference between State mandated benefits and the equivalent of eighty-five percent (85%) of the individual's gross (excluding O.T.) salary, if any, paid by the City for a maximum of ninety (90) working days.

B. This Article shall not be construed to grant employees the use of sick leave benefits in lieu of or to supplement workers' compensation benefits herein or by State law, except as follows:

An employee who returns from an accepted work-related injury or illness to regular duty r modified duty may attend follow-up medical appointments during work hours when it is not possible to arrange such appointments on non-work time. Reasonable advance notice must be given to the supervisor, which in no event shall be less than 24 hours. Release time is subject to supervisory approval based on operational needs. Under these conditions, to account for the lost work time to attend physician, physical therapy, chiropractic, counseling and other physical and mental care appointments, the employee may:

1. Use accrued paid leave time (sick leave, vacation time, compensatory time, or personal leave); or

2, Use ‘industrial leave without pay” if employee has no accrued paid leave time, or

3. If the employee has not reached a permanent and stationary status, the employee may elect to use "industrial leave without pay" if employee does not choose to use accrued paid leave (sick leave, vacation time, compensatory time, or personal leave). However, employees who have reached permanent and stationary status must exhaust available leave balances before being placed on leave without pay.

An employee who has not reached a permanent and stationary status and uses industrial leave without pay may be entitled to “wage loss” under workers’ compensation system depending on eligibility.

The City may make changes to its Personnel Policies including, but not limited to, the Santa Barbara Municipal Code to reflect the substance of this Agreement.

APPENDIX A- CATASTROPHIC LEAVE POLICY

I. **PURPOSE:** To establish a program whereby City employees can donate vacation, holiday and/or compensatory time to the leave banks of permanent full-time and permanent part-time employees who have exhausted all applicable accumulated leave balances for the following reasons:

A. To the sick leave banks of employees who are incapacitated due to an off-duty catastrophic illness or injury; or

B. To the vacation leave banks of employees who are caring for a spouse, registered domestic partner, or child who has been diagnosed as terminally ill.

II. **DEFINITION:** A catastrophic illness or injury is a severe illness or injury which is unusual, unexpected, or immediate in nature; and which is expected to preclude an employee from returning to work for an extended period of time, during which the employee will exhaust all of his/her accumulated leave balances.

III. **POLICY:** City employees may donate vacation, holiday and/or compensatory time to a permanent full-time or permanent part-time employee if:

A. An employee experiences a catastrophic illness or injury or must care for a spouse, registered domestic partner, or child who is diagnosed as terminally ill which requires him/her to be absent from work for an extended period of time;

B. The employee has nearly exhausted all applicable leave balances (sick, vacation, personal leave, holiday, compensatory time in the case of the employee's off duty catastrophic illness or injury; vacation, personal leave, holiday and compensatory time due to caring for a spouse, registered domestic partner, or child diagnosed as terminally ill); and

C. The employee or if incapacitated, the legally recognized representative, has agreed to accept the donation, if approved by the Department Head and the City Administrator.

D. The Department Head will take action to help ensure that each employee's decision to donate or not donate to a Personal Catastrophic Leave Account is kept confidential and that the donor and recipient employees are not pressured to participate.

E. State and Federal income tax on the value of vacation, holiday, and/or compensatory time donated shall be deducted from the recipient employee's pay at the time the hours are used.

IV. **PROCEDURES:**

A. A request is made by the recipient employee or if incapacitated, the legally recognized representative, to the Department Head for the establishment of a Personal Catastrophic Leave Account. This request may be made prior to that employee exhausting all of his/her applicable paid leave balances so that time donated to the time bank may be utilized immediately upon exhaustion of the employee's applicable leave balances, but not before.

B. Upon approval of the Department Head and the City Administrator, and upon agreement of the recipient employee, a Personal Catastrophic Leave Account will be established. The employee or if incapacitated, the legally recognized representative, will sign the "Request to

Receive Donation(s)" form allowing publication and distribution of information regarding his/her situation.

C. The employee or if incapacitated, the legally recognized representative, will be required to provide verification of the illness or injury from an attending physician before and while using time donated under this program. All information provided by the attending physician will remain confidential.

D. The request for donations shall occur in three month intervals and may be extended if the employee's catastrophic leave time is continued, up to a maximum of twelve (12) continuous months for any one catastrophic illness/injury or the need to care for a spouse, registered domestic partner, or child diagnosed as terminally ill, based upon approval of the Department Head and City Administrator.

E. Donated vacation, holiday, and/or compensatory time shall be converted and credited to the recipient in equivalent hours of sick leave due to employee illness or vacation leave due to a terminally ill spouse, registered domestic partner, or child at the recipient's base hourly rate. (e.g. employee A makes $20/hour and donates 1 hour of vacation time to employee B who earns $10/hour. B's sick or vacation bank is increased by 2 hours for each hour donated by A.)

F. Employees will use the "Donation of Vacation/Holiday/Compensatory Time" form to submit donations of vacation, holiday and/or compensatory time directly to Human Resources. All donations will be reviewed for compliance with this policy. After review, the form will be forwarded to Payroll for action and adjustment to the donor and recipients' paid leave balances.

G. All donations of vacation, holiday, and/or compensatory time shall be limited to a ten (10) hour maximum donation per request interval per injured/ill employee or spouse, registered domestic partner, or child diagnosed as terminally ill.

H. The donation of vacation, holiday, and/or compensatory time is irreversible. Should the recipient employee not use all the donated time for the catastrophic illness or injury for which it was requested within one year following the initial request for catastrophic leave, any balance will revert automatically to a City-wide "Catastrophic Leave Bank" for future use by employees with need for that donated time pursuant to the provisions of this Catastrophic Leave Policy. A recipient may also voluntarily release donations made in his or her name to the City-wide "Catastrophic Leave Bank" in writing at any time.

If prior to the expiration of one year following the initial request for catastrophic leave, a recipient has not released the balance of donations received to the City-wide "Catastrophic Leave Bank" and provides the City a medical certification demonstrating to the satisfaction of the Human Resources Manager that the same catastrophic illness or injury is still active and may cause incapacity within the next year, the donations will be maintained for the exclusive use of the recipient for up to an additional year. This same certification may be provided annually thereafter. The City shall have no obligation to remind the recipient of the availability of the options provided under this paragraph.

Once donations have been released by the recipient in writing, or have reverted automatically to the City-wide "Catastrophic Leave Bank", a recipient shall not have greater access to such balances than other any qualified employee.

I. A report on the usage of Personal Catastrophic Leave Accounts and status of the City-wide "Catastrophic Leave Bank" will be available to recognized labor organizations and others with a need to know. The report will include the identity of the recipient(s), hours donated, hours used and the remaining balance(s).

APPENDIX B- TRAINING AND RELATED TRAVEL TIME FOR REQUIRED CLASSES

The purpose of this Appendix is to provide a guide to utilize when determining when an employee is entitled to payment for attending training.

Non-Exempt Employees

The Fair Labor Standards Act (FLSA) indicates that time spent by non-exempt employees in training is compensable unless all of the following conditions are met:

1. Attendance is outside of the employee's regular working hours.

2. Attendance is in fact voluntary. FLSA indicates that attendance is not considered voluntary if the employee believes that present working conditions or the continuance of employment will be adversely affected by non-attendance.

3. The course, lecture, or meeting is not directly related to the employee's job. The regulations state that training is directly related to the employee's job if it is designed to make the employee handle his or her job more effectively, as distinguished from training for another job.

4. The employee does not perform any productive work during such attendance.

If all four of the above conditions are not met, then all hours spent in training (including those outside of normal working hours) are considered to be compensable under FLSA.

If the training is considered compensable and travel time is associated with the employee's attendance, then the next question is whether the time spent traveling should be paid for. , The following must be considered.

1. **Travel During Regular Working Hours.** If the travel time related to attending required training occurs during normal working hours, then the time is considered to be compensable.

2. **Special One-Day, Out-of-Town Travel.** Travel time associated with special one-day, out-of-town training is required to be paid for irrespective of the mode of transportation utilized or whether the employee drives or is a passenger. Time that can be excluded from payment is normal home-to-work travel time and time spent eating while traveling.

3. **Overnight Travel.** If an employee travels overnight on business (for more than one day), the employee must be paid for time spent in traveling (except for meal periods) during their normal working hours on their non-working days, such as Saturday, as well as, on their regular working days. Travel time as a passenger on an airplane, train, boat, bus, or automobile outside of regular working hours is not considered worktime unless the employee performs any actual work or the employee drives a car without being offered public conveyance. Therefore, nighttime travel policies when associated with training for more than one day may prove to be more advantageous. The cost for hotel accommodations and meals for the employee versus the overtime payment should be considered when trying to determine which is more advantageous.

Special Requirements for 207K Exempt Employees

The only special requirement related to 207(k) exempt employees under FLSA relates to time spent in required training when an employee is confined to a campus or to barracks 24 hours a day. Only the time spent in actual training is considered compensable hours of work as long as the other hours are spent in studying or other personal pursuits. Other than this, the same requirements that apply to non-exempt employees apply to 207(k) exempt employees.

TRAINING AND RELATED TRAVEL TIME FOR REQUIRED CLASSES- CONTINUED

Exempt Employees

In the case of an exempt employee, the MOU is the guiding document in whether training or related travel time is compensable. Generally, exempt employees will only be paid for time spent in required training and travel during normal work hours. Travel outside of regular work hours is excluded.

Employees who have questions regarding the compensability of training and related travel time, may contact either the Chief of Police or one of the Personnel Analysts at Ext. 5316.

APPENDIX C- MEMORANDUM OF UNDERSTANDING REGARDING 3/12.5 SCHEDULE

This memorandum of understanding was entered into as of September 25, 1999, and amended on July 3, 2001, between the City of Santa Barbara, hereinafter referred to as "City," and the Santa Barbara Police Officers Association, hereinafter referred to as "Association."

This agreement is intended to allow the City to implement, on a trial basis, a "3/12.5" work schedule for some of those Officers and Sergeants assigned to patrol functions who worked a "4/10" work schedule immediately prior to implementation of the MOU.

The work period shall be defined as a 28-day work period as permitted by the Fair Labor Standards Act (FLSA) for law enforcement personnel for all sworn personnel irrespective of their shift assignment in order to accommodate the new "3/12.5" schedule. FLSA mandated overtime for all sworn personnel shall be defined as any hours worked beyond one hundred seventy one (171) hours in a designated twenty-eight (28) day cycle. Overtime under a "4/10" or "3/12.5" work schedule is defined as hours worked beyond the regularly scheduled shift, whether it be a 12.5-, 10-, 9- or 8-hour day. Overtime liability shall also occur if a member works in excess of his/her regularly scheduled 75, 80 or 85 hours in a pay period. The City shall continue for purposes of computing overtime to count all regular, scheduled work hours, including paid leave time, as time worked. Overtime shall continue to be compensated at a time and one-half overtime cash or time and one-half CTO rate but not to exceed the 50 hours CTO maximum bank. Once overtime is earned in connection with any approved method of accrual (daily, biweekly, FLSA) said amounts shall be deducted from overtime owed under any other approved method of accrual. There shall be no double or triple payment of overtime for the same hours involved.

The basic work schedule for those assigned to a "3/12.5" shall be to work 12 shifts of 12.5 hours and one shift of 10 hours during each 28-day work period. This is the equivalent of working 160 hours in a four-week period; the same as employees assigned to a "4/10", work schedule. The current meal break policy shall apply to all sworn patrol personnel assigned to a "3/12.5" work schedule.

For those assigned to a "3/12.5" schedule, the 10-hour shift must be worked within the designated 28-day work period and is considered an integral part of the City's staffing needs. Therefore, the 10-hour shift is not intended to be "routinely" utilized for leave time. In situations where an employee who, for whatever reason, does not either actually work or report leave time approved by the Department for the required 10-hour shift within the 28-day work period shall have paid leave utilized for any hours necessary to account for the required 160 hours in the following order: CTO, Holiday, Vacation unless an agreement between management and the employee to utilize in a different order. If no leave balances are available, then the hours shall be reported as leave without pay.

The one 10-hour shift shall not be limited to any particular purpose; however, it is generally intended to be utilized to facilitate training, patrol responsibilities or special assignments. Complete flexibility for scheduling this day shall be maintained by management to allow for changing priorities, training availability, and the special needs of the organization.

MEMORANDUM OF UNDERSTANDING REGARDING 3/12.5 SCHEDULE- CONTINUED

Under the "3/12.5" work schedule employees shall regularly work 75 hours during one biweekly pay period and 85 hours during the other biweekly pay period within the 28-day work cycle. As a matter of convenience for employees assigned to the "3/12.5" work schedule, the City shall ensure that the payments received by the employees at the end of each biweekly pay period are equal, or 80 hours per biweekly pay period, exclusive of any overtime. An exception will be in the case of an employee who does not work the required hours and does not have sufficient leave balances to cover the hours.

Management shall make every reasonable effort to have changes in patrol shift assignments coincide with the end of a 28-day work period. However, if the needs of the department as determined in the sole discretion of the Police Chief warrant a change from the "3/12.5" schedule to another such as, but not limited to, a "4/10" other than at the end of a 28-day work period, the Association acknowledges that an adjustment to balance the hours worked and paid will be required. This adjustment may necessitate a deduction from an employee's CTO, holiday, vacation time and/or gross pay. A similar adjustment may be necessary in situations such as, but not limited to, the resignation of an Officer.

The Association agrees that management retains the absolute right to discontinue the use of the "3/12.5" work schedule at any time without having to engage in the meet and confer process. Management also retains the right to assign an officer to either the "3/12.5" or the "4/10" work schedule without having to engage in the meet and confer process. If the "3/12.5 work schedule is discontinued by management, employees assigned to a "3/12.5" work schedule shall return to a "4/10" work schedule.

Agenda Item No. 8

File Code No. 170.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 15, 2013

TO: Mayor and Councilmembers

FROM: Administration, Waterfront Department

SUBJECT: 2013 Annual Charitable Giving Campaign

RECOMMENDATION:

That Council receive a report from the Chairperson of the City's 2013 Annual Charitable Giving Campaign.

DISCUSSION:

The City of Santa Barbara is beginning its 2013 Annual Charitable Giving Campaign. As part of the campaign, the Santa Barbara United Way Agency sponsored its 22nd Annual Day of Caring, which was held on Saturday, September 28, 2013. In total, over 1,350 people volunteered for the event. Individuals and groups from both private and public sectors, non-profit and faith based organizations volunteered as to provide service throughout Santa Barbara County. The work that was done in just four hours is equal to more than $260,000 worth of improvements in the Santa Barbara community.

City employees have historically supported this event in both spirit and with their "helping hands," and continued the tradition this year with approximately 20 employees and members of their families volunteering to work in teams at Bohnett Park, located in the 1200 block of San Pascual Street. City employees assisted with painting, weeding, trash pickup, carpentry, cleaning, trimming landscape, and general yard work at the park. Day of Caring volunteers also worked at other City locations including Shoreline Park and the Westside Community Center.

The 2013 Charitable Giving Campaign will be held from October 15 through November 16, and will involve presentations in all City departments. The goal of the City's Charitable Giving campaign will be to ensure that each City employee is afforded the opportunity to contribute to one or more charitable organizations of their choosing.

PREPARED BY: Scott Riedman, Waterfront Director
Patrick McElroy, Fire Chief

APPROVED BY: City Administrator's Office

Agenda Item No. 9

File Code No. 630.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 15, 2013

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Citywide Sustainability Achievements

RECOMMENDATION:

That Council receive a presentation on sustainability achievements, highlighting the City's recent accomplishments in environmental programs.

DISCUSSION:

Each year, lead environmental program staff develop annual plans and implement projects to achieve the City's environmental goals. The Sustainability Council Committee meets regularly to provide policy direction and receive updates on the City's sustainability efforts.

This presentation will provide an overview of the City's recent accomplishments related to environmental programs, projects, and policies from all departments. The report is divided into three focus areas, including Waste Prevention, Energy and Transportation, and Water Quality, Conservation, and Habitat Restoration.

For more information on citywide sustainability activities, visit the City's web site at www.SantaBarbaraCA.gov.

PREPARED BY: Nina Johnson, Assistant to the City Administrator

SUBMITTED BY: Jim Armstrong, City Administrator

APPROVED BY: City Administrator's Office

Agenda Item No. 10

File Code No. 160.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 15, 2013

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 (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara, et al.* USDC Case No. CV10-6534 DDP(RCx).

SCHEDULING: Duration, 15 minutes; anytime

REPORT: None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office

Agenda Item No. 11

File Code No. 160.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 15, 2013

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 (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Jeannetta Ann Purdue Rizkalla And Tarek Ramzi Rizkalla*, v. *City Of Santa Barbara*, et al., SBSC Case No.1383789.

SCHEDULING: Duration, 15 minutes; anytime

REPORT: None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office

Agenda Item No. 12

File Code No. 330.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 15, 2013

TO: Mayor and Councilmembers

FROM: Parks and Recreation Department
City Attorney's Office

SUBJECT: Conference with Real Property Negotiators

RECOMMENDATION:

That Council hold a closed session pursuant to Government Code Section 54956.8 to consider the proposed lease of City-owned real property.

Real Property: 602 West Anapamu Street, Santa Barbara, California.

City Negotiators: Nancy L. Rapp, Parks and Recreation Director and Scott Vincent, Assistant City Attorney.

Negotiating Parties: Executive Director, Gina Carbajal and members of the Board of Directors United Boys and Girls Clubs of Santa Barbara County.

Under Negotiation: Price and terms of a lease of City-owned real property.

SCHEDULING: Duration, 20 minutes; anytime

REPORT: None anticipated

SUBMITTED BY: Nancy Rapp, Parks and Recreation Director
Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office

Agenda Item No. 13

File Code No. 450.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 15, 2013

TO: Mayor and Councilmembers

FROM: Mayor and Council Ad Hoc Recruitment Committee

SUBJECT: Public Employment

RECOMMENDATION:

That Council hold a closed session, per Section 54957 of the Government Code, to consider the Council process for recruiting and selecting a City Attorney.

Title: City Attorney

SCHEDULING: Duration, 30 minutes; anytime

REPORT: None anticipated

PREPARED BY: Helene Schneider, Mayor

SUBMITTED BY: Marcelo A. Lopez, Assistant City Administrator

APPROVED BY: City Administrator's Office