

**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 29, 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](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **ORDER OF BUSINESS**

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 4:00 p.m. - Interviews for City Advisory Groups (Estimated Time)

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

**Subject: September 30, 2013, Investment Report And September 30, 2013, Fiscal Agent Report (120.03)**

Recommendation: That the Finance Committee recommend that Council:

- A. Accept the September 30, 2013, Investment Report; and
- B. Accept the September 30, 2013, Fiscal Agent Report.

(See Council Agenda Item No. 4)

### **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 15, 2013.

**2. Subject: Adoption Of 2013 Fire Code Ordinance (520.03)**

Recommendation: That Council adopt, by reading of title only, 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.

**3. Subject: Adoption Of 2013 Building Code Ordinance (640.04)**

Recommendation: 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.

**4. Subject: September 30, 2013, Investment Report And September 30, 2013, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the September 30, 2013, Investment Report; and
- B. Accept the September 30, 2013, Fiscal Agent Report.

**5. Subject: Request For Designation Of 1130 State Street (Santa Barbara Museum Of Art) As A Community Benefit Project (640.09)**

Recommendation: That Council find the proposed expansion of the Santa Barbara Museum of Art a Community Benefit Project pursuant to Santa Barbara Municipal Code (SBMC) §28.85.020.A. and allocate 8,990 square feet of non-residential floor area to the project from the Community Benefit category.

## CONSENT CALENDAR (CONT'D)

6. **Subject: Introduction Of Ordinance Amending Lease With Richones Inc., Doing Business As Chuck's Waterfront Grill, For Office Space At 113 Harbor Way (330.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Lease Amendment Number One to Lease Number 23,328 with Richones Inc., Doing Business As Chuck's Waterfront Grill, for Office Space Located at 113 Harbor Way #145 and #150 at a Monthly Rate of \$2,519.

7. **Subject: Capital Improvement Projects: First Quarter Report For Fiscal Year 2014 (230.01)**

Recommendation: That Council receive a report on the City's Capital Improvement Projects for the First Quarter of Fiscal Year 2014.

8. **Subject: Increase In Construction Change Order Authority For The Punta Gorda Street Bridge Replacement Project (530.04)**

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Punta Gorda Street Bridge Replacement Project, Contract No. 24,514, in the amount of \$160,000, for a total Project expenditure authority of \$3,432,037.

9. **Subject: Resolution Of Intent To Amend Solid Waste Franchise Agreement With MarBorg Industries, Inc. (510.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Declaring Its Intention To Amend The Ten-Year Exclusive Franchise For Citywide Solid Waste Collection And Disposal Services In The City Granted By The City To MarBorg Industries, Inc., A California Corporation, On February 12, 2013 By City Ordinance No. 5608.

## NOTICES

10. The City Clerk has on Thursday, October 24, 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.
11. Receipt of communication advising of vacancy created on the Community Development and Human Services Committee with the resignation of James Cook; the vacancy will be part of the next City Advisory Group recruitment.

**This concludes the Consent Calendar.**

## **REPORT FROM THE FINANCE COMMITTEE**

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

#### **PARKS AND RECREATION DEPARTMENT**

**12. Subject: Interview And Appointment Of Youth Intern Applicant To The Parks And Recreation Commission (570.08)**

Recommendation: That Council:

- A. Interview applicant Andrew Rodriguez for the position of Youth Intern to the Parks and Recreation Commission; and
- B. Request that Mayor Schneider appoint Andrew Rodriguez to the position of Youth Intern to the Parks and Recreation Commission.

### **PUBLIC HEARINGS**

**13. Subject: Appeal Of Historic Landmarks Commission Approval Of 1330 Chapala Street (640.07)**

Recommendation: That Council deny the appeal of Margaret Cafarelli, Agent for Urban Developments, LLC, of the application of Peikert + RRM Design Group, and uphold the Historic Landmarks Commission's Project Design Approval for the proposed mixed-use project consisting of 33 new apartments, 2 new commercial units, a new partially below grade parking garage, and alterations to the existing at-grade parking lot, incorporating the changes to the site plan and Parking Management Plan that have since been proposed by the Applicant.

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

#### **CITY ADMINISTRATOR**

**14. Subject: Citywide Performance Highlights For Fiscal Year 2013 And Comparative Indicators Report (170.01)**

Recommendation: That Council:

- A. Receive a summary of department performance management results and highlights for Fiscal Year 2013; and
- B. Receive a report on how the City of Santa Barbara compares with similar California communities on key indicators.

## MAYOR AND COUNCIL REPORTS

### 15. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 12, 2013, and November 19, 2013.

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

## COUNCIL AND STAFF COMMUNICATIONS

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

## CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: *Sheri Markley v. City of Santa Barbara*, WCAB case number ADJ7009222.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: *Alvin Jerome James v. City of Santa Barbara*, WCAB case numbers ADJ7481425.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

### 18. 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

## ADJOURNMENT

CITY OF SANTA BARBARA

**FINANCE COMMITTEE**

MEETING AGENDA

DATE: October 29, 2013

Dale Francisco, Chair

TIME: 12:30 P.M.

Bendy White

PLACE: David Gebhard Public Meeting Room  
630 Garden Street

Cathy Murillo

James L. Armstrong  
City Administrator

Robert Samario  
Finance Director

**ITEM TO BE CONSIDERED:**

**Subject: September 30, 2013, Investment Report And September 30, 2013, Fiscal Agent Report**

Recommendation: That the Finance Committee recommend that Council:

- A. Accept the September 30, 2013, Investment Report; and
- B. Accept the September 30, 2013, Fiscal Agent Report.

(See Council Agenda Item No. 4)



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING October 15, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

### CHANGES TO THE AGENDA

### PUBLIC COMMENT

**Speakers:** Christy Haynes, Reverend Arthur Stevens, Adam Walters, Nicole Shoong, Respectful Aging, Lazarus, Pat Love, Dr. Robert John, Matthew Kramer, Patricia Rosen, Bryan Rosen.

## **CONSENT CALENDAR (Item Nos. 1-2, 4-7)**

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

Motion:

Councilmembers Fransico/White to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

### **1. Subject: Minutes**

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

Action: Approved the recommendation.

### **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.

Action: Approved the recommendation; Ordinance No. 5635; Agreement No. 12.037.3.

### **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.

Action: Approved the recommendation; Ordinance No. 5637.

## 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.

Action: Approved the recommendations.

## 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.

## **ITEMS REMOVED FROM CONSENT CALENDAR (Item No. 3)**

Councilmember Randy Rowse announced that he is abstaining from this item due to a potential conflict of interest with his wife's business. He left the meeting at 2:27 p.m.

**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 (Cont'd)

**3. (Cont'd)**

- 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.

Speakers:

Members of the Public: Steve Reynolds.

Motion:

Councilmembers House/Murillo to approve staff recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

Action: Approved the recommendation; Resolution No. 13-087 and Ordinance No. 5636.

This concluded the Consent Calendar.

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Grant House reported that the Committee met to hear proposed amendments to the Fire and Building Codes. The Committee will be bringing the items to Council in upcoming months.

**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.

Documents:

- October 15, 2013, report from the Waterfront Director.
- Video presentation prepared and presented by Staff.

Speakers:

- Staff: Waterfront Director Scott Reidman.
- Santa Barbara United Way: Kevin Battle.

By consensus, the Council received the report and their questions were answered.

## 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.

#### Documents:

- October 15, 2013, report from the City Administrator.
- PowerPoint presentation prepared and presented by Staff.

#### Speakers:

Staff: Assistant to City Administrator Nina Johnson, Water Conservation Supervisor Alison Jordan, Facilities and Energy Manager Jim Dewey.

By consensus, the Council received the report and their questions were answered.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **Information:**

- Councilmember Murillo reported on her attendance at the Candidate Forum sponsored by the Santa Barbara Youth Council and Future Leaders of America. She also reported her attendance at the following: 1) Looking Good Santa Barbara community clean-up day, 2) ribbon cutting ceremony for SBTV, 3) Neighborhood Advisory Council meeting, and 5) the Milpas Action Task Force meeting.
- Councilmember Rowse reported on his attendance at the Downtown Parking Committee where one of the items discussed was the proposed Bike Corral on Cannon Perdido.
- Councilmember White reported on his attendance at the Looking Good Santa Barbara community clean-up day, Seafood Harbor Festival, and the Water Commission meeting.
- Councilmember Hotchkiss report on his attendance at the Seafood Harbor Festival and the Milpas Action Task Force meeting.

## **RECESS**

Mayor Schneider recessed the meeting at 3:58 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 10, 11, 12 and 13. She stated no reportable action is anticipated.

## 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

Documents:

October 15, 2013, report from the City Attorney.

Time:

4:00 p.m. – 4:23 p.m.

No report made.

### 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

Documents:

October 15, 2013, report from the City Attorney.

Time:

3:45 p.m. – 4:00 p.m.

No report made.

**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

Documents:

October 15, 2013, report from the City Attorney and Parks and Recreation Director.

Time:

4:23 p.m. – 5:10 p.m.

No report made.

**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

Documents:

October 15, 2013, report from the Assistant City Administrator.

Time:

5:10 p.m. – 5:25 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 3:45 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

\_\_\_\_\_  
DEBORAH L. APPLGATE  
DEPUTY CITY CLERK

**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 503.1.1 and 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<sup>2</sup>) 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.

**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.

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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 m<sup>2</sup>) 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/NWDA 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<sup>2</sup>) of floor area. An additional 100 square feet (9.3 m<sup>2</sup>) 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 m<sup>3</sup>) 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).

EXCAVATIONS		FILLS	
		- NOT INTENDED TO SUPPORT STRUCTURES - DO NOT OBSTRUCT A DRAINAGE COURSE	
AN EXCAVATION WHICH IS LESS THAN 2 FT IN DEPTH AND DOES NOT EXCEED 50CY		FILL PLACED ON NATURAL GRADE NOT STEEPER THAN 5:1 AND LESS THAN 1FT DEEP	
AN EXCAVATION WHICH CREATES A CUT SLOPE NOT GREATER THAN 5FT IN HEIGHT, NOT STEEPER THAN 2:1, AND DOES NOT EXCEED 50CY		FILL LESS THAN 3FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 50CY	
		FILL LESS THAN 5FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 20CY	

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 m<sup>3</sup>). 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 m<sup>3</sup>) 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 within 15 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.

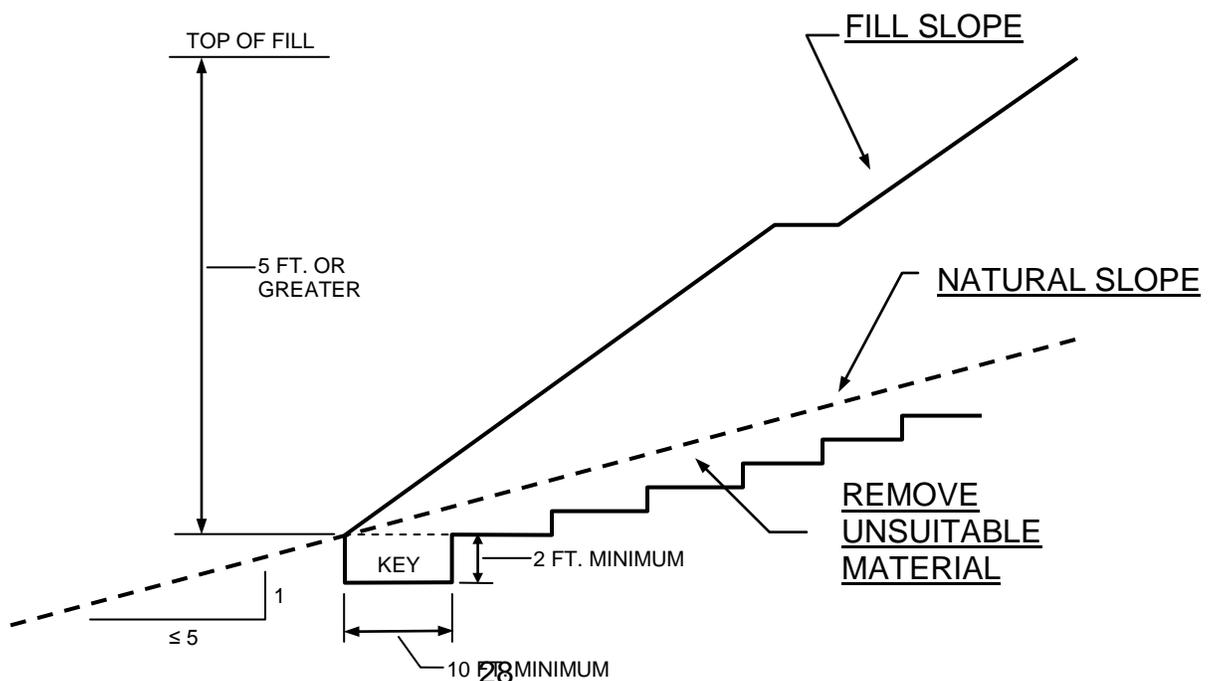
**J106.3 Slope Surface Protection.** All slopes must be stabilized against surface erosion. Stabilization may be accomplished through the application of erosion control blankets, soil stabilizers or other means as approved by the Building Official.

**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.

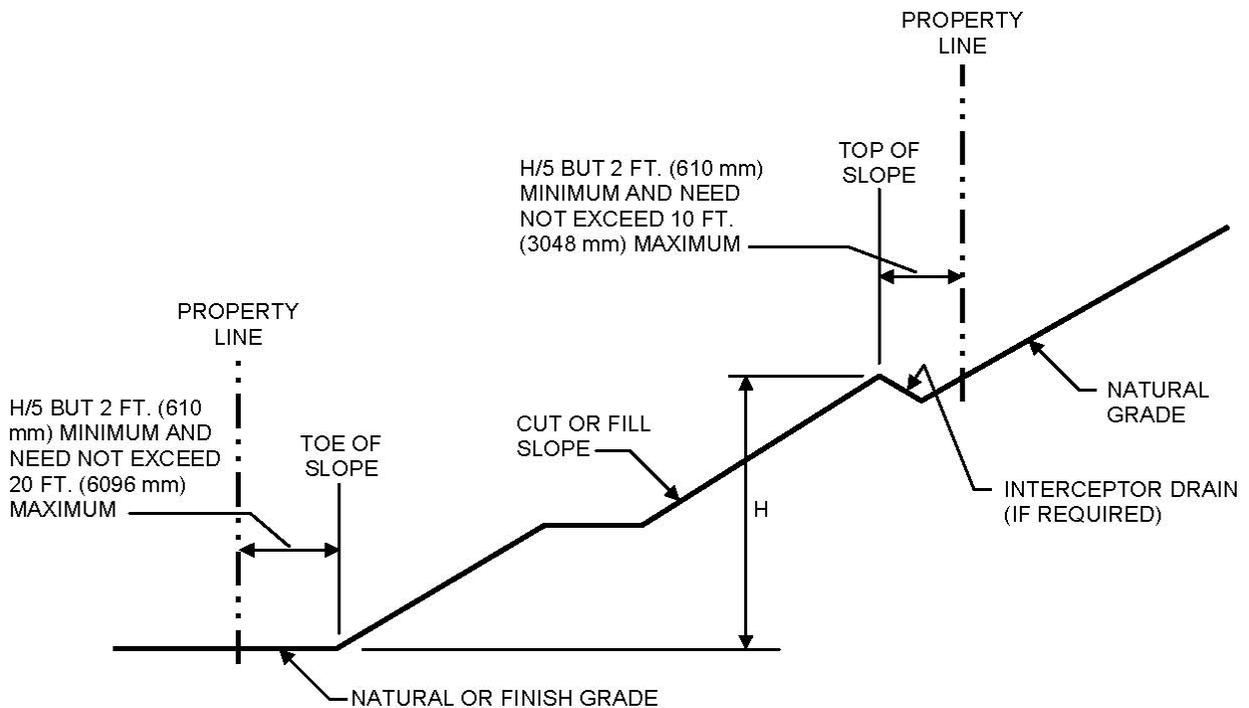
**J107.6 Testing of Fills.** Sufficient tests of the fill soils shall be made to determine the density thereof and to verify compliance of the soil properties with the design

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 m<sup>3</sup>) = \$100.00 per day

10,001--100,000 cubic yards (7646.3--76455 m<sup>3</sup>) = \$250.00 per day

More than 100,000 cubic yards (76455 m<sup>3</sup>) = \$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: PM<sub>10</sub> 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<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>” is amended to read as follows:

**R403.1.2 Continuous footing in seismic design categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.** The braced wall panels at exterior walls of buildings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> 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<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>, 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 403.1(2) and R403.1(3). Wood foundation walls shall not be used for structures located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>, 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 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 located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1  $\frac{3}{4}$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1  $\frac{3}{4}$  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  $\frac{3}{4}$  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.

X. Appendix Chapter I - Section A1101 "I" is deleted in its entirety and readopted to read as follows:

**A1101.1 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 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 repellent 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 68°F (20°C) 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.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** Treasury Division, Finance Department

**SUBJECT:** September 30, 2013, Investment Report And September 30, 2013, Fiscal Agent Report

**RECOMMENDATION:** That Council:

- A. Accept the September 30, 2013, Investment Report; and
- B. Accept the September 30, 2013, Fiscal Agent Report.

**DISCUSSION:**

On a quarterly basis, staff submits a comprehensive report on the City's portfolio and related activity pursuant to the City's Annual Statement of Investment Policy. The current report covers the investment activity for the period of July through September 2013.

During the third quarter 2013, rates fluctuated with a slight spike in August. By the end of the quarter, there was a slight decrease in investment rates, and the overall market rates still remain very low.

As shown in the table to the right, the change in Treasury yields ranged from a decrease of 2 basis points on the 3-month Treasury note to a decrease of 5 basis points on the 1-year Treasury note. Longer term maturities saw an increase in Treasury yield, while the 5 year note and below all decreased slightly by the end of the quarter.

U.S. Treasury Market					
	6/30/2013	7/31/2013	8/31/2013	9/30/2013	Cumulative Change
3 Month	0.04%	0.04%	0.03%	0.02%	-0.02%
6 Month	0.10%	0.08%	0.05%	0.04%	-0.06%
1 Year	0.15%	0.11%	0.13%	0.10%	-0.05%
2 Year	0.36%	0.31%	0.39%	0.33%	-0.03%
3 Year	0.66%	0.61%	0.79%	0.63%	-0.03%
4 Year	1.02%	0.98%	1.21%	1.00%	-0.02%
5 Year	1.41%	1.38%	1.62%	1.39%	-0.02%
10 Year	2.52%	2.60%	2.78%	2.64%	0.12%
30 Year	3.52%	3.64%	3.70%	3.69%	0.17%
LAIF	0.24%	0.26%	0.26%	0.26%	0.02%

### Investment Activity

As shown in the Investment Activity table below, the City invested \$7 million in “AAA” rated Federal Agency callable securities and \$6 million in “AAA” rated Federal Agency bullets. The purchases replaced \$3 million in securities that matured during this quarter and a portion of the securities that matured or were called by issuers the previous quarter.

Issuer	Face Amount	Purchase Date	Final Maturity	Call Date	Yield To Call	Yield To Maturity
<i>Purchases:</i>						
Federal National Mortgage Association (FNMA)	\$ 2,000,000	07/10/13	07/10/18	07/10/14	1.700%	1.700%
Federal Home Loan Bank (FHLB)	2,000,000	07/17/13	07/17/18	10/17/13	1.750%	1.750%
Federal Farm Credit Bank (FFCB)	2,000,000	07/17/13	07/17/17	-	-	1.300%
Federal Home Loan Mortgage Corp (FHLMC)	2,000,000	07/25/13	07/25/18	07/25/14	1.800%	1.800%
Federal National Mortgage Association (FNMA)	1,000,000	07/30/13	07/30/18	01/30/14	1.000%	1.896%
Federal Home Loan Bank (FHLB)	2,000,000	09/13/13	09/14/18	-	-	1.910%
Federal Farm Credit Bank (FFCB)	2,000,000	09/18/13	09/18/17	-	-	1.550%
	\$ 13,000,000					
<i>Calls:</i>						
N/A	\$ -					
	\$ -					
<i>Maturities:</i>						
Federal Home Loan Bank (FHLB)	\$ 1,000,000	09/22/11	08/28/13	-	-	0.381%
Federal Home Loan Bank (FHLB)	2,000,000	09/17/09	09/13/13	-	-	2.272%
	\$ 3,000,000					

### Summary of Cash and Investments

The book rate of return, or portfolio yield, measures the rate of return of actual earnings generated from the portfolio. As shown in the table to the right, during the quarter, the City's book rate of return decreased by 1.2 basis points from 1.267 percent at June 30, 2013 to 1.255 percent at September 30, 2013. The book rate of return will continue to decline through the attrition of higher-yielding securities and reinvestment at the current market rates at historic lows.

Mo. Ended	Yield	Days to Maturity
6/30/2013	1.267%	959
7/31/2013	1.265%	1051
8/31/2013	1.234%	993
9/30/2013	1.255%	1024

The portfolio's average days to maturity, including the long-term Airport promissory note, increased by 65 days from 959 to 1024 days. Excluding the Airport note, the portfolio's average days to maturity is 846 days, reflecting reinvestment of maturities and calls during the quarter in the one-to-five year range in accordance with the City's Annual Statement of Investment Policy. The Annual Statement of Investment Policy requires that the average days to maturity on the portfolio not exceed 912 days, excluding any investments with a final maturity longer than 5 years that were separately authorized by Council, such as the Airport promissory note.

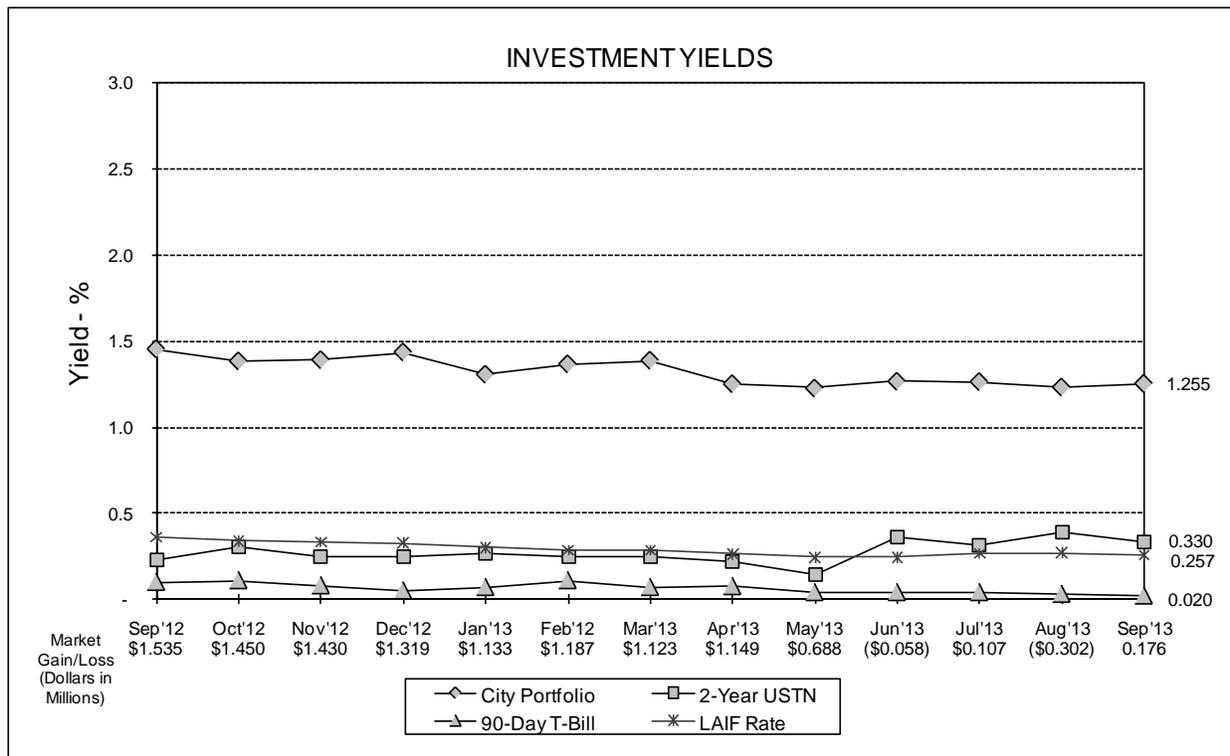
The average LAIF rate at which the City earned interest for funds invested was at 0.26 percent for the quarter ended September 30, 2013, up two basis points from last quarter. The City's LAIF holdings at the end of the quarter were \$29 million. Staff expects to reinvest a portion of the LAIF balances in fixed-term or callable securities during the next quarter.

### Credit Quality on Corporate Notes

There were no changes to the four corporate issuers of the medium-term notes held in the portfolio (i.e., Berkshire Hathaway Financial, General Electric Capital Corp, Proctor & Gamble, and Toyota Motor Credit), and the ratings of all corporate notes remain within the City's Investment Policy guidelines of "A" or better.

### Portfolio Market Gains/Losses

As shown in the Investment Yields chart below, the City's portfolio continues to significantly outperform the three benchmark measures (the 90-day T-Bill, 2-year T-Note and LAIF). The City's portfolio reflected a very minimal market gain at September 30<sup>th</sup> as a result of the modest decrease in market yields during the quarter compared to the yields on securities currently held in the portfolio. At September 30, 2013, the portfolio had an overall unrealized market gain of \$0.176 million.



On a quarterly basis, staff reports the five securities with the largest percentage of unrealized losses when comparing book value to market value. There were five securities trading below purchase price at the end of the quarter. Market losses occur when current market yields rise above the yields on securities held in the portfolio. However, because securities in the City's portfolio are held to maturity, no market losses would be realized.

Issuer	Face Amount	Maturity	\$ Mkt Change	% Mkt Change
FEDERAL NATL MORTGAGE ASSN	\$2,000,000	02/05/18	-\$37,300	-1.87%
FEDERAL NATL MORTGAGE ASSN	\$4,000,000	12/26/17	-\$73,120	-1.83%
FEDERAL NATL MORTGAGE ASSN	\$3,000,000	01/30/18	-\$53,400	-1.78%
FEDERAL HOME LOAN BANK	\$4,000,000	01/16/18	-\$70,120	-1.75%
FEDERAL NATL MORTGAGE ASSN	\$2,000,000	12/12/17	-\$33,840	-1.69%

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

### **Additional Reporting Requirements**

The following confirmations are made pursuant to California Code Sections 53600 et seq.: (1) the City's portfolio as of September 30, 2013, is in compliance with the City's Statement of Investment Policy; and (2) there are sufficient funds available to meet the City's expenditure requirements for the next six months.

### **Fiscal Agent Investments**

In addition to reporting requirements for public agency portfolios, a description of any of the agency's investments under the management of contracted parties is also required on a quarterly basis. Attachment 2 includes bond funds and the police and fire service retirement fund as of September 30, 2013.

**ATTACHMENTS:** 1. September 30, 2013, Investment Report  
 2. September 30, 2013, Fiscal Agent Report

**PREPARED BY:** Genie Wilson, Treasury Manager

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

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

**CITY OF SANTA BARBARA**  
**Activity and Interest Report**  
September 30, 2013

**INVESTMENT ACTIVITY**

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**PURCHASES OR DEPOSITS**

9/13 Federal Home Loan Bank (FHLB)	\$ 2,000,000
9/18 Federal Farm Credit Bank (FFCB)	<u>2,000,000</u>
<b>Total</b>	<b>\$ 4,000,000</b>

**SALES, MATURITIES, CALLS OR WITHDRAWALS**

9/5 LAIF Withdrawal - City	\$ (1,000,000)
9/13 LAIF Withdrawal - City	(1,000,000)
9/13 Federal Home Loan Bank (FHLB) - Maturity	(2,000,000)
9/19 LAIF Withdrawal - City	<u>(2,000,000)</u>
<b>Total</b>	<b>\$ (6,000,000)</b>

**ACTIVITY TOTAL**

**\$ (2,000,000)**

**INVESTMENT INCOME**

---

**POOLED INVESTMENTS**

Interest Earned on Investments	\$ 182,939
Amortization	<u>(21,576)</u>
<b>Total</b>	<b>\$ 161,362</b>

**INCOME TOTAL**

**\$ 161,362**

**CITY OF SANTA BARBARA**  
**Summary of Cash and Investments**  
**September 30, 2013**

**ENDING BALANCE AS OF AUGUST 31, 2013**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 33,000,000	0.271%	21.09%	1
Certificates of Deposit	8,000,000	1.267%	5.11%	932
Treasury Securities - Coupon	10,336,781	0.458%	6.60%	943
Federal Agency Issues - Coupon	89,527,844	1.409%	57.20%	1,099
Corporate/Medium Term Notes	<u>10,038,887</u>	<u>1.950%</u>	<u>6.41%</u>	<u>736</u>
	150,903,513	1.123%	96.41%	815
SB Airport Promissory Note	<u>5,603,520</u>	<u>4.195%</u>	<u>3.58%</u>	<u>5,781</u>
Totals and Averages	<u>\$ 156,507,033</u>	<u>1.234%</u>	<u>100.00%</u>	<u>993</u>
UB Money Market Account	3,249,050			
UB Trust Money Market Funds	<u>1,000,000</u>			
<b>Total Cash and Investments</b>	<b><u>\$ 160,756,083</u></b>			

**NET CASH AND INVESTMENT ACTIVITY FOR SEPTEMBER 2013**      **\$ (633,281)**

**ENDING BALANCE AS OF SEPTEMBER 30, 2013**

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 29,000,000	0.257%	18.77%	1 (1)
Certificates of Deposit	8,000,000	1.267%	5.18%	902
Treasury Securities - Coupon	10,326,459	0.458%	6.68%	913
Federal Agency Issues - Coupon	91,526,484	1.404%	59.24%	1,117
Corporate/Medium Term Notes	<u>10,037,533</u>	<u>1.950%</u>	<u>6.50%</u>	<u>706</u>
	148,890,476	1.144%	96.37%	846
SB Airport Promissory Note	<u>5,603,520</u>	<u>4.195%</u>	<u>3.63%</u>	<u>5,751</u>
Totals and Averages	<u>\$ 154,493,996</u>	<u>1.255%</u>	<u>100.00%</u>	<u>1,024</u>
UB Money Market Account	5,628,806			
<b>Total Cash and Investments</b>	<b><u>\$ 160,122,802</u></b>			

(1) The average life of the LAIF portfolio as of September 30, 2013 is 239 days.

**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**September 30, 2013**

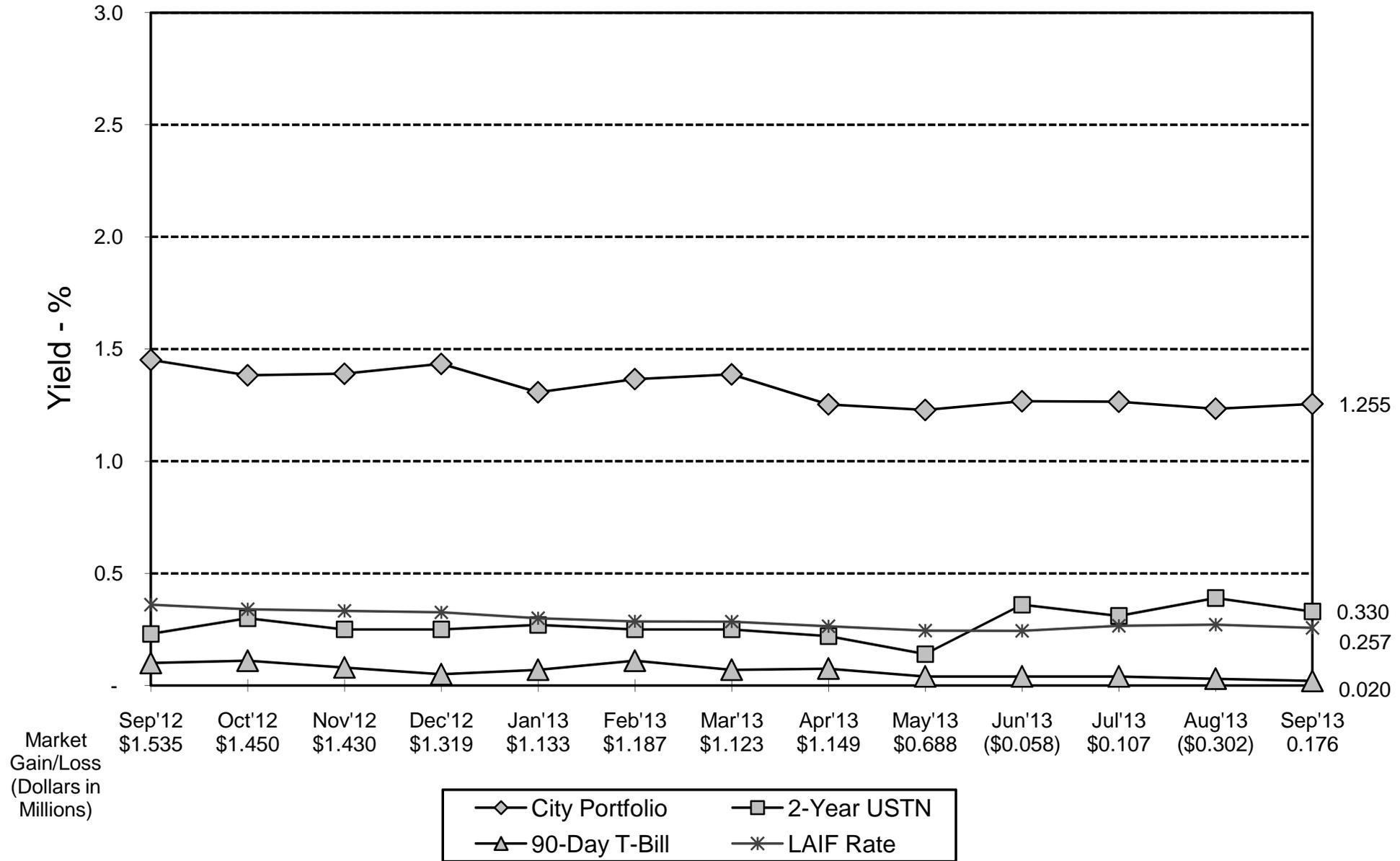
DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
	DATE	DATE	MOODY'S	S & P							
<b>LOCAL AGENCY INVESTMENT FUNDS</b>											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.257	0.257	29,000,000.00	29,000,000.00	29,000,000.00	0.00	
<b>Subtotal, LAIF</b>							29,000,000.00	29,000,000.00	29,000,000.00	0.00	
<b>CERTIFICATES OF DEPOSIT</b>											
MONTECITO BANK & TRUST	11/18/11	11/18/13	-	-	0.800	0.800	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
UNION BANK	08/31/12	08/31/15	-	-	1.230	1.247	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
UNION BANK	08/31/12	08/31/17	-	-	1.490	1.511	4,000,000.00	4,000,000.00	4,000,000.00	0.00	
<b>Subtotal, Certificates of deposit</b>							8,000,000.00	8,000,000.00	8,000,000.00	0.00	
<b>TREASURY SECURITIES - COUPON</b>											
U S TREASURY NOTE	10/25/12	03/15/15	Aaa	AA+	0.375	0.342	2,000,000.00	2,000,950.77	2,004,760.00	3,809.23	
U S TREASURY NOTE	10/25/12	10/31/15	Aaa	AA+	1.250	0.397	2,000,000.00	2,035,269.07	2,037,040.00	1,770.93	
U S TREASURY NOTE	02/22/13	05/15/16	Aaa	AA+	5.125	0.442	2,000,000.00	2,243,464.29	2,241,260.00	(2,204.29)	
U S TREASURY NOTE	02/22/13	08/31/16	Aaa	AA+	1.000	0.502	2,000,000.00	2,028,726.43	2,021,260.00	(7,466.43)	
U S TREASURY NOTE	02/22/13	02/28/17	Aaa	AA+	0.875	0.607	2,000,000.00	2,018,048.74	2,002,960.00	(15,088.74)	
<b>Subtotal, Treasury Securities</b>							10,000,000.00	10,326,459.30	10,307,280.00	(19,179.30)	
<b>FEDERAL AGENCY ISSUES - COUPON</b>											
FEDERAL FARM CREDIT BANK	02/10/11	02/10/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,009,280.00	9,280.00	
FEDERAL FARM CREDIT BANK	08/15/12	08/15/17	Aaa	AA+	0.980	0.980	2,000,000.00	2,000,000.00	1,984,160.00	(15,840.00)	Callable, Continuous
FEDERAL FARM CREDIT BANK	09/18/13	09/18/17	Aaa	AA+	1.550	1.550	2,000,000.00	2,000,000.00	2,022,960.00	22,960.00	
FEDERAL FARM CREDIT BANK	02/16/11	02/16/16	Aaa	AA+	2.570	2.570	2,000,000.00	2,000,000.00	2,095,720.00	95,720.00	
FEDERAL FARM CREDIT BANK	07/17/13	07/17/17	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,010,420.00	10,420.00	
FEDERAL HOME LOAN BANK	04/15/10	10/15/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,001,500.00	1,500.00	
FEDERAL HOME LOAN BANK	08/05/10	09/12/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,022,920.00	22,920.00	
FEDERAL HOME LOAN BANK	09/13/13	09/14/18	Aaa	AA+	2.000	1.910	2,000,000.00	2,008,454.65	2,037,640.00	29,185.35	
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AA+	3.125	2.440	2,000,000.00	2,002,585.88	2,012,180.00	9,594.12	
FEDERAL HOME LOAN BANK	04/05/10	11/29/13	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,006,180.00	6,180.00	
FEDERAL HOME LOAN BANK	01/16/13	01/16/18	Aaa	AA+	1.000	1.000	4,000,000.00	4,000,000.00	3,929,880.00	(70,120.00)	Callable 10/16/13, then qtrly
FEDERAL HOME LOAN BANK	07/17/13	07/17/18	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	1,997,520.00	(2,480.00)	Callable 10/17/13, then qtrly
FEDERAL HOME LOAN BANK	06/27/13	06/27/18	Aaa	AA+	1.250	1.493	2,000,000.00	2,000,000.00	1,980,080.00	(19,920.00)	SU 1.125%-2.5% Call 12/27/13, then qtrly
FEDERAL HOME LOAN BANK	02/22/10	12/13/13	Aaa	AA+	3.125	2.130	2,000,000.00	2,003,801.14	2,012,180.00	8,378.86	
FEDERAL HOME LOAN BANK	02/09/11	01/29/15	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	2,039,580.00	39,580.00	
FEDERAL HOME LOAN BANK	04/15/11	05/27/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,054,560.00	54,560.00	
FEDERAL HOME LOAN BANK	09/26/11	10/30/13	Aaa	AA+	2.000	0.400	1,500,000.00	1,501,923.46	1,502,325.00	401.54	
FEDERAL HOME LOAN MTG CORP	01/06/11	02/25/14	Aaa	AA+	1.375	1.375	2,000,000.00	2,000,000.00	2,010,360.00	10,360.00	
FEDERAL HOME LOAN MTG CORP	03/28/12	03/28/17	Aaa	AA+	1.350	1.350	2,000,000.00	2,000,000.00	2,010,000.00	10,000.00	Callable 03/28/14, once
FEDERAL HOME LOAN MTG CORP	06/26/13	06/26/18	Aaa	AA+	1.400	1.400	2,000,000.00	2,000,000.00	1,972,520.00	(27,480.00)	Callable 12/26/13, then qtrly
FEDERAL HOME LOAN MTG CORP	07/25/13	07/25/18	Aaa	AA+	1.800	1.800	2,000,000.00	2,000,000.00	2,015,300.00	15,300.00	Callable 07/25/14, once
FEDERAL HOME LOAN MTG CORP	02/21/12	02/21/17	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,006,860.00	6,860.00	Callable 02/21/14, once

**CITY OF SANTA BARBARA**  
**Investment Portfolio**  
**September 30, 2013**

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN MTG CORP	04/23/12	04/17/15	Aaa	AA+	0.500	0.534	2,000,000.00	1,998,954.26	2,007,040.00	8,085.74	
FEDERAL HOME LOAN MTG CORP	06/12/12	06/12/17	Aaa	AA+	1.250	1.250	2,000,000.00	2,000,000.00	1,998,580.00	(1,420.00)	Callable 06/12/14, then qtrly
FEDERAL HOME LOAN MTG CORP	07/24/12	07/24/17	Aaa	AA+	1.125	1.125	2,000,000.00	2,000,000.00	1,988,380.00	(11,620.00)	Callable 10/24/13, then qtrly
FEDERAL HOME LOAN MTG CORP	09/12/12	09/12/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,975,380.00	(24,620.00)	Callable 12/12/13, then qtrly
FEDERAL HOME LOAN MTG CORP	01/16/13	01/16/18	Aaa	AA+	1.050	1.050	4,000,000.00	4,000,000.00	3,935,600.00	(64,400.00)	Callable 10/16/13, then qtrly
FEDERAL HOME LOAN MTG CORP	02/11/11	04/02/14	Aaa	AA+	4.500	1.615	2,000,000.00	2,028,166.22	2,043,500.00	15,333.78	
FEDERAL HOME LOAN MTG CORP	06/26/13	06/26/18	Aaa	AA+	1.500	1.500	2,000,000.00	2,000,000.00	1,976,160.00	(23,840.00)	Callable 12/26/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	10/28/11	10/28/16	Aaa	AA+	1.500	1.521	2,000,000.00	1,999,925.00	2,001,820.00	1,895.00	Callable 10/28/13, once
FEDERAL NATL MORTGAGE ASSN	01/30/13	01/30/18	Aaa	AA+	1.030	1.030	3,000,000.00	3,000,000.00	2,946,600.00	(53,400.00)	Callable 01/30/14, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/17/10	11/17/14	Aaa	AA+	1.300	1.300	2,000,000.00	2,000,000.00	2,024,960.00	24,960.00	
FEDERAL NATL MORTGAGE ASSN	08/28/12	08/28/17	Aaa	AA+	1.150	1.150	2,000,000.00	2,000,000.00	1,990,060.00	(9,940.00)	Callable 11/28/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/12/12	12/12/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,966,160.00	(33,840.00)	Callable 12/12/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	06/19/13	12/19/16	Aaa	AA+	0.750	0.750	2,000,000.00	2,000,000.00	1,990,880.00	(9,120.00)	Callable 12/19/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	07/30/13	07/30/18	Aaa	AA+	1.000	1.896	1,000,000.00	1,000,000.00	1,001,570.00	1,570.00	SU 1%-2% Callable 01/30/14, once
FEDERAL NATL MORTGAGE ASSN	11/08/12	11/08/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,968,820.00	(31,180.00)	Callable 11/08/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	11/08/12	11/08/17	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,968,820.00	(31,180.00)	Callable 11/08/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	12/26/12	12/26/17	Aaa	AA+	1.000	1.000	4,000,000.00	4,000,000.00	3,926,880.00	(73,120.00)	Callable 12/26/13, then qtrly
FEDERAL NATL MORTGAGE ASSN	07/10/13	07/10/18	Aaa	AA+	1.700	1.700	2,000,000.00	2,000,000.00	1,997,580.00	(2,420.00)	Callable 07/10/14, then qtrly
FEDERAL NATL MORTGAGE ASSN	09/21/10	09/21/15	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,062,660.00	62,660.00	
FEDERAL NATL MORTGAGE ASSN	12/10/10	10/26/15	Aaa	AA+	1.625	2.067	2,000,000.00	1,982,673.23	2,048,920.00	66,246.77	
FEDERAL NATL MORTGAGE ASSN	02/05/13	02/05/18	Aaa	AA+	1.000	1.000	2,000,000.00	2,000,000.00	1,962,700.00	(37,300.00)	Callable 02/05/15, then qtrly
<b>Subtotal, Federal Agencies</b>							<b>91,500,000.00</b>	<b>91,526,483.84</b>	<b>91,517,195.00</b>	<b>(9,288.84)</b>	
<b>CORPORATE/MEDIUM TERM NOTES</b>											
BERKSHIRE HATHAWAY FIN	12/15/10	12/15/15	Aa2	AA	2.450	2.530	2,000,000.00	1,996,691.67	2,073,380.00	76,688.33	
GENERAL ELECTRIC CAPITAL CORP	11/10/10	11/09/15	A1	AA+	2.250	2.250	2,000,000.00	2,000,000.00	2,053,300.00	53,300.00	
GENERAL ELECTRIC CAPITAL CORP	01/07/11	01/07/14	A1	AA+	2.100	2.100	2,000,000.00	2,000,000.00	2,009,400.00	9,400.00	
PROCTOR & GAMBLE	09/20/11	11/15/15	Aa3	AA-	1.800	1.085	2,000,000.00	2,029,589.03	2,051,480.00	21,890.97	
TOYOTA MOTOR CREDIT	09/26/11	09/15/16	Aa3	AA-	2.000	1.800	2,000,000.00	2,011,252.59	2,054,820.00	43,567.41	
<b>Subtotal, Corporate Securities</b>							<b>10,000,000.00</b>	<b>10,037,533.29</b>	<b>10,242,380.00</b>	<b>204,846.71</b>	
<b>SB AIRPORT PROMISSORY NOTE (LT)</b>											
SANTA BARBARA AIRPORT	07/14/09	06/30/29	-	-	3.500	4.195	5,603,519.96	5,603,519.96	5,603,519.96	0.00	
<b>Subtotal, SBA Note</b>							<b>5,603,519.96</b>	<b>5,603,519.96</b>	<b>5,603,519.96</b>	<b>0.00</b>	
<b>TOTALS</b>							<b>154,103,519.96</b>	<b>154,493,996.39</b>	<b>154,670,374.96</b>	<b>176,378.57</b>	

Market values have been obtained from the City's safekeeping agent, Union Bank The Private Bank (UBTPB). UBTPB uses Interactive Data Pricing Service, Bloomberg and DTC.

# INVESTMENT YIELDS



**CITY OF SANTA BARBARA  
Fiscal Agent Investments  
September 30, 2013**

	CASH & CASH EQUIVALENTS Book & Market	Guaranteed Investment Contracts (GIC) Book & Market	STOCKS		BONDS		US GOVT & AGENCIES		TOTALS	
			Book	Market	Book	Market	Book	Market	Book	Market
<b>BOND FUNDS</b>										
<i>RESERVE FUNDS</i>										
2004 RDA - Housing Bonds	2.71	-	-	-	-	-	-	-	2.71	2.71
2002 Municipal Improvement - Refunding COPs	10,885.51	547,530.00	-	-	-	-	-	-	558,415.51	558,415.51
2009 Airport Bonds	3,146,857.15	-	-	-	-	-	-	-	3,146,857.15	3,146,857.15
2002 Waterfront - Refunding COPs	949,537.02	1,393,262.50	-	-	-	-	-	-	2,342,799.52	2,342,799.52
Subtotal, Reserve Funds	<u>4,107,282.39</u>	<u>1,940,792.50</u>	-	-	-	-	-	-	<u>6,048,074.89</u>	<u>6,048,074.89</u>
<i>PROJECT FUNDS</i>										
2001 RDA Bonds	2,366,215.00	-	-	-	-	-	-	-	2,366,215.00	2,366,215.00
2003 RDA Bonds	8,506,604.01	-	-	-	-	-	-	-	8,506,604.01	8,506,604.01
2013 Water - Refunding COPS	665,505.72	428,069.44	-	-	-	-	-	-	1,093,575.16	1,093,575.16
2004 Sewer - Revenue Bonds	1,025,235.90	1,357,140.00	-	-	-	-	-	-	2,382,375.90	2,382,375.90
Subtotal, Project Funds	<u>12,563,560.63</u>	<u>1,785,209.44</u>	-	-	-	-	-	-	<u>14,348,770.07</u>	<u>14,348,770.07</u>
<b>SUBTOTAL BOND FUNDS</b>	<b><u>16,670,843.02</u></b>	<b><u>3,726,001.94</u></b>	-	-	-	-	-	-	<b><u>20,396,844.96</u></b>	<b><u>20,396,844.96</u></b>
<b>POLICE/FIRE - SVC RETIREMENT FUND</b>										
Police/Fire Funds	<u>68,468.35</u>	-	<u>173,759.91</u>	<u>263,217.42</u>	<u>215,277.66</u>	<u>220,341.30</u>	-	-	<u>457,505.92</u>	<u>552,027.07</u>
	68,468.35	-	173,759.91	263,217.42	215,277.66	220,341.30	-	-	457,505.92	552,027.07
<b>TOTAL FISCAL AGENT INVESTMENTS</b>	<b><u>16,739,311.37</u></b>	<b><u>3,726,001.94</u></b>	<b><u>173,759.91</u></b>	<b><u>263,217.42</u></b>	<b><u>215,277.66</u></b>	<b><u>220,341.30</u></b>	-	-	<b><u>20,854,350.88</u></b>	<b><u>20,948,872.03</u></b>

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Request For Designation Of 1130 State Street (Santa Barbara Museum Of Art) As A Community Benefit Project

### RECOMMENDATION:

That Council find the proposed expansion of the Santa Barbara Museum of Art a Community Benefit Project pursuant to Santa Barbara Municipal Code (SBMC) §28.85.020.A. and allocate 8,990 square feet of non-residential floor area to the project from the Community Benefit category.

### DISCUSSION:

As part of the implementation of the General Plan Update, on March 12, 2013 the City Council adopted a new Nonresidential Growth Management Program (GMP) ordinance (SBMC Chapter 28.85). The GMP limits total new non-residential growth to 1.35 million square feet over 20 years, of which 600,000 square feet is reserved for Community Benefit Projects. Three categories are included within the Community Benefit Project designation: Community Priority Projects; Economic Development Projects; and Development Plan-New Automobile Sales Projects. The Santa Barbara Museum of Art is requesting a determination for non-residential square footage as a Community Priority Project (Attachment 1).

### Proposed Project

The Santa Barbara Museum of Art is a non-profit organization with a long-term lease from the County of Santa Barbara to provide a public art museum for Santa Barbara County residents and visitors. The County Board of Supervisors approved initiation of the proposed project on June 4, 2013 (Attachment 2). The Museum of Art proposes to: (1) comprehensively upgrade electrical, mechanical, safety and climate control systems; (2) retrofit unreinforced masonry walls for seismic safety; (3) provide new roofing and waterproofing; and (4) both reconfigure existing space and add 8,990 square feet to improve circulation and increase exhibit area and office/exhibit production/storage/handling space. The addition of 8,990 square feet of floor area to the existing 60,000 square-foot museum includes 4,700 square feet of exhibit space,

2,200 square feet of administrative office/collection stewardship/exhibit production space, 1,420 square feet for a public roof-top pavilion and terrace, and 670 square feet for a state-of-the-art art receiving elevator. The art receiving elevator is the only addition that expands the building footprint of the museum; the remaining additional square footage would be either internal to, or above, the existing building envelope. The public roof-top pavilion would increase the height of that portion of the existing building to just under 60 feet.

### Museum Development History

The Museum of Art was first granted a lease in 1940 by the County of Santa Barbara to occupy the former United States Post Office Building located on the corner of State Street and Anapamu Street. The Museum has remained in this location ever since, growing over time. Six major expansions to the building have occurred between 1942 and 1996. Attachment 3 provides a diagram listing the date of each expansion, and gross and net square footage. The addition of the Peck Wing in 1996 also incorporated several adjoining parcels, which provided the Museum about 10,000 square feet of combined Minor and Small additions under the previous Development Plan Ordinance. With that 1996 expansion, the Museum exhausted the nonresidential floor area allocated to the site through Minor and Small Additions. Any further expansion of the building would need to occur either through a Transfer of Existing Development Rights or as a Community Benefit Project.

### Community Priority Designation

A Community Priority Project is defined as one that has “a broad public benefit, is not principally operated for private profit, and is necessary to meet a present or projected need directly related to public health, safety or general welfare.” Museums are an example of a Community Priority Project listed in the Nonresidential Growth Management Ordinance (SBMC §28.85.020.A.).

The Santa Barbara Museum of Art, a non-profit institution, receives about 150,000 visitors a year. Zip code surveys indicate that it serves as a public art and educational resource for not just Santa Barbara County, but for the tri-county area and beyond, including international visitors. The most recent survey conducted by the Museum indicates a geographic breakdown of visitors as follows:

Santa Barbara County	33%
Ventura County	10%
Northern California	15%
Los Angeles County	17%
San Diego	5%
Out of state/USA	20%

While its art collection is highly diverse, spanning 5,000 years of human creativity, only a fraction of the Museum’s permanent collection can be displayed at a time. Equally important is the ability of the Santa Barbara Museum of Art to attract significant traveling

exhibitions from renowned collections worldwide. In order for the Museum to continue to provide public art experience and education that is relevant in a changing world, its collection must continually grow and its exhibitions remain dynamic. It must also comply with standards established by lending institutions and insurance companies for receiving, security and preservation of loaned art work.

The proposed Santa Barbara Museum of Art renovations and expansion comply with the criteria for a Community Priority Project because the Museum is a non-profit organization devoted to providing life experiences and education involving art to the general public. The requested square footage from the Community Benefit category represents 1.5% of the 600,000 square feet available for these types of projects over the next 20 years.

- ATTACHMENT(S):**
1. Letter from Suzanne Elledge Planning & Permitting Services, dated October 7, 2013
  2. Letter of Authorization to Proceed with Application for Phased Plan, SB County Board of Supervisors, dated June 4, 2013
  3. Chart and Diagram of Historic Development of the Santa Barbara Museum of Art

**PREPARED BY:** Peggy Burbank, Project Planner

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

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

S U Z A N N E  E L L E D G E  
 P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS  
 SUZANNE ELLEDGE • LAUREL F. PEREZ

7 October 2013

Santa Barbara City Council  
 735 Anacapa Street Street  
 Santa Barbara, CA 93101

**RE: 1130 State Street – Santa Barbara Museum of Art Request for Community Priority Designation Request (MST2013-00237)**

Dear Mayor and Council,

On behalf of the Santa Barbara Museum of Art (Museum), we are pleased to submit this letter to request Community Priority designation by City Council.

**Santa Barbara Museum of Art –Background and Mission**

The County of Santa Barbara owns the subject property located at 1130 State Street (APN 039-230-020) and since 1940 has had an agreement with the Museum which provides for the operation of a public art museum. The terms of the lease stipulate that any structural additions, changes or exterior alterations require prior written approval of the Board of Supervisors. On June 4, 2013 the Santa Barbara County Board of Supervisors granted approval of the requested additions and alterations (see Attachment 1, Letter of Authorization).

Additionally, the lease specifies that any proposed renovations and expansions will be reviewed and considered for approval by the appropriate Boards and Commissions of the City of Santa Barbara. As has been done in the past, the City of Santa Barbara will issue the necessary land use and building permits with oversight and review by County staff.

On June 5, 1941, the Museum first opened to the public in the building that once served as the Santa Barbara Post Office (1914-1932). Since it's opening, the Museum has gone through various expansions and renovations. Currently, the Museum's gross floor area of 60,000 square feet includes exhibition galleries, a museum store, cafe, a 154-seat auditorium, art storage, administrative offices, a library containing 50,000 books, and a children's gallery dedicated to participatory interactive programming. The mission of the Museum is to integrate art into the lives of people. It serves an important role in the community as evidenced by the number of visitors each year,

approximately 150,000 individuals, in addition to long established educational programs.

As an educational institution, the Museum has the following goals:

- To provide life-enhancing experiences with works of art;
- To provide art experiences that encourage an individual's cognitive and empathetic growth;
- To promote the idea that life-enhancing experiences with works of art have both private, individual benefits, as well as community benefits;
- To provide studio art instruction in the context of the Museum's collections and exhibitions;
- To increase community participation in the Museum, especially among under-served audiences;
- To facilitate informed discussion of artistic and cultural issues.

### **Santa Barbara Museum of Art – Proposed Project**

At this point in time, the Museum's various mechanical systems have nearly reached their life expectancy with many of the systems operating for at least 30 years. As part of addressing general building maintenance issues, the Museum hired a facility assessment consultant to conduct a comprehensive technical analysis of the building mechanical systems and structural components. As a result, the Museum has identified renovations and improvements that must be implemented to continue operations and to ensure that the art collections continue to be protected in a safe manner. Given the extent of the building upgrades and renovations, it is logical and prudent financially for the Museum to include additional internal improvements in the project that are not directly related to general building maintenance.

A summary of the primary project components is provided below:

- Seismic retrofit of the existing masonry walls
- New roof structure and waterproofing
- Replacement of antiquated mechanical systems including electrical services, lighting, fire protection
- Interior circulation improvements to connect gallery spaces and eliminate dead-ends
- Reconfiguration of interior space to create and increase gallery space, improve art storage and administrative offices
- New art receiving area

The majority of the renovation involves reconfiguration of the building interior, but the plan also includes floor area additions and some exterior alterations. For example, in order to seismically retrofit the unreinforced masonry walls, the project proposes to construct a new floor on the upper level gallery that will provide structural reinforcement as well as increase gallery space by approximately 3,000 net square feet. Additional project components that will result in improved museum circulation and connectivity include additions on the upper level of approximately 2,200 net square feet to create new space in order to relocate existing administrative offices and an addition of approximately 1,700 net square feet for a proposed multi-purpose gallery. The new administrative addition and new multi-purpose gallery will unify the architecture of the older structures by adding a mission tile roof and altering the horizontal nature of the existing buildings into a more cohesive massing of the buildings. The project also proposes to extend an elevator and stair to the roof level to access a new public roof garden and terrace area of approximately 1,420 net square feet. On the ground level of the Anapamu Street side of the building, an addition of approximately 670 net square feet is proposed to create a much needed art receiving area with a freight elevator servicing three levels. The existing sidewalk lift within the outdoor courtyard on Anapamu Street does not conform to standards for the receiving and handling of art established by the American Association of Museums (AAM) as well as major sureties and lending institutions, thereby jeopardizing the Museum's ability to secure international loans. Currently, the Museum also relies on the use of a passenger elevator for art movement, which cannot accommodate often monumentally scaled works of art.

In summary, the proposed building renovation will involve an addition of approximately 8,990 net square feet within the existing building footprint and a comprehensive retrofit of the existing floor area. The project proposes phased construction over a period of 6 to 10 years which will facilitate the Museum's commitment to remain open to the public.

### **Community Priority Designation Request and Needs Assessment**

As stated above, the mission of the Museum is to integrate art into the lives of people. The mission and goals of the Museum are aligned with the intent and purposes of a Community Priority development as set forth in the City's Municipal Code. A Community Priority project must be found to meet a "present or projected need directly related to public health, safety or general welfare." The municipal code also defines general welfare as a community priority project which, "has a broad public benefit, for example, a museum, and which is not principally operated for private profit," (the Museum is a registered 501(c)(3) non-profit organization). The proposed project will improve the Museum's ability to continue to serve the community and positively affect people's life experiences. It is apparent that the general welfare of

the community benefits from the art and life-enhancing experiences and opportunities that the Museum provides through exhibits, artistic and cultural discussions and its long established education programs.

While many of the Museum's visitors are from Santa Barbara and the South Coast, many visitors come from outside the immediate area, state, and country. Visitors from all regions seek out this Museum as a destination.

Recent visitor zip code information reveals the following breakdown:

- o Santa Barbara County: 33%
- o Ventura County: 10%
- o Los Angeles (and surrounding areas): 17%
- o Northern CA: 15%
- o San Diego: 5%
- o Out of state: 20%

The diversity of the Museum's collection is quite broad and comprises more than 28,000 objects – an art museum of magnitude and quality more commonly found in cities eight times the size of Santa Barbara. The collection spans more than 5,000 years of human creativity and includes classical antiquities rivaled in the West only by the J. Paul Getty Museum, and masterpieces of French Impressionism with no West Coast museum owning more Monet paintings.

Only a fraction of the Museum's permanent collection can be shown at any particular time. Of course, increasing gallery space will not only allow the Museum to show a greater percentage of these works, it will allow them to organize more comprehensive exhibitions and to accept more significant travelling exhibitions that may require more space.

In many cases, SBMA represents the first venue or exclusive West Coast venue for many of the exhibitions they accept or organize – making this city's art museum vital now, and in the future. Just a few past/current examples include:

- o *Delacroix and the Matter of Finish* (opening October 2013) represents the first exhibition on Eugene Delacroix in the U.S. in over a decade and the first major monographic show devoted to the artist on the West Coast
- o *The Artful Recluse* (2012) presented a major exhibition of nearly 60 Chinese works with many of the paintings exhibition for the first time in the United States.
- o *Pasadena to Santa Barbara* (2012) was Santa Barbara's representation in the Getty Foundation's major southern California initiative *Pacific Standard Time: Art in L.A., 1945-1980*

- o *Picasso and Braque: The Cubist Experiment, 1910-1912* (2011) was the first exhibition to unite many of the paintings and nearly all of the prints created by Pablo Picasso and Georges Braque during two exhilarating years of their artistic dialogue
- o *Ori Gersht: Lost in Time* (2011) represented this artist's first solo museum exhibition in the Western U.S.
- o *Charles Garabedian: A Retrospective* (2011) represented the first important museum presentation in 28 years devoted to the works of this artist
- o *Chaotic Harmony: Contemporary Korean Photography* (2010) represented the first major exhibition in the United States of photographs made by contemporary Korean artists presently living in Korea
- o *Noble Tombs at Mawangdui: Art and Life in the Changsha Kingdom (3<sup>rd</sup> Century BCE – 1<sup>st</sup> Century CE)* (2009) represented the first time the objects of the contents of three lavish 2,000-year-old Chinese tombs were displayed in the U.S.

A summary of the site development history including dates and area additions is provided in the attached table. As noted previously, the floor area additions provide for an increase in gallery floor area, community education/event space, art collection stewardship space as well as administrative offices which will allow the Museum to relocate existing administrative offices in order to create a new gallery at the State Street building frontage. The Community Priority floor area allocation will result in a 30% increase of existing gallery area, a 16% increase of community education/event space, and a 1% increase of art collection stewardship space. Therefore, the project includes a request of the City Council for a Community Priority designation for the addition of 8,900 net square feet.

On behalf of the applicant and project team, we thank you for your consideration of Museum's proposed project.

Sincerely,  
**SUZANNE ELLEDGE**  
**PLANNING & PERMITTING SERVICES, INC.**



Trish Allen, AICP  
Senior Planner

Attachment 1: Summary of Development History, page 28 HSSR prepared by Post/Hazeltine Associates, dated August 5, 2013

**SALUD CARBAJAL**  
First District, Chair

**STEVE LAVAGNINO**  
Fifth District, Vice Chair

**JANET WOLF**  
Second District

**DOREEN FARR**  
Third District

**PETER ADAM**  
Fourth District



**BOARD OF SUPERVISORS**

County Administration Building  
105 East Anapamu Street  
Santa Barbara, CA 93101  
Telephone: (805) 568-2190  
[www.countyofsb.org](http://www.countyofsb.org)

**COUNTY OF SANTA BARBARA**

June 5, 2013

Larry J. Feinberg  
Robert and Mercedes Eichholz Director  
and Chief Executive Officer  
Santa Barbara Museum of Art  
1130 State Street  
Santa Barbara, California 93101

Dear Mr. Feinberg:

Re: Letter of Authorization to Proceed with Application for Phased Plan  
Renovations and Additions to Museum

The County Board of Supervisors, at its regularly held meeting of June 4, 2013, approved your request to initiate the application process with the City of Santa Barbara for a phased plan for renovations and additions to the Santa Barbara Museum of Art. On behalf of the Board of Supervisors, this written approval of your request in accordance with Article II, Paragraph 2.04 of the March 15, 1982 Lease Agreement.

If you have any questions or would like to discuss, please contact Ronn Carlentine, Real Property Manager, in the Office of Real Estate Services at (805) 568-3078.

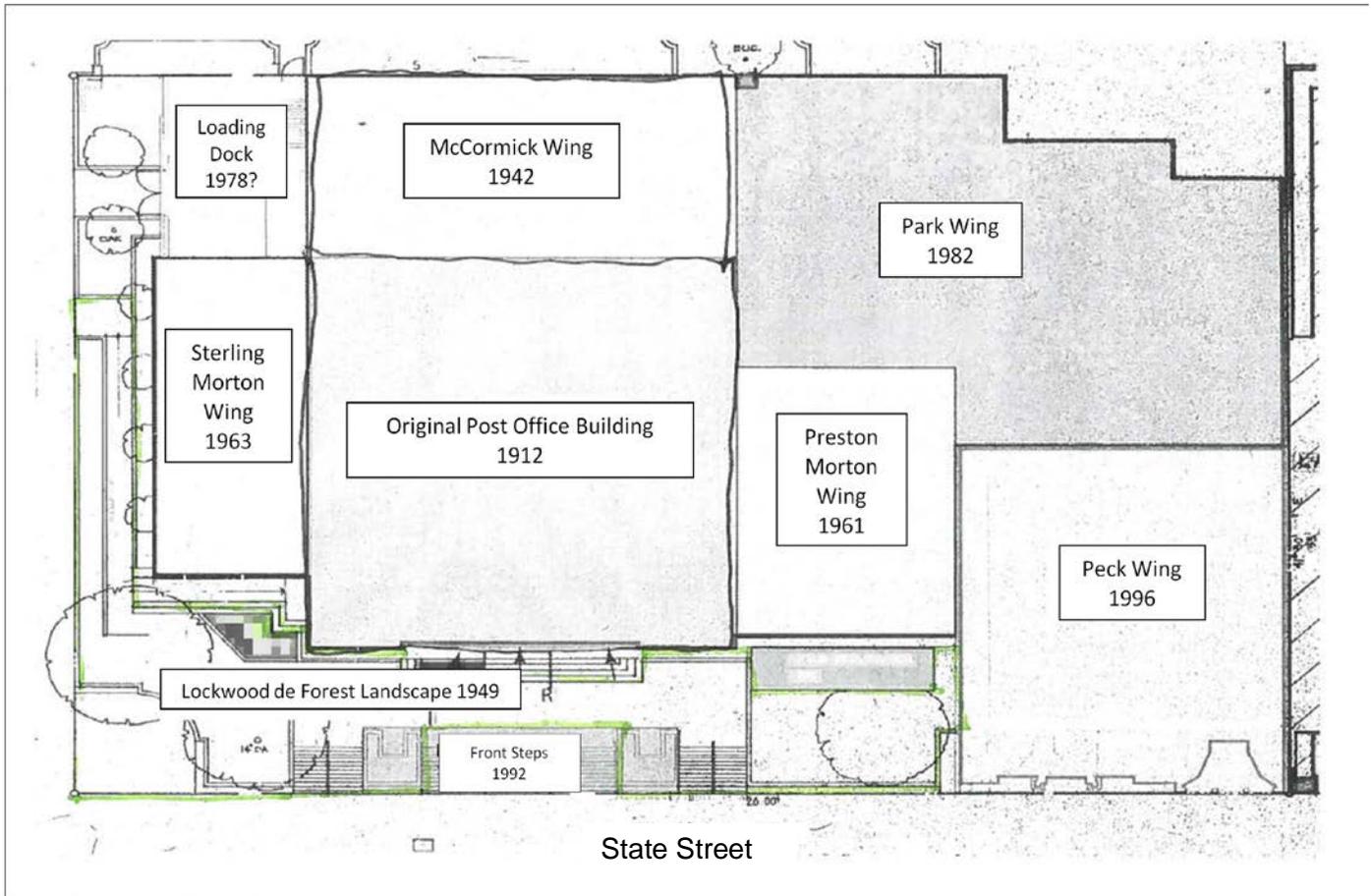
Sincerely,

Supervisor Salud Carbajal  
Chair, Board of Supervisors

Historic Capital Project Record Summary Table: Santa Barbara Museum of Art 1912-2013 Notes: Refer to Page 19 for SBMA Project Detail Sheet Information						
Project Description	Year	Number Of Levels	Net Square Feet	Gross Square Feet	Project Foot Print Size (Feet)	Notes:
U.S. Post Office	1912	See 1940	See 1940	See 1940	See 1940	Same As 1940 SBMA
Santa Barbara Museum of Art	1940	3	(10,450 Sq. Ft.)	3,700 X 3 = 11,000 Sq. Ft.	+/- 53'X70' 3,700 Sq. Ft.	
McCormick Wing	1942	2	( 5,600 Sq. Ft.)	3,000 X 2 = 6,000 Sq. Ft.	+/- 40'X75' 3,000 Sq. Ft.	
Lockwood DeForest Landscape	1949	NA	NA	NA	NA	
Preston Morton Wing	1961	2	( 4,750 Sq. Ft.)	2,500 X 2 = 5,000 Sq. Ft.	+/- 42'X60' 2,500 Sq. Ft.	
Sterling Morton Wing	1963	2	( 3,800 Sq. Ft.)	2,000 X 2 = 4,000 Sq. Ft.	+/- 28'X70' 2,000 Sq. Ft.	
Loading Dock	1978	NA	NA	NA	NA	
Park Wing	1982	4.5	(21,850 Sq. Ft.)	5,000 X 4.5 = 23,000 Sq. Ft.	+/- 52'X100' 5,000 Sq. Ft.	
Front Stairs	1992	NA	NA	NA	NA	
Glass & Steel Entry Doors	1993	NA	NA	NA	NA	
Peck Wing	1996	3	(10,450 Sq. Ft.)	3,700 X 3 = 11,000 Sq. Ft.	+/- 52'X70' 3,700 Sq. Ft.	
Siqueiros Mural	2002	NA	NA	NA	NA	
<b>Totals (Approximate *)</b>			<b>(56,900 Sq. Ft.)</b>	<b>60,000 Sq. Ft.</b>		

\* All dimensions are approximate based upon the best existing project record available.  
NA=Not Applicable

DIAGRAM AND CHART OF HISTORIC DEVELOPMENT OF THE  
SANTA BARBARA MUSEUM OF ART



Source: Post/Hazeltine, June 2013, Historic Structure/Site Report for the Santa Barbara Museum of Art, Appendix A, Figure 19.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** Business Services Division, Waterfront Department

**SUBJECT:** Introduction Of Ordinance Amending Lease With Richones Inc., Doing Business As Chuck's Waterfront Grill, For Office Space At 113 Harbor Way

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Lease Amendment Number One to Lease Number 23,328 with Richones Inc., Doing Business As Chuck's Waterfront Grill, for Office Space Located at 113 Harbor Way #145 and #150 at a Monthly Rate of \$2,519.

### **DISCUSSION:**

In June, the National Oceanic and Atmospheric Administration relocated the majority of its local Channel Islands National Marine Sanctuary (CINMS) offices to a new building on the University of California Santa Barbara campus. CINMS reduced their overall office footprint in the Waterfront from 1,472 square feet (five offices and the kitchen) to 452 square feet consisting of two offices and the storage space. The resulting 1,020 square feet of office space consists of two offices of 864 square feet and 156 square feet.

The current Chuck's Waterfront Grill lease (Lease No. 23,328) gives the tenant the right of first refusal to any leasable space that becomes available in the Waterfront Center. Chuck's determined to exercise the option and lease the entire 1,020 square feet of office space at a rate of \$2.47 per square foot (same as the restaurant space) which amount has been added to the base rent under Chuck's lease. The square footage will also be added to Chuck's proportional share of Common Area Maintenance (CAM) expenses for the Waterfront Center Building.

The basic terms of the proposed Lease Amendment Number One are as follows:

- **Term:** twenty-seven years remaining on existing lease (expires 2040)
- **Base Rent:** average of \$20,890, allocated seasonally;
- **Percentage Rent:** 10% of gross sales or base rent whichever is greater; escalates to 11% of gross sales at \$3 million; and,
- **Annual Rent Adjustment:** Consumer Price Index

All other business terms of the lease remain unchanged.

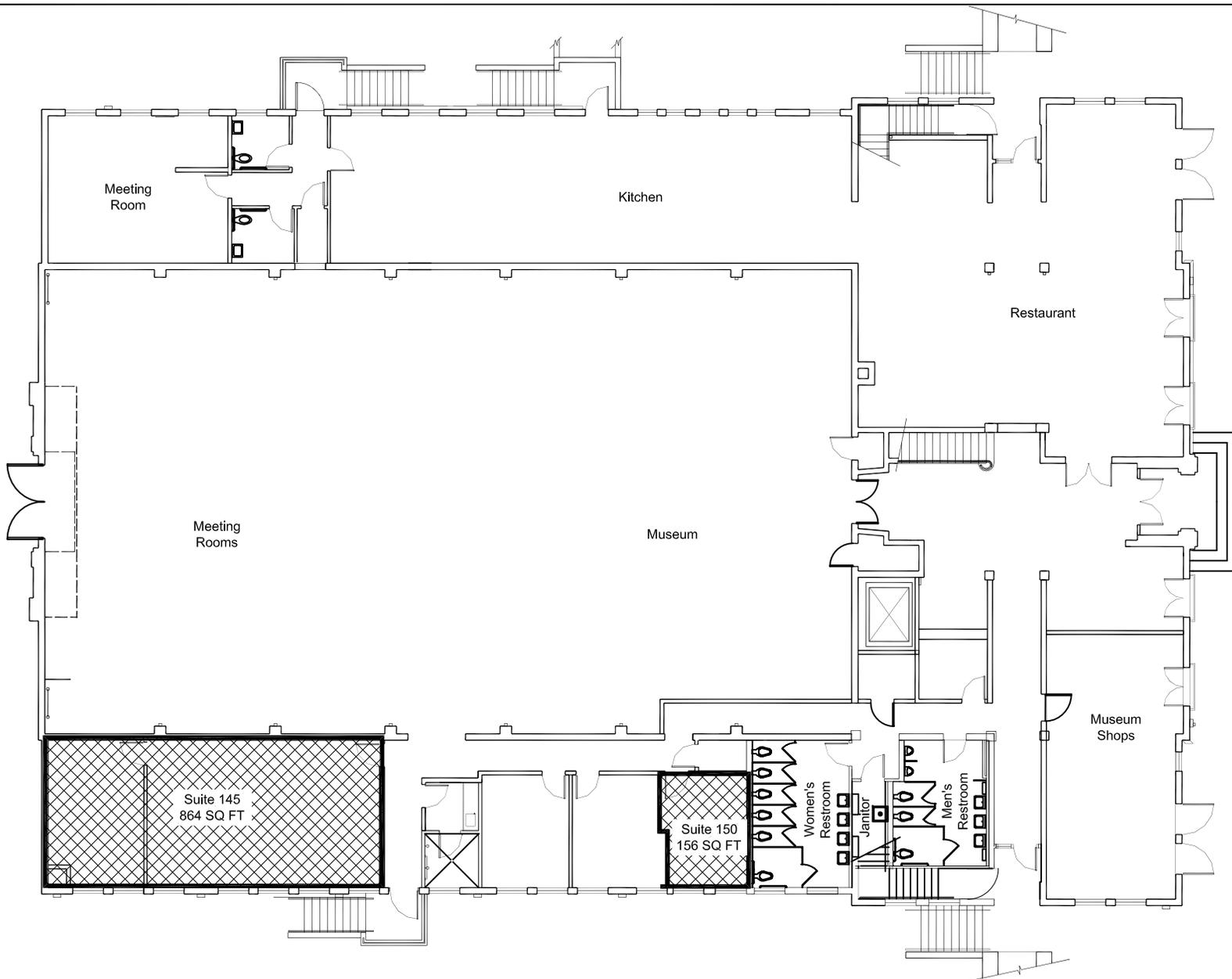
The Harbor Commission recommended that the City Council approve the lease agreement at their October 17, 2013, meeting.

**ATTACHMENT:** Lease Space

**PREPARED BY:** Brian Bosse, Waterfront Business Manager

**SUBMITTED BY:** Scott Riedman, Waterfront Director

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

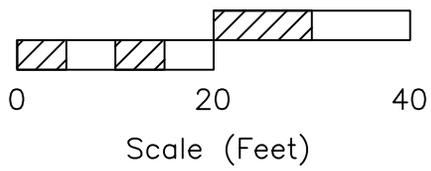


**OFFICE  
LEASE AREA**

Suite 145	864 SQ FT
Suite 150	156 SQ FT
<b>Total</b>	<b>1,020 SQ FT</b>



**FIRST FLOOR PLAN**



<p><b>REVISIONS</b></p>	<p><b>Lease Area Exhibit A.1</b></p>		
	<p><small>DATE</small> AS NOTED</p>	<p><small>APPROVED BY:</small> S. Riedman</p>	<p><small>DRAWN BY:</small> T. Lawler</p>
	<p><small>DATE</small> 10/7/2013</p>	<p><small>ADDRESS</small> 113 Harbor Way</p>	<p><small>DRAWING NO.</small> 1130-117</p>
	<p>City of Santa Barbara</p>		<p><small>SHEET NO.</small> 1 OF 1</p>
	<p><b>Waterfront Department</b></p>		

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING LEASE AMENDMENT NUMBER ONE TO LEASE NUMBER 23,328 WITH RICHONES INC., DOING BUSINESS AS CHUCK'S WATERFRONT GRILL, FOR OFFICE SPACE LOCATED AT 113 HARBOR WAY #145 AND #150 AT A MONTHLY RATE OF \$2,519.

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, An Ordinance of the Council of the City of Santa Barbara Approving Lease Amendment Number One dated as of November 29, 2013 with Richones Inc., doing business as Chuck's Waterfront Grill, for office space located at 113 Harbor Way #145 and #150, is hereby approved.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Capital Improvement Projects: First Quarter Report For Fiscal Year 2014

### **RECOMMENDATION:**

That Council receive a report on the City's Capital Improvement Projects for the First Quarter of Fiscal Year 2014.

### **EXECUTIVE SUMMARY:**

This report summarizes progress on Capital Improvement Projects in the First Quarter of Fiscal Year 2014.

### **DISCUSSION:**

#### CONSTRUCTION HIGHLIGHTS

Five projects were completed in the first quarter of Fiscal Year 2014, from July 2013 through September 2013. Attachment 1 reflects the completed Capital Projects for the first quarter of Fiscal Year 2014. Attachment 2 reflects a table, and Attachment 3 displays a graph of the completed Capital Projects funding for the first quarter of Fiscal Year 2014.

The following describes some of the highlights of completed construction:

- Corporate Yard Well Replacement (\$1,207,283) – The new well was constructed to a depth of 675-feet below ground surface and was built using 12-inch stainless steel casing and screens. The water produced from the new Corporate Yard Well will be piped to the Ortega Ground Water Treatment Plant for treatment and pumped into the distribution system.

- Santa Barbara Harbor Westerly Launch Ramp (\$431,245) – The completed project consisted of the demolition of the existing deteriorated concrete Westerly Launch Ramp and the replacement with a new concrete launch ramp.
- Cater Water Treatment Plant Advanced Treatment Project (\$21,637,702) – The completed project consisted of the installation of an ozonation water disinfection facility at the Cater Water Treatment Plant, replacing chlorination as the primary water disinfection method. Construction of supporting chemical stations and a dewatering facility were also included. The project also replaced four booster pumps that supply water to the Montecito and Carpinteria Valley Water Districts via the South Coast Booster Pump Station. This project enables the South Coast water agencies to consistently comply with the Stage 2 Disinfection By-Products Rule, which requires lower levels of disinfection by-products in drinking water.
- On-Call Sewer Main Point Repairs Fiscal Year 2013 (\$141,286) – The completed project consisted of three immediate sewer repairs and fifteen additional sewer pipelines that required immediate repairs over a six-month duration. The City had identified the needed repairs during the closed circuit television inspection of approximately 25 miles of its sanitary sewer system.
- Intersection Improvement Project at Anacapa and Carrillo Streets (\$696,282) – This project significantly improved vehicular and pedestrian safety at the intersection of Carrillo and Anacapa Streets by increasing the visibility of the traffic signals and improving the access ramps. The completed project consisted of installation of new signal poles, mast arms, pedestrian signal indicators with countdown heads, traffic control equipment, electrical connections, conduits and conductors, curb and gutters, and directional access ramps.

In addition, 16 Capital Improvement Projects are currently under construction, with an approximate construction contract value of \$26,287,522 (Attachment 4). The following are highlights of construction projects in progress:

Creeks:

- Mission Creek Concrete Channel Fish Passage and Riparian Habitat Enhancement Phase 2 (\$4,200,000) – The 4,000 foot low flow channel is complete, and the contractor is continuing to work on the rock structures at the top and bottom of the project. A new channel maintenance access ramp is the final portion of work, and is expected to be completed by early November 2013.

Public Works Streets (Bridges):

- Chapala/Yanonali Bridge at Mission Creek (\$1,428,002) – In September 2013, the demolition of the old bridge and the construction of the new bridge foundation was completed. The construction of this uniquely configured bridge deck will occur in November 2013. The bridge and road are expected to be open this winter.

- Punta Gorda Bridge and Channel Improvements (\$2,052,565) – The bridge demolition and downstream creek channel grading are complete. Since Southern California Edison was not able to complete their power line relocation, the reconstruction of the bridge has been delayed beyond the Regional Water Quality Control Board permit's authorized time frame and staff will order the suspension of work, effective November 1, 2013. The contractor will de-mobilize its labor forces and equipment, install temporary erosion and sediment control facilities, as well as temporary flood protection facilities, and remobilize once the environmental conditions and the permit restrictions allow work to proceed. The permit authorizes construction activity in the creek streambed after May 30, 2014. The tentative bridge opening is scheduled for next summer.

#### Public Works Streets:

- Zone 6 Fiscal Year 2013 Pavement Preparation Overlay and Slurry Seal (\$2,330,371) – Pavement maintenance within the downtown area of Zone 6, portions of Eucalyptus Hill, Carrillo Hill, and Hollister Avenue between Los Carneros Road and City limits were completed this summer. Portions of the work were completed at night using micro-surfacing, a type of slurry sealing, to minimize impacts to the travelling public and businesses. Completion is scheduled for December 2013.

#### Public Works Wastewater:

- On-Call Sewer Main Point Repairs Fiscal Year 2014 (\$200,825) – The work is on-going at multiple sites. Approximately 75 percent of the repairs will be high-risk repairs, and 25 percent will be typical repairs. Completion is scheduled for July 2014.
- Wastewater Main Rehabilitation Fiscal Year 2013 (\$461,227) – Additional work began with cleaning and video recording of the sewer mains at the beginning of September 2013, with lining of the mains to start at the beginning of October 2013. Completion is scheduled for February 2014.

#### Public Works Water:

- Water Main Replacement Fiscal Year 2013 (\$2,408,852) – This year's water main replacement project incorporated a pilot project to rehabilitate existing main by using a 3M brand spray-on structural liner. The existing water main pipe is cleaned, and then sprayed with a rapid-cure coating product that provides its own structural support within the existing pipe. The City will be assessing this pilot project work to determine if this is a suitable option to traditional water main replacement work. Two blocks of water main on Anapamu Street and two blocks on Figueroa Street were selected for the pilot project work. Project completion is scheduled for February 2014.

### PROJECTS IN DEVELOPMENT

In addition to the work in construction, there is a significant amount of work in the design phase. There are currently 36 projects under design, with an estimated total project cost of \$112,635,723 (see Attachment 5).

Much of this work is scheduled to be funded over several years, as generally shown in the City's Six-Year Capital Improvement Program Report. The projects rely on guaranteed or anticipated funding and grants.

The following are design project highlights:

Public Works Streets:

- Fiscal Year 2014 Sidewalk Access Ramp Project (\$150,854) – The project is currently at 60 percent design. This project proposes to install 11 sidewalk access ramps throughout the City.
- Union Pacific Railroad Bridge at Cabrillo Boulevard (Conceptual Design) (\$100,000) – The monthly meeting with the City's conceptual design consultant was held on September 19, 2013. The consultant has prepared conceptual roadway and railroad alignment plans for review. The next step will be to prepare structural plans and refine the cost estimate.
- Zone 1 Pavement Preparation and Slurry Seal Project (\$2,460,000) – The project is currently in the early design phase. As part of the City's ongoing pavement maintenance efforts, this project will maintain selected City streets throughout the City, with a focus on Zone 1, which generally encompasses the greater Eastside. The design process will identify the street segments with the highest need for pavement maintenance, and then prioritize based on available funding. Construction of this project is anticipated in summer 2014.

Public Works Streets (Bridges):

- Cota Street Bridge (\$8,774,209) – The project received design approval in July 2013. Council authorized the final design contract in August 2013, and the project is now in final design. Staff is preparing necessary documents to apply for Caltrans right-of-way certification by November 2013 clearing the way for construction authorization. Construction is anticipated for spring 2014.
- Mason Street Bridge (\$11,152,000) – Three property acquisition offers have been settled. Final Design Consent was approved by the Historic Landmarks Commission in September 2013. Final plans and specifications have been submitted to Caltrans for approval, in anticipation of bidding early next year and construction in spring 2014.

Public Works Streets (Traffic):

- 2012 Highway Safety Improvement Program (HSIP) Traffic Signal Upgrades (\$1,090,744) – The project is currently in preliminary design. The project provides traffic signal upgrades at 53 intersections throughout the City that include new pedestrian countdown indications at locations that currently have no pedestrian indications. The project also improves visibility of vehicular indications by increasing traffic signal lamp head size from 8 inches to 12 inches, and at some locations, improves the mounting locations by adding new poles, and new conduit to support the upgrades.

Public Works Wastewater:

- Wastewater Main Rehabilitation Fiscal Year 2014 (\$1,000,000) – The project is nearing the 90 percent design phase and will rehabilitate approximately 4.6 miles of sanitary sewer main. Construction activities will start shortly in early 2014.

Public Works Water:

- Water Main Replacement Fiscal Year 2014 (\$2,500,000) – The field survey has been completed, and the drafting contract was awarded in October 2013. This project supports the City's annual goal of replacing one percent of the water distribution system piping.

**SUMMARY:**

The First Quarter of Fiscal Year 2014 ended with approximately \$24 million in completed construction, with \$400,000 coming from grant funding. Most of this was due to the completion of the Cater Water Treatment Plant Advanced Treatment Project at approximately \$21 million. The Department is currently scheduled to complete \$65 million this fiscal year. Relative to an annual performance objective of \$30 million, this \$65 million and last year's \$87 million, points to a significant City Capital Program.

- ATTACHMENT(S):**
1. Completed Capital Improvement Projects for First Quarter Fiscal Year 2014
  2. Completed Capital Improvement Projects Funding Fiscal Year 2014 – Table
  3. Completed Capital Improvement Projects Funding Fiscal Year 2014 – Chart
  4. Capital Projects with Construction in Progress
  5. Capital Projects with Design in Progress

**PREPARED BY:** Pat Kelly, Assistant Public Works Director/City Engineer/TB

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

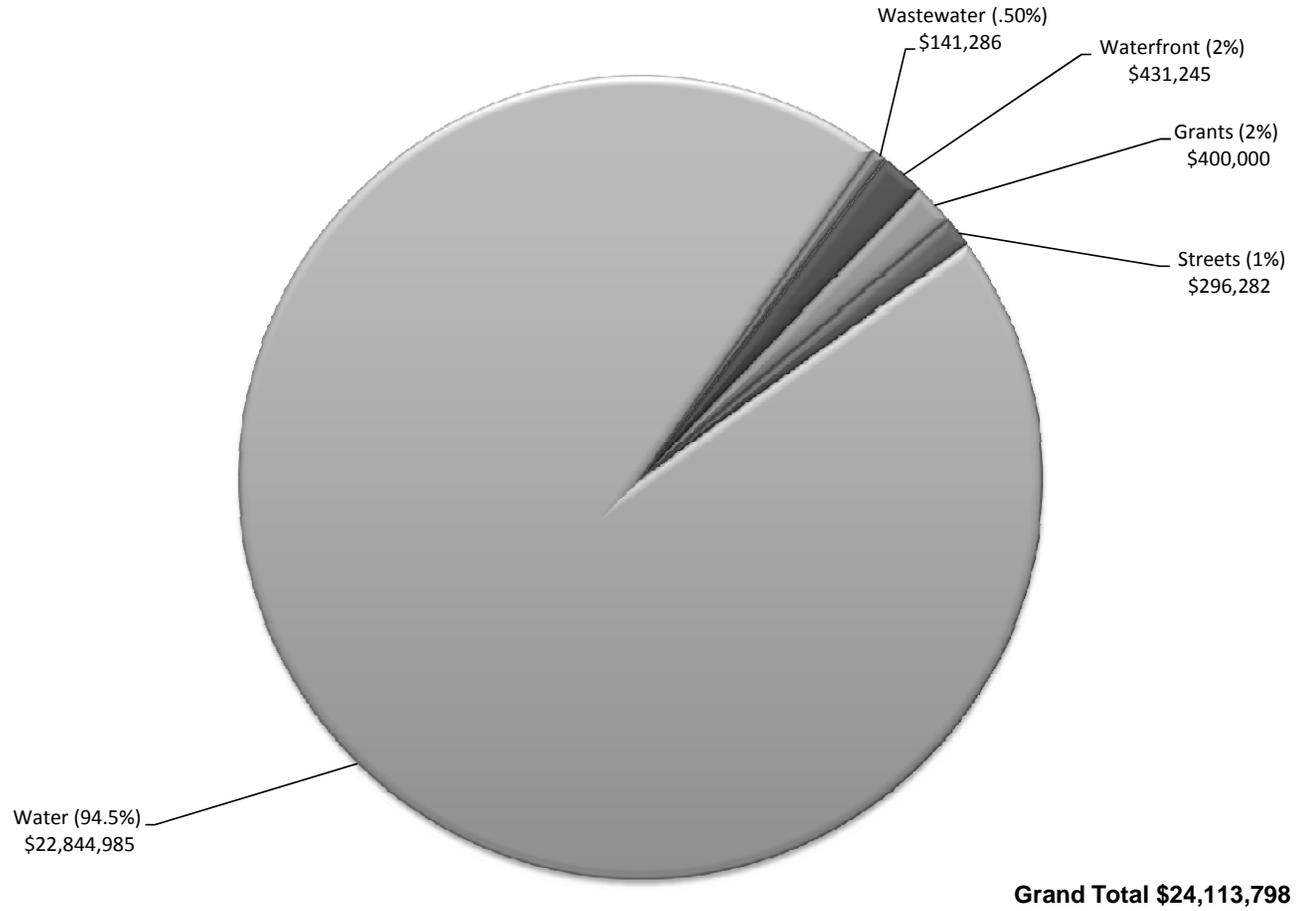
**APPROVED BY:** City Administrator's Office

**COMPLETED CAPITAL PROJECTS - FIRST QUARTER FISCAL YEAR 2014**

<b>Project Name</b>	<b>Design Costs</b>	<b>Construction Contract</b>	<b>Construction Change Order Costs</b>	<b>Construction Management Costs</b>	<b>Total Project Costs</b>
Corporate Yard Well Replacement	\$127,580	\$978,000	-\$55,967	\$157,670	<b>\$1,207,283</b>
Santa Barbara Harbor Westerly Launch Ramp	\$51,731	\$320,795	\$17,185	\$41,534	<b>\$431,245</b>
Cater Water Treatment Plant Advanced Treatment Project	\$1,829,223	\$14,789,609	\$2,282,619	\$2,736,251	<b>\$21,637,702</b>
On Call Sewer Main Point Repairs Fiscal Year 2013	\$8,454	\$109,435	-\$18,162	\$41,559	<b>\$141,286</b>
Intersection Improvements at Anacapa and Carrillo Streets	\$173,886	\$319,895	\$100,857	\$101,644	<b>\$696,282</b>
<b>TOTALS</b>	<b>\$2,190,874</b>	<b>\$16,517,734</b>	<b>\$2,326,532</b>	<b>\$3,078,658</b>	<b>\$24,113,798</b>



### Completed Capital Projects Funding First Quarter Fiscal Year 2014



**CAPITAL PROJECTS WITH CONSTRUCTION  
IN PROGRESS**

<b>PROJECT CATEGORY</b>	<b>CONSTRUCTION IN PROGRESS</b>	
	<b>No. of Projects</b>	<b>Construction Contract Costs</b>
Airport	1	\$3,011,768
Creeks	2	\$4,712,630
Public Works: Streets/Transportation	7	\$7,147,022
Public Works: Water/Wastewater	6	\$11,416,102
<b>TOTAL</b>	<b>16</b>	<b>\$26,287,522</b>

## CAPITAL PROJECTS WITH DESIGN IN PROGRESS

PROJECT CATEGORY	DESIGN IN PROGRESS	
	No. of Projects	Total Value of Projects
Airport	2	\$3,801,000
Downtown Parking	2	\$268,045
Library	1	\$2,609,251
Public Works: Streets/Bridges	7	\$63,366,060
Public Works: Streets/Transportation	12	\$6,324,873
RDA Successor	2	\$3,855,729
Public Works: Water/Wastewater	10	\$32,410,765
<b>TOTAL</b>	<b>36</b>	<b>\$112,635,723</b>



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Increase In Construction Change Order Authority For The Punta Gorda Street Bridge Replacement Project

### RECOMMENDATION:

That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Punta Gorda Street Bridge Replacement Project, Contract No. 24,514 in the amount of \$160,000, for a total Project expenditure authority of \$3,432,037.

### DISCUSSION:

#### BACKGROUND

For many years, the City has been planning to widen Sycamore Creek north of the U.S. Highway 101 Bridge to reduce the probability of flooding in the neighborhood.

On September 7, 2012, the City received a notification from the California Department of Housing and Community Development of an approval of the Disaster Recovery Initiative grant funds in the total amount of \$2,662,525, for a project to widen the creek channel and replace the Punta Gorda Street Bridge.

On May 21, 2013, Council awarded a construction contract to Shaw Contracting, Inc. (Shaw), in their low bid amount of \$1,865,964.50, which included \$186,600 to cover any cost increases that may result from contract change orders. Staff notified Shaw on July 1, 2013, to proceed with the construction.

#### CURRENT STATUS

The Punta Gorda Street Bridge Replacement Project (Project) is delayed due to Southern California Edison (SCE) not being able to complete the relocation of its overhead electric transmission facilities. The delays are related to the placement of the concrete foundation for a tubular steel pole in order to relocate the existing overhead electric

lines on Punta Gorda Street. To date, the Bridge construction schedule has been delayed for more than a month. The Bridge's construction is dependent on relocation of the existing overhead electric utility facilities away from the new Bridge's footprint area. Without the relocation, the Bridge construction cannot begin.

Staff has been working with SCE since the planning and design phase of the overhead electric utility facility relocation. The relocation was originally scheduled to be complete by August 31, 2013. As of October 7, 2013, SCE had not completed the relocation, but was in the process of starting a new method to install the tubular steel pole. SCE has informed staff that they anticipate that the work will be complete in mid-November.

With the delays, staff has been forced to direct Shaw to reschedule work or perform out-of-sequence work around the existing overhead utility facilities, which includes wooden poles and pole anchor wires. Furthermore, the delay will result in the Bridge construction going beyond the City's authorized construction time frame in the creek streambed pursuant to the Regional Water Quality Control Board (RWQCB) Water Quality Certification Permit (Permit). The Permit does not authorize the City to conduct any construction activity in the creek streambed between November 1 and May 30. City staff and the RWQCB believe that the best option to prevent any potential increase to water pollution is to cease Bridge construction activities in the creek's streambed until next spring.

Though the Project is incurring delays, there are other major elements of the Project that have been completed. The following improvements are complete:

- Creek channel widening upstream and downstream of the Bridge, and
- Demolition of the old Bridge.

This work reduces the probability of neighborhood flooding; however, the through traffic over the Punta Gorda Bridge is disrupted.

The following improvements are scheduled to be complete by the end of October, concurrent with or after SCE's relocation work (in no particular order):

- Creek channel bottom,
- Permanent erosion control blankets on creek slopes,
- Partial excavations of Bridge abutment walls,
- Rock slope toe protection under the Bridge,
- Concrete encasement of exposed existing sanitary sewer pipe in creek,
- Sanitary sewer siphon piping, and
- Removal of temporary creek diversion system.

Plantings and permanent erosion control measures for the creek slopes have already started, and many of the willow stake plantings have already taken root and sprouted leaves. Additional plantings are proposed to be planted on the creek slopes in November or December 2013.

#### ANTICIPATED STATUS

Since Southern California Edison was not able to complete their power line relocation, construction activities have been delayed beyond the Regional Water Quality Control Board permit's time frame and staff will order the suspension of work, effective November 1, 2013. Staff has also ordered Shaw to de-mobilize its labor forces and equipment, install temporary erosion and sediment control facilities, as well as temporary flood protection facilities, and remobilize once the environmental conditions and the permit restrictions allow work to proceed again. The Permit authorizes construction activity in the creek streambed after May 30, 2014. Shaw's work may effectively restart after that date.

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

##### FUNDING

To date, extra work that is attributable to the Project and not to SCE's relocation work delay is \$81,340. Staff anticipates the current change order authority will not be sufficient to fund both the extra work and the costs being incurred for Shaw's re-scheduled work or out-of-schedule sequence work, due to SCE's relocation work delay. The requested increase in change order authority should fund Shaw's re-scheduled work or out-of-schedule sequence work until SCE's relocation work is complete.

Additional staff time and overhead, as well as professional services costs, to manage the Project because of these delays will also be incurred. Once SCE has finished the relocation work and a new schedule for work is established, staff will be better able to estimate these costs and any other construction related costs. Staff will return to Council for additional funding for construction management support, inspection, materials testing, bridge engineering support services, and environmental coordination and biological monitoring, once these costs have been established. Staff is currently working to prepare and submit a demand to SCE for recovery of the City's delay costs under provisions of the City's franchise agreement with SCE.

The following summarizes the additional expenditures recommended in this report:

**CONSTRUCTION CONTRACT FUNDING SUMMARY**

	<b>Base Contract</b>	<b>Change Order</b>	<b>Total</b>
Initial Contract Amount	\$1,865,965	\$186,600	<b>\$2,052,565</b>
Proposed Construction Change Order Increase	\$0	\$160,000	<b>\$160,000</b>
<b>Total</b>	<b>\$1,865,965</b>	<b>\$346,600</b>	<b>\$2,212,565</b>

This past August, staff submitted the first grant reimbursement request for the Project in the amount of \$223,596. The current grant balance for the Project is \$2,438,929.

There are sufficient funds in the Streets Capital Program to cover both the extra work attributable to the Project and the extra work for Shaw's rescheduled work or out-of-sequence work, due to SCE's relocation work delay.

**PREPARED BY:** Linda Sumansky, Principal Civil Engineer/JI/mj

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

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



# CITY OF SANTA BARBARA

## CITY COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** Environmental Services Division, Finance Department

**SUBJECT:** Resolution Of Intent To Amend Solid Waste Franchise Agreement With MarBorg Industries, Inc.

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution Of The Council Of The City Of Santa Barbara Declaring Its Intention To Amend The Ten-Year Exclusive Franchise For Citywide Solid Waste Collection And Disposal Services In The City Granted By The City To Marborg Industries, Inc., A California Corporation, On February 12, 2013 By City Ordinance No. 5608.

### **DISCUSSION:**

On February 12, 2013, the City Council adopted Ordinance No. 5608 granting an exclusive ten-year franchise for Citywide solid waste collection and disposal services to MarBorg Industries, Inc. (MarBorg). Exhibit 4 to the Agreement requires MarBorg to achieve the following diversion thresholds on behalf of the City:

1. Weight-Based Diversion: increase the City's weight-based diversion rate by 1 percentage point per year throughout the ten-year term of the Agreement; and,
2. Volume-Based Diversion: work with certain large business and multi-unit residential customers to ensure that within 5 years, at least 30% of the customer's curbside container volume is comprised of "diversion services" including commingled recycling, greenwaste and foodscraps service.

During contract negotiations, City staff and MarBorg staff calculated that working with these customers to migrate thousands of yards of trash to diversion services would concurrently divert a substantial number of tons of waste from the landfill, thus satisfying the weight-based diversion requirement described above.

Recently however, City staff and MarBorg staff realized the following errors occurred in the language of Exhibit 4 to the Franchise:

1. An incorrect weight value for commingled recyclables (125 pounds per yard instead of 46 pounds per yard) was used to derive the weight-based diversion requirement.
2. The timeline to achieve the volume and weight-based Diversion Requirements are inconsistent (5 years versus 10 years).

For this reason, staff recommends that Exhibit 4 be amended to correct these errors. A summary of the Franchise Agreement terms to be amended is included as Attachment 1 to this Council Agenda Report.

### **Effect of the Proposed Amendment**

The proposed amendment to Exhibit 4 results in the following outcomes:

- The volume-based diversion requirement does not change;
- The weight-based diversion requirement is re-calculated from 1.0% per year to 0.3% per year to accurately reflect the weight of commingled recyclables to be diverted from landfill disposal;
- The timeline to achieve both the weight and volume diversion requirements is set at five years; and,
- The diversion requirements set forth in Exhibit 4 align with the financial model used during negotiations to set customer rates. The proposed amendment does not result in any change to customer rates or in compensation paid to MarBorg.

### **Resolution of Intent to Amend a Franchise**

Article XIV of the City Charter requires Council to announce its intention to amend a franchise by passing a resolution that 1) describes the nature and content of the proposed amendment; and, 2) sets the date and time of a public hearing where any person wishing to object or otherwise comment on the proposed amendment may be heard by Council. The public hearing has been scheduled for the Council meeting to be held on Tuesday November 19, 2013. Should Council adopt the resolution of intention, a notice of the City's intent to amend a franchise would be published in a local newspaper of general circulation.

Passage of the Resolution of Intention is the first step in a public noticing process required by Article XIV of the Charter to eventually allow the Council to consider amending a franchise through the enactment of a City Ordinance approving an amendment to the specific terms of the Franchise. The ordinance to amend Franchise Agreement No. 24,634 will be introduced at the November 19, 2013 Council meeting and will be scheduled for adoption at the November 26, 2013 Council meeting. City Charter Section 1407 provides that the adoption of the ordinance requires the affirmative votes of five members of Council.

**Solid Waste Ad Hoc Committee**

Staff presented the proposed amendment to the Solid Waste Ad Hoc Committee on October 23, 2013. The Committee directed staff bring the Resolution of Intent to Amend the Franchise Agreement to the City Council at the earliest opportunity.

**BUDGET/FINANCIAL INFORMATION:**

The recommended action would have no financial impact to the City, to MarBorg or to City ratepayers.

**SUSTAINABILITY IMPACT:**

Consistent with the original language of the Franchise Agreement, the proposed amendment would migrate thousands of yards of trash to diversion services, fulfilling the explicit requirements set forth in State Law, including Assembly Bill 939 and more recently, Assembly Bill 341.

**PREPARED BY:** Matt Fore, Environmental Services Manager

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

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO AMEND THE TEN-YEAR EXCLUSIVE FRANCHISE FOR CITYWIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES IN THE CITY GRANTED BY THE CITY TO MARBORG INDUSTRIES, INC., A CALIFORNIA CORPORATION, ON FEBRUARY 12, 2013 BY CITY ORDINANCE NO. 5608.

WHEREAS, On December 13, 2011, the City Council of the City of Santa Barbara directed the Finance Director to enter into sole source negotiations with MarBorg Industries, Inc. (“MarBorg”) for a Citywide Solid Waste Franchise Agreement;

WHEREAS, the City staff and MarBorg subsequently reached agreement on the terms for a new ten-year Citywide municipal solid waste franchise and the proposed franchise was duly noticed for a public hearing in accordance with the public noticing requirements of City Charter section 1401 for a public hearing on February 5, 2013;

WHEREAS, the terms of the new City/MarBorg solid waste franchise were approved by the City Council on February 5, 2013 and the required City ordinance, Ordinance No. 5608, was introduced on that date and duly adopted by the Council on February 12, 2013 – hereinafter referred to as the “Franchise”;

WHEREAS, the City staff and MarBorg now understand and agree that a revision and clarification is appropriate with respect to an exhibit of the Franchise which establishes the municipal solid waste diversion requirements and goals mandated by the Franchise;

WHEREAS, the City and MarBorg desire to amend the Franchise to reflect a clarification of the MarBorg municipal solid waste diversion requirements;

WHEREAS, Section 1401 of the Charter of the City of Santa Barbara requires the City Council to publicly declare its intention to grant or amend a franchise and to state the character of the franchise amendment and the terms and conditions under which the franchise will operate, and to fix a specific date and time where persons having an interest in the franchise agreement may be heard by the City Council, and any objection to the franchise agreement may be expressed.

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

SECTION 1. Pursuant to Section 1401 of the City Charter, the City Council of the City of Santa Barbara declares its intention to hold a public hearing on Tuesday, November 19, 2013 at 2:00 pm in the City Council Chambers of the Santa Barbara City Hall located at 735 Anacapa St., Santa Barbara, CA 93101 to consider amending the existing ten-year franchise with MarBorg Industries, Inc. for solid waste collection and disposal services Citywide with respect to diversion requirements.

SECTION 2. Any and all persons having an interest in the proposed franchise amendment or any objection to the proposed franchise amendment will be heard by the City Council on that date, and any objection to the franchise amendment may be expressed at such hearing prior to a City Council determination on the franchise amendment and the possible introduction of an ordinance authorizing the amendment to the franchise.

SECTION 3. The terms and conditions of the proposed franchise amendment are generally described in the attached Exhibit "A" dated October 29, 2013.

SECTION 4. In accordance with Section 1401 of the City Charter, the City Clerk is hereby directed to publish this Resolution (along with the attached exhibit) at least once within fifteen (15) days of its adoption in the official newspaper.

**Terms and Conditions to be Amended**

October 29, 2013

I. Section 2A of Exhibit 4 is revised to read:

MarBorg will increase the annual percentage of Source-Separated Recyclable Material, Greenwaste and Foodscraps collected in Carts, Cans, Dumpsters, scheduled Roll-Off Boxes and compactors for all Customer classes by at least 0.3% per Contract Year during the first five Contract Years.

II. Section 2C of Exhibit 4 is revised to read:

MarBorg will be deemed to be in compliance with the Minimum Diversion Requirement Citywide provided that the following equation yields a value of greater than or equal to 0.3% for any given Contract Year throughout the first five Contract Years:

$$\frac{(\text{Annual Diversion Rate Citywide at the end of the Current Contract Year minus the Baseline Diversion rate})}{(\text{Total Number of Contract Years since July 1, 2013})}$$

Initial compliance with the Minimum Diversion Requirement Citywide will be calculated 24 months after the Effective Date and every twelve months thereafter for the five-year compliance period.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** Recreation Division, Parks and Recreation Department

**SUBJECT:** Interview And Appointment Of Youth Intern Applicant To The Parks And Recreation Commission

**RECOMMENDATION:** That Council:

- A. Interview applicant Andrew Rodriguez for the position of Youth Intern to the Parks and Recreation Commission; and
- B. Request that Mayor Schneider appoint Andrew Rodriguez to the position of Youth Intern to the Parks and Recreation Commission.

### **DISCUSSION:**

On February 7, 1995, the City Council adopted Resolution No. 95-025 that established a Youth Intern Program for Charter Boards and Commissions. The Resolution was established to expand the opportunities for City youth residents to participate in the City's governmental and advisory role process. On June 6, 2000, Council adopted Resolution 00-044 rescinding Resolution No. 95-025, extending the Youth Intern Program to high school student volunteers who reside within the City limits.

Youth Interns learn first-hand how public decisions are made and how City departments function in providing public services, while providing high school community service that may qualify for academic credit.

### **Andrew Rodriguez**

Andrew Rodriguez, a junior at San Marcos High School, is described as an exceptional student with natural leadership skills. Andrew is very driven and involved in several activities, including baseball, MESA Club, Coalition of Youth Advocates (COYA), AVID student, and a board member for the Youth Making Changes. His recommender stated that of all his extracurricular activity, Andrew has been most impressive with the AVID program, which is designed to close the achievement gap between all students on a college path. Andrew prides himself on being organized and maintaining a good schedule. He enjoys fundraising, no doubt his huge interest in being a part of Youth Making Changes, which teaches teens to review grant requests and award funding to other teens. One of his most recent community commitments is his appointment on the

Santa Barbara Youth Council. He currently serves as the Assistant Historian, committee chair for the Sunshine Committee, and member of the Combating Youth Violence subcommittee.

In his letter of recommendation for Andrew, Mr. Castellanos, Guidance Counselor with San Marcos High School, stated that despite having faced several challenges in his life, Andrew is not a complainer and instead maintains a positive attitude by his enthusiastic and compassionate involvement in helping others. Andrew stated in his application that he has a strong interest in Parks and Recreation and that he hoped by being a Youth Intern on the Parks and Recreation Commission he could increase the interest of youth in using community parks. He recently participated with other Youth Council members in surveying visitors to Bohnett Park with the goal of helping to improve park users' experience. Even with all his current extracurricular activities, Andrew maintains a 3.92 academic G.P.A., with a rigorous course of study. He has a reputation of not "merely interested in obtaining good grades, but genuinely cares about learning through discovery."

The Parks and Recreation Commission have expressed their appreciation for the youth internship program and staff is confident that Andrew Rodriguez would be an excellent Youth Intern to the Parks and Recreation Commission.

**ATTACHMENT:**

1. Youth Intern Application
2. Letter of Recommendation

**PREPARED BY:** Susan C. Young, Neighborhood and Outreach Services Supervisor

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

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

YOUTH INTERN APPLICATION FOR APPOINTMENT TO CITY ADVISORY GROUP

Parks & Recreation Department  
TEEN PROGRAMS DIVISION  
P. O. Box 1990  
Santa Barbara, CA 93101  
(805) 897-2650

Name: Andrew Rodriguez Grade: 11 Age: 16

Residence: 4032 Via Lucero City: Santa Barbara Zip: 93110

Email Address: rodriguez.andrew101@gmail.com High School: San Marcos

Parent/Guardian: Rachel De Luna Phone Number: 805-252-7654

Emergency Contact: Leah Rodriguez Phone Number: 805-252-7664

High School: San Marcos Recommender: Sergio Castellanos

I. Advisory Body/Commission Applied for (list them in order of preference)

1. Parks & Rec 2. 3.

Are you able to provide the two-hour commitment per month? Yes  No

II. Are you active in any clubs on campus? Yes  No  If yes, please list:

Mesa, Royal University.

III. Extracurricular activities (On & Off Campus)

ymc, coya

IV. Reasons you believe you should be appointed to this group (Please use separate page.)

Recommender's Signature [Signature]

Date: 9/14/13

I have read Resolution No. \_\_\_\_\_ of the Council of the City of Santa Barbara and if appointed, will follow it in the conduct of my duties.

Applicant's Signature Andrew Rodriguez Date: \_\_\_\_\_

Date Received:

Date distributed to Mayor /Council offices:

Dates Interviewed:

If appointed: Date:

Term Expires:

I believe I should be appointed to this advisory group because I am a mature self motivated individual who is interested in all things pertaining to Parks and Recreation. But I mainly hope to promote the youths interest in Parks and Recreation, and relay their perspective.

Its not just adults who use parks, beaches, and side-walks, youth play a big part in them too. I hope I can bring in a lot of my peers perspectives and apply them to the Parks and Rec commission, to overall make Santa Barbara a better place to live in for adults and teens/youth.



# SAN MARCOS HIGH SCHOOL

## HOME OF ROYALS

ATTACHMENT 2

*CALIFORNIA DISTINGUISHED SCHOOL 1994 & 2005*

Ed Behrens – Principal  
Jennifer Foster – Assistant Principal  
Dan Garske – Dean of Students  
Roxanna Stern – Assistant Principal  
Abe Jahadhmy – Athletic Director  
Crystal Peterson – Head Counselor

October 4, 2013

Youth Intern Position through the City of Santa Barbara  
Re: Andrew Rodriguez

Esteemed Selection Committee:

It is with great pleasure that I write this letter of recommendation for Mr. Andrew Rodriguez as a candidate for selection for the Youth Intern Position through the City of Santa Barbara. As a counselor, I often work with many outstanding students. Andrew Rodriguez is most certainly one of the best students I have encountered in my career. I have known Andrew for almost three years as his Guidance Counselor and College Advisor and Baseball Coach.

Andrew is an exceptional student. Andrew is in good standing academically, he has no discipline problems and his attendance is excellent. Andrew has excellent promise for success in college. He carries a 3.92 academic G.P.A. in a rigorous course of study. Andrew is not merely interested in obtaining good grades; rather, he genuinely cares about learning through discovery. Andrew is a natural leader. He shows excellent leadership skills both in the classroom and in all of his activities.

Andrew is a bright, focused, hardworking, and determined student who is committed to excellence. Andrew is of the utmost character and personal integrity. Andrew is a friendly, warm, polite, caring, respectful, and driven individual who is well-liked and respected by his peers as well as his teachers. Throughout his high school career, Andrew has participated in several activities; however, his primary extracurricular activity has been AVID. Andrew has participated in his school's AVID program for three years with distinction. What impresses me the most about Andrew is that despite having faced several challenges in his life, he never complains; instead he maintains a positive attitude about life.

Andrew is an extremely dedicated and enthusiastic student, a proven scholar/athlete, but above all he is a caring and compassionate young man with a strong moral compass. There is no doubt in my mind that Andrew is exactly the type of student you are looking for.

Without hesitation, I enthusiastically endorse Andrew Rodriguez as a candidate for selection for the Youth Intern Position through the City of Santa Barbara.

If you need further information please do not hesitate to contact me at 805 967-4581, ext. 215 or email me at [scastellanos@sbsdk12.org](mailto:scastellanos@sbsdk12.org)

Sincerely,

Sergio E. Castellanos, M.S.  
Guidance Counselor



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Appeal Of Historic Landmarks Commission Approval Of 1330 Chapala Street

### **RECOMMENDATION:**

That Council deny the appeal of Margaret Cafarelli, Agent for Urban Developments, LLC of the application of Peikert + RRM Design Group, and uphold the Historic Landmark Commission's Project Design Approval for the proposed mixed-use project consisting of 33 new apartments, 2 new commercial units, a new partially below grade parking garage, and alterations to the existing at-grade parking lot, incorporating the changes to the site plan and Parking Management Plan that have since been proposed by the Applicant.

### **DISCUSSION:**

#### Project Description and Review History

The project is a new, three-story, 40'-2" tall mixed-use development on a 91,000 square foot parcel located at the southeast corner of W. Sola and Chapala Streets. The Arlington Theatre (a City designated Landmark) and Arlington Hotel Garden Arch (a City designated Structure of Merit) are located on the project site and are proposed to remain. The remainder of the site contains a private 125-space surface parking lot, which is the area being redeveloped. The project includes 33 residential apartments (totaling 28,302 net square feet) and two commercial units (totaling 931 net square feet). The new building totals 52,945 square feet, including a 534 square foot exercise room and a 13,400 square foot partially below-grade parking garage. The parking garage contains 42 spaces, and a surface parking lot contains 49 spaces, for a total of 91 parking spaces. Of those 91 parking spaces, 33 are allocated to the residential units, 2 are allocated to the commercial units and 56 are allocated to the Arlington Theatre. Also proposed is the removal of eight mature trees, with six mature palm trees to be relocated on site. Grading excavation will total 3,400 cubic yards. A new detached trash enclosure near the northwest corner of the Arlington Theatre would replace an existing trash enclosure. Refer to Attachment 5 for additional details, including a site plan.

The project was submitted for review on May 6, 2013. During staff's initial review of the plans, Public Works Transportation Planning Staff noted concerns about how the operation and loading of buses and trucks would occur during shows at the Arlington Theatre. Because the project includes rental units, and not condos, and because no other discretionary land use permits (such as a Modification or Conditional Use Permit) were required, the project did not require Planning Commission or Staff Hearing Officer review, and the Historic Landmarks Commission (HLC) was the sole decision-maker. However, it should be noted that the HLC has the ability to refer projects to the Planning Commission for comments when deemed appropriate pursuant to SBMC §22.22.133.

The design of the project was first reviewed by the HLC on May 22, 2013, at which time Staff clarified that the loading/unloading and parking circulation design continues to be under the Transportations Division's review. The HLC continued the project noting that, although the size and scale of the project was supportable, the architecture needed to be refined; the parking lot, landscaping, and paseos needed additional study; and larger private outdoor spaces should be considered. Minutes from that meeting are provided as Attachment 2.

The project was reviewed again by the HLC on June 19, 2013. The HLC continued the project and requested a response to the Commission's comments made during the May 22, 2013 review, and asked the applicant to continue studying the historic garden arch and relating it to the site; to continue studying the landscape so that it does not diminish the view of the Arlington Theatre; to mitigate the parking lot per the Urban Design Guidelines or make a case for a waiver of those guidelines; to continue to refine the architecture and articulation; and to propose a plan that reflects the original intent for the north-south paseo to be a commercial corridor. Minutes from that meeting are provided as Attachment 3.

The Applicant subsequently submitted a Truck Access and Management Plan that was reviewed by the Transportation Division. Transportation staff still had concerns with the overall circulation of the proposal and had previously recommended that the applicant provide an additional driveway and point of access on Sola St. However, the Applicant explained that it was not an option without re-designing the project due to slope constraints.

The project was reviewed again by the HLC on August 14, 2013. At that time, Transportation Staff explained to the HLC that the Truck Access and Management Plan was unusual because it requires so much day-to-day management and oversight; however, staff concluded that the Plan would be adequate as long as it was followed by the operator of the project. Mandatory compliance with the Plan was included in the draft conditions of approval prepared by Staff for HLC consideration. At that meeting, the HLC approved the project (4-2 vote) and made the Compatibility Analysis findings. The approval carried with it a list of conditions of approval and design comments to further ensure neighborhood compatibility. Minutes from that meeting, including the approved Conditions of Approval, are provided as Attachment 4.

Since the appeal was filed, that Applicant has modified the project in an attempt to resolve the appeal issues (refer to Attachment 5). The project has been modified in three key ways:

1. A new driveway providing access to/from Sola Street has been added.
2. The secondary egress driveway along Chapala Street has been eliminated.
3. The Traffic Management Plan has been amended to:
  - a. Require trucks and buses (except trash trucks) associated with the Arlington Theater to enter the property from the shared Chapala Street driveway and exit the property using the Sola Street driveway. The Sola Street driveway was incorporated into the design after the HLC approval.
  - b. Include the reservation of 5 on-site parking spaces instead of 13 for truck maneuvers.
  - c. Recognize that some on-street public parking on Sola street will need to be temporarily reserved to accommodate the outbound truck movement.

### Appeal Issues

On August 26, 2013 an appeal was filed by Margaret Cafarelli, Agent for Urban Developments, LLC (Attachment 1). The appellant's concern is that the proposal is inconsistent with the required findings for sound community planning, neighborhood compatibility and traffic. Primarily, these concerns relate to the project's impact on circulation due to truck traffic and loading/unloading associated with events at the Arlington Theatre. Secondarily, the concerns relate to the inadequate provision of paseos linking the site to surrounding development.

As noted above, since the appeal was filed, the Applicant has made some changes to the project to address some of the concerns raised in the appeal letter. Staff finds that these changes improve the project, especially as it relates to site and neighborhood circulation.

As noted in the HLC's Minutes on this project, issues of neighborhood compatibility and site design were discussed and considered. The HLC concluded that the project was appropriate for the site, compatible with the neighborhood, and consistent with the Urban Design Guidelines and El Pueblo Viejo Guidelines. Staff supports the HLC decision and finds that the project will not have a detrimental impact on the neighborhood. Transportation staff reviewed the updated Truck Access and Management Plan, and supports the proposed changes, primarily the addition of a second driveway on Sola Street. Staff does recommend that the HLC continue to work with the Applicant to refine and improve the paseo design.

### Additional Neighborhood Concerns

At the HLC meetings, members of the public also expressed concern about the elimination of existing private parking in the area as a result of the project. These

spaces are currently available for public use for a fee; however, they are not required parking for any area uses. Redevelopment of the site will eliminate approximately 34 parking spaces from the site. This could lead to increased demand for existing parking spaces on the street or in nearby public parking lots. Based on occupancy rates of nearby City Lots, there is capacity within these City lots to accommodate these 34 additional cars.

Some members of the public also expressed concern that Sola Street would be closed throughout construction and used after construction to accommodate the parking of trucks during shows at the Arlington Theatre. No long-term closure of Sola Street during construction would occur. There may be short-term closures for utility work in the City right-of-way during construction, but the majority of work will be performed on-site, including construction staging. During shows at the Arlington Theatre, parking permits for the use of Sola Street must be obtained from the Public Works Department no less than 72 hours prior to an event at the Arlington, when it is anticipated that trucks will need to stage on Sola Street prior to unloading on-site. Further, a few spaces would be requested to be reserved to accommodate turning movements of larger trucks while exiting the site through the Sola Street driveway. These parking permits will be reviewed by the Engineering Division Traffic Staff to ensure safe ingress and egress while minimizing impacts to on-street parking.

In conclusion, the long-term operational aspects related to the Arlington Theatre may have minor public impacts on the availability of on-street parking along Sola Street during Theatre events. However, Transportation staff have concluded that the impacts would be minimal based on existing parking availability both on-street and in public parking lots.

**ATTACHMENT(S):**

1. Appeal Letter dated August 26, 2013
2. HLC Minutes, May 22, 2013
3. HLC Minutes, June 19, 2013
4. HLC Minutes, August 14, 2013 and Conditions of Approval
5. Applicant Letter dated October 7, 2013, including Updated Project Description, Updated Site Plan, Sola Ramp Study and Updated Traffic Management Plan

**PREPARED BY:** Allison De Busk, Project Planner

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

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

URBAN DEVELOPMENTS

RECEIVED

August 26, 2013

2013 AUG 26 PM 2:10

Mayor and City Council  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

CITY OF SANTA BARBARA  
OFFICE OF THE CITY CLERK

**Subject: *Appeal of the August 14, 2013 Historic Landmarks Commission approval of the Preliminary Design Review and Development Plan Findings For 1330 Chapala Street Mixed Use Project (Arlington Village)***

Dear Mayor Schneider and Councilmembers:

Please accept this letter as an appeal of the August 14, 2013 Historic Landmarks Commission approval of Development Plan Findings for the 1330 Chapala Street Mixed Use project as described below.

***Proposed Project - 1330 Chapala Street***

*New, three-story, 40'-2" tall mixed use development on a 91,000 square foot parcel located at the corner of West Sola and Chapala Streets. The project will comprise 33 residential apartments (totaling 28,302 square feet) and two commercial units (931 net square feet). The Proposed new building will total 52,945 square feet, including a 534 square foot exercise room and a 13,400 square foot partially below-grade parking garage. The parking garage will contain 42 spaces, and a surface lot will contain 49 spaces for a total of 91 spaces, with 33 spaces allocated to the residential units, two spaces allocated to the commercial units and 56 spaces allocated to the Arlington Theatre (source: City of Santa Barbara Memorandum to HLC dated August 14, 2013).*

The Historic Landmarks Commission (HLC) is guided by a set of general goals that define the major concerns and objectives of the HLC review process. In particular, to promote neighborhood compatibility and safeguard the heritage of the City (by providing for the protection of landmarks representing significant elements of the City's history). Unfortunately, the HLC failed in its mandate to ensure sound community planning and neighborhood compatibility by approving the Development Plan Findings for the proposed project.

The following discussion outlines the proposed project's ***inconsistencies*** with the required Development Plan Findings for sound community planning and neighborhood compatibility.

### Sound Community Planning

In order to approve a Development Plan, a proposed development must be found consistent with the principles of sound community planning as outlined in the City's General Plan. The City's Land Use Element contains Principles for Development that are in place to ensure that the character of the El Pueblo Viejo District (in which the Proposed Project is located), is not compromised. These principles encourage compact, vibrant, and walkable places that are designed in harmony with surrounding development. Unfortunately, the proposed Arlington Village project fails to incorporate these principles and has been designed and sited so that it is incompatible with adjacent developments and the Arlington Theater. The project's design instead creates conflicts, particularly with respect to ingress, egress, and overall coordination with traffic flow and parking between adjacent developments and the Arlington Theater. The proposed design completely underestimates the operations and commercial parking needs of the Arlington Theater. For example, the Arlington Village traffic analysis estimated only 10 days of production related traffic at the Arlington Theater. This is grossly underestimated. The Santa Barbara Film Festival alone operates for two weeks and this does not include set-up leading up to the festival or breakdown once the festival has concluded. The project must be redesigned to address this issue or it will result in ongoing traffic conflicts and complaints for years to come.

Furthermore, the City's Circulation Element includes a number of policies and implementation strategies to increase access and walking opportunities. In particular, Circulation Element Policy 5.3 promotes the protection and expansion of paseos in the Downtown, while Implementation Strategy 5.3.3 encourages private development to incorporate public paseos by offering increased density and other incentives for providing or improving paseos and paseo connections. Regrettably, despite the project receiving increased density, the project's design fails to incorporate a connecting paseo or increase the width of the existing paseo at 34 W. Victoria to accommodate the increased uses associated with the proposed Arlington Village project. The project must be redesigned to ensure that new and existing paseos are incorporated into their overall project design. Otherwise, the paseos will end up being disconnected and highly congested that will impact residents of both projects, patrons of the public market place, shop owners, and the Arlington Theater operations.

2

### **Neighborhood Compatibility**

In order to promote consistency between the City land use decision making process and the City design review process, Section 22.22.145 Title 22 of the Santa Barbara Municipal Code provides project compatibility criteria that shall be considered by the HLC in their review and approval of the design of a proposed development project.

Unfortunately, the HLC failed to ensure that the proposed project was designed to be sensitive to the adjacent Arlington Theater and its operation and in compliance with the City's Design Guidelines.

The project is located within the El Pueblo Viejo Historic District and subject to the very specific El Pueblo Viejo Design Guidelines. The project's proposed design is inconsistent with the El Pueblo Viejo Design Guidelines regarding paseos and courtyards. The proposed project fails to adhere to these guidelines that encourage paseos, which provide pedestrian connections that are important for customer convenience and aesthetic compatibility. More importantly, the El Pueblo Viejo Design Guidelines include a figure illustrating paseo opportunities within the City. This figure (attached) shows two paseo opportunities as identified in the Paseo Plan located on the subject development site. However, these paseo opportunities are not properly addressed and/or incorporated into the project's overall design.

In addition, the City's Urban Design Guidelines encourage the protection and enhancement of the City's paseo system. This document also provides specific guidelines as to when paseos should be incorporated into new developments. The design of the proposed Arlington Village project fails to incorporate the required paseos to provide walkable pedestrian connections to the Arlington Theatre, offices, and stores located within the interior of this City block, and more importantly, the design fails to address how residents, large trucks and busses associated with the proposed project (and the existing Arlington Theater) will impact the adjacent paseo at 34 West Victoria street. The current design of the Arlington Village project will create significant pedestrian and traffic conflicts with the adjacent property's paseo. The Arlington Village project needs to address not only the residents of both projects, but the Arlington Theater truck loading. Failure to address this matter will lead to potential safety issues for pedestrians and unnecessary congestion with vehicles and trucks, both on and offsite. The design of the proposed Arlington Village project must take into consideration the existing paseos to ensure connectivity between the paseos and to avoid conflicts between residents of both projects and the Arlington Theater truck ingress/egress needs.

### **Traffic**

The proposed Arlington Village project proposes to have all ingress and egress for the project occur from Chapala Street using the same access point as the adjacent 34 W. Victoria Street mixed use project and the ongoing operations of the Arlington Theater, rather than incorporating a secondary access from Sola Street. The use of Chapala Street as the sole entrance and exit for the proposed Arlington Village project and adjacent uses will create significant traffic impacts should all these uses be required to enter and exit from the same driveway access point off of Chapala Street, not to mention increased traffic congestion along an already congested Chapala Street. The proposed Arlington Village project needs to be redesigned to incorporate access from Sola Street. Sola Street does not have any retail along the frontage and currently provides access to the existing parking lots. This access needs to be retained and incorporated as the primary access to the proposed project to avoid significant traffic impacts along the Chapala Street.

### **Summary**

The proposed Arlington Village design is inconsistent with the City's Principles for Development for sound community planning and neighborhood compatibility. The proposed design fails to incorporate new paseos and address existing paseos in the area, which is inconsistent with the City's General Plan and the City's El Pueblo Viejo and Urban Design Design Guidelines. In addition, the Arlington Village project design needs to incorporate access to the project from Sola Street. It is simply impractical to have all ingress and egress for these uses occur from one single driveway. The proposed Arlington Village project must be redesigned to address these flaws to ensure that the character of the El Pueblo Viejo is not compromised and traffic in the neighborhood is not impacted by poor design.

We hope that your Council will consider our strong concerns regarding the design flaws of the proposed Arlington Village project as it relates to not just our project, but the entire block and neighborhood upon which our projects are located. The project must be redesigned to properly address these issues.

Appeal of HLC Approval 1330 Chapala Street, Mixed Use  
August 26th, 2013

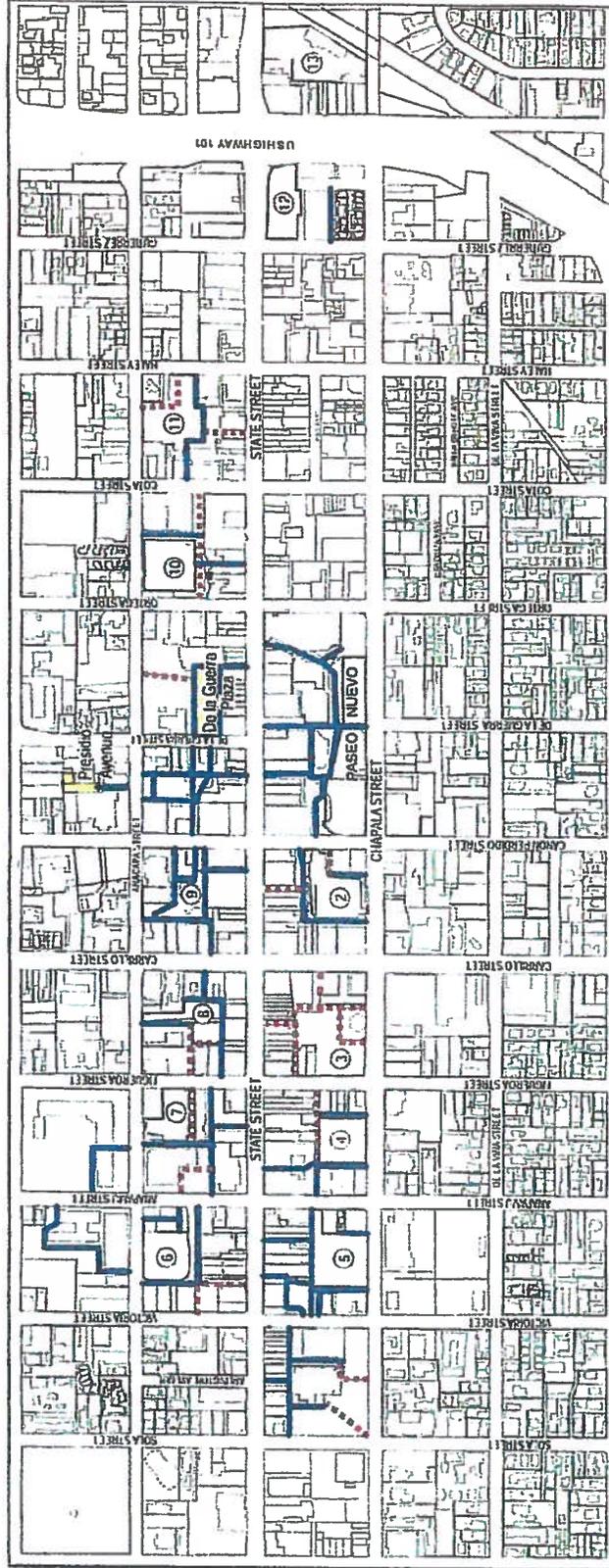
Thank you for your consideration of this appeal.

Most Sincerely,



Margaret L. Cafarelli  
Urban Developments, LLC  
[marge@urbandevelopments.com](mailto:marge@urbandevelopments.com)  
805-560-8048 ext. 101

Attachments



## City of Santa Barbara DOWNTOWN PASEOS

**Legend**

- Existing Paseos
- Paseo Opportunities Identified in Pasco Plan
- City Public Parking Lots and Garages
- Plazas
- Downtown Building Lines

\*All city public parking lots and garages are named and numbered. The designated number for each lot and garage is shown on this map.



Revised: May 14, 2009

**Motion:** To accept the report with the condition that the following amendments be made by the report preparers:

1. Include a copy of the Edwards and Plunkett architectural firm’s plans and renderings.
2. On page 48, change the number of trees from “nine of the twelve trees” to “the applicant’s project would retain eight of the twelve trees.”
3. On page 49, clarify that, in the design of the building, the view from the parking lot of the north elevation of the Arlington Theatre was not intended to be part of the public view.
4. On page 50, add a summary statement indicating that all the measures to be incorporated into the project description as shown in bullet points should be reviewed by the Historic Landmarks Commission.

**Action:** Winick/La Voie, 4/3/0. (La Voie/Murray/Sharpe opposed. Boucher/Drury absent.)  
Motion carried.

**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

6. **1330 CHAPALA ST** C-2 Zone

(3:00) Assessor’s Parcel Number: 039-131-001  
 Application Number: MST2013-00169  
 Owner: Metropolitan Theatres Corporation  
 Architect: Peikert Group Architects  
 Landscape Architect: Courtney Jane Miller Landscape Architect

(This is a revised project. Proposal for a new, three-story, 38'-6" tall mixed-use development on a 91,000 square foot parcel located at the corner of W. Sola and Chapala Streets. The project will comprise 32 residential apartments and four flexible-space units (1,708 net square feet) allowing either residential or commercial use. The 36 units will total 31,140 square feet, and a 550 square foot exercise room is also proposed. The partially below-grade 13,800 square foot parking garage will contain 40 spaces, and a surface lot will contain 50 spaces, with 36 spaces allocated to the units and 54 spaces allocated to the Arlington Theatre. Also proposed is the removal of seven mature trees including four grevillea, two pittosporum and one ficus, with 15 mature palm trees to be preserved and re-planted. Grading excavation will total 3,400 cubic yards. A detached trash enclosure for the theater is proposed to replace an existing trash enclosure and will be constructed near the northwest corner of the Arlington Theatre. This parcel is within the 10% Parking Zone of Benefit and *contains a designated Structure of Merit: "Arlington Hotel Garden Arch."*)

**(Comments only; project requires Environmental Assessment, Development Plan Approval, and Historic Resource Findings. Project was last reviewed on August 29, 2012, under MST2007-00371.)**

Actual time: 3:19 p.m.

**Present:** Detlev Peikert and Gordon Brewer, Peikert Group Architects  
 Courtney Jane Miller, Landscape Architect, CJMLA  
 David Corwin, Property Owner, Metropolitan Theatres

Staff comments: Susan Gantz, Planning Technician, clarified that the loading/unloading and parking circulation design continues to be under the Transportations Division's review. The tree protection measures shown on the plans are slightly different from the City's guidelines and City-required measures have been provided to the applicant. The four flexible-space units shown in the project description are actually commercial units (and are identified as "studio" on the ground floor plan).

Public comment opened at 3:47 p.m.

Margaret Cafarelli, adjacent property "Alma del Pueblo" owner, spoke in support of the project with the provision that the ingress/egress of large service trucks be addressed as there are potentially 12 to 15 Arlington Theatre events per year that would cause impacts to the shared common driveway.

Kellam de Forest, local resident, commented that the buildings are not articulated enough, they do not have a varied frontage, and to consider the historic gate in the design. He questioned the need for a tree at the corner of Chapala and Sola Streets that would obstruct the view through the historic arch to the Arlington Theatre.

Chair Suding acknowledged receipt of public correspondence:

1. Paula Westbury, local resident, expressing opposition.
2. Randall Fox, attorney, questioning the number of parking spaces allocated for the project and the Arlington Theatre.

Public comment closed at 3:54 p.m.

**Motion:**            **Continued four weeks with comments:**

1. Although the size, bulk and scale may be supportable, the architecture needs refining. Elaborate on the articulation of the architecture, but simplify the decoration. Emulate the Edwards and Plunkett intent in the project's style.
2. Vary the units and ridge heights.
3. Although there is some support for a variance from the Urban Design Guidelines, the project's compliance with those guidelines with regard to the parking lot and screening of cars is of concern.
4. Show the outline of the parking structure below on the plans.
5. Continue to study lowering the garage parking lot to reduce the overall height.
6. The minimum setback provided is problematic.
7. Study providing larger private outdoor space for individual units.
8. Address the City's Storm Water Management Program.
9. Study parking lot planters and address the City's standards for parking lot planters.
10. Ensure raised planters are deep enough.
11. Study using porous pavers.
12. The landscape should be sensitive to view sheds.
13. Pay attention to the paseo design.
14. The paseo off of Sola Street should provide a view to the important architectural element of the Arlington Theatre's north elevation tripartite windows.
15. Study the building's relationship to the north/south paseo. Better integrate the intersection of the two paseos.
16. Study the relationship of the building to the east/west paseo.
17. Provide a sense of place at the garden gate and a connection to the building.
18. Show a separate children's play area if proposed.

**Action:**            Sharpe/Orías, 7/0/0. (Boucher/Drury absent.) Motion carried.

**CONCEPT REVIEW - CONTINUED****5. 1330 CHAPALA ST**

C-2 Zone

(2:30) Assessor's Parcel Number: 039-131-001  
 Application Number: MST2013-00169  
 Owner: Metropolitan Theatres Corporation  
 Architect: Peikert Group Architects, LLP

(This is a revised project. Proposal for a new, three-story, 38'-6" tall mixed-use development on a 91,000 square foot parcel located at the corner of W. Sola and Chapala Streets. The project will comprise 32 residential apartments and four commercial units (1,708 net square feet). The 36 units will total 31,140 square feet, and a 550 square foot exercise room is also proposed. The partially below-grade 13,800 square foot parking garage will contain 40 spaces, and a surface lot will contain 50 spaces, with 36 spaces allocated to the units and 54 spaces allocated to the Arlington Theatre. Also proposed is the removal of seven mature trees including four grevillea, two pittosporum, and one ficus, with 15 mature palm trees to be preserved and re-planted. Grading excavation will total 3,400 cubic yards. A detached trash enclosure for the theater is proposed to replace an existing trash enclosure and will be constructed near the northwest corner of the Arlington Theatre. This parcel is within the 10% Parking Zone of Benefit and contains a *designated Structure of Merit: "Arlington Hotel Garden Arch."*)

**(Second Concept Review. Comments only; project requires Environmental Assessment, Development Plan Approval, and Historic Resource Findings. Project was last reviewed on May 22, 2013.)**

Actual time: 2:29 p.m.

Present: Bruce Corwin, Property Owner, Metropolitan Theatres  
 Detlev Peikert, Gordon Brewer and Lisa Plowman, Peikert Group Architects  
 Courtney Jane Miller, Landscape Architect, CJMLA

Public comment opened at 3:01 p.m.

1. Dave Lombardi, local business owner and Downtown Organization President, spoke in support of the project.
2. Bill Collyer, Downtown Organization, spoke in support of the project.
3. Kellam de Forest, local resident, commented on the Edwards and Plunkett original plan for the area around the Arlington Theatre and questioned whether this project was similar to that plan.
4. Richard Yates, local business owner, commented on the reduction in parking and how it would affect other businesses in the area during and after construction.
5. Matt LaBrie, local business owner, spoke in support of the project.
6. Ken Jacobsen, local resident, spoke in support of the project.
7. Michael Rassler, Jewish Federation of Greater Santa Barbara Executive Director, spoke in support of the project.
8. Michael Nissenson, local resident, spoke in support of the project.

Public comment closed at 3:12 p.m.

**Motion: Continued four weeks with comments:**

1. Provide a design response to the Commission comments made during the May 22, 2013, review.
2. Continue studying the historic garden arch, relating it to the site. Although the historic garden arch's treatment as a solitary element seems to be effective, study using the historic garden arch as pedestrian access to the parking lot.
3. Continue studying the landscape so that it does not diminish the view of the Arlington Theatre.
4. The parking quantity does not seem to be sufficient. Mitigate the parking lot per the Urban Design Guidelines or make a case for a waiver of those guidelines.
5. The Commission supports the project, but the architecture needs be superlative and exemplary. The uniqueness of this site next to the Arlington Theatre warrants special attention.
6. Simplify the architecture, looking to the Arlington Theatre for inspiration. The proposed building has to be compatible with the historic resource.
7. The articulation depths along the east and west elevations need to be greater.
8. The project should be more like a village, similar to El Paseo.
9. The architecture needs to look less like an apartment-style; for instance, the stacking of windows.
10. Propose a plan that reflects the original intent for the north-south paseo to be a commercial corridor.
11. If increasing outdoor space, provide the specifics.
12. Recognize the use of potential renters/users.
13. Provide a better balance between what the City allows and what the property owner desires.
14. Staff will be drafting conditions of approval for review by the Commission.

Action: La Voie/Orias, 6/0/1. (Shallanberger abstained. Boucher/Winick absent.) Motion carried.

**CONCEPT REVIEW - CONTINUED**

**6. 1000 STATE ST**

C-2 Zone

(3:15) Assessor's Parcel Number: 039-282-014  
 Application Number: MST2013-00173  
 Owner: Quincy/1000 Associates, LP  
 Architect: Edwards Pitman Architects  
 Business Name: Bank of Montecito

(Proposal to install a new automated teller machine at the State Street elevation. This building is on the *City's List of Potential Historic Resources: "Bank of Montecito."*)

**(Second Concept Review. Project was last reviewed on May 22, 2013.)**

**This item was postponed indefinitely at the applicant's request.**

**CONCEPT REVIEW - CONTINUED****6. 1330 CHAPALA ST**

C-2 Zone

(4:45) Assessor's Parcel Number: 039-131-001  
 Application Number: MST2013-00169  
 Owner: Metropolitan Theatres Corporation  
 Architect: Peikert + RRM Design Group  
 Business Name: Arlington Village

(This is a revised project description. Proposal for a new, three-story, 40'-2" tall mixed-use development on a 91,000 square foot parcel located at the corner of W. Sola and Chapala Streets. The project will comprise 33 residential apartments (totaling 28,302 square feet) and two commercial units (931 net square foot). The new building will total 52,945 square feet, including a 534 square foot exercise room and a 13,400 square foot partially below-grade parking garage. The parking garage will contain 42 spaces, and a surface lot will contain 49 spaces for a total of 91 spaces, with 33 spaces allocated to the residential units, two spaces allocated to the commercial units and 56 spaces allocated to the Arlington Theatre. Also proposed is the removal of eight mature trees including four grevillea, two pittosporum, one solanum and one ficus, with 6 mature palm trees to be relocated on site. Grading excavation will total 3,400 cubic yards. A detached trash enclosure for the theater is proposed to replace an existing trash enclosure and will be constructed near the northwest corner of the Arlington Theatre. A waiver of parking lot interior planter requirements is requested. This parcel is within the 10% Parking Zone of Benefit and *contains a designated Structure of Merit: "Arlington Hotel Garden Arch."*)

**(Third Concept Review. Action may be taken if sufficient information is provided. Project requires a waiver of parking lot landscape standards, Development Plan Approval findings, Compatibility Criteria Analysis, and Historic Resource Findings. Project was last reviewed on June 19, 2013.** Note: the project activity is within the scope of the 2011 General Plan and the Program EIR analysis for the General Plan. No further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code section 21083.3 and Code of Regulations section 15183). City Council environmental findings adopted for the General Plan remain applicable for this project.)

Actual time: 4:47 p.m.

Present: Bruce Corwin, Property Owner, Metropolitan Theatres  
 Detlev Peikert and Gordon Brewer, Architects, Peikert + RRM Design Group  
 Lisa Plowman, Planning Manager, Peikert + RRM Design Group  
 Courtney Jane Miller, Landscape Architect, CJMLA  
 Steven Foley, Supervising Transportation Planner

Public comment opened at 5:32 p.m.

Kellam de Forest, local resident, commented on the Commission's request that the design be special due to the uniqueness of the adjacent landmark, the Commission mandate to review the design without consideration of the applicant's budgetary constraints, and the need of a visual celebration of the Arlington Theatre.

Public comment closed at 5:33 p.m.

A letter was acknowledged from Paula Westbury expressing opposition to the project.

Straw votes: How many Commissioners think that story poles are essential? 2/4. (Drury/Orías/Shallanberger/Suding opposed.)

How many Commissioners would agree with the finger planter waiver? 5/1. (La Voie opposed.)

How many Commissioners think that the form of the building needs to be modified so that there is a view of the Arlington Theatre's north balcony? 2/4. (Drury/Orias/Shallanberger/Suding opposed.)

**Motion:** **Project Design Approval making the CEQA Finding** as per Staff Memorandum dated August 14, 2013; and including **suggested amendments on the conditions of approval as listed below. Project is continued indefinitely with the following comments:**

**1. Design Comments:**

- a) Architecture needs to be more breathtaking and special.
- b) Architecture needs to be simpler and less adorned.
- c) Provide an access through the historic gate.
- d) Trash enclosure location at the *paseo* is not appropriate and modification request is not supportable.
- e) Traffic Department needs to deal with the truck management plan.
- f) Study using less fenestration.
- g) The Commission is supportive of the requested waiver for parking lot finger planters based on the alternative landscaping provided.

**2. The Commission has reviewed the proposed project and Compatibility Analysis Criteria have been generally met for this project (per SBMC 22.22.145.B. and 22.68.045.B.) as follows:**

- 1) The project's architectural character is in a Hispanic style consistent with the character of the City.
- 2) The height, scale and massing will be compatible with adjacent developments in the sense that it is far under the allowable height and massing for the zoning.
- 3) The development will have sufficient open space and landscaping as it exceeds the requirements per the ordinance and zoning.
- 4) The project is consistent with the Urban Design Guidelines and El Pueblo Viejo Guidelines.
- 5) The project has been designed to be sensitive to the adjacent City Landmarks and Historic Resources.

**3. Conditions of Approval:** The Draft Conditions of Approval dated August 14, 2013, are approved with the following suggested additions:

- a) To facilitate construction, study closing Sola Street temporarily.
- b) Show where enhanced pavement is in the project.
- c) Address stormwater management and quality.
- d) Solar heating and panels should be identified.
- e) Acoustics should not exceed 45 dB.
- f) Provide directory for project after it is built.
- g) All roadways, driveways and sidewalks shall be paved as soon as possible and kept clean.
- h) Reword the ground disturbance condition to be less restrictive (e.g., in excess of 12" below grade).

**Action:** Shallanberger/Drury, 4/2/0. Motion carried. (Murray/La Voie opposed because they believe the project is not sufficiently sensitive to the adjacent historic landmark. Boucher/Sharpe/Winick absent.)



# City of Santa Barbara California

## HISTORIC LANDMARKS COMMISSION CONDITIONS OF APPROVAL

1330 CHAPALA STREET  
AUGUST 14, 2013

In consideration of the project approval granted by the Historic Landmarks Commission (HLC) and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the HLC on August 14, 2013 is limited to a new, three-story, 40'-2" tall mixed-use development on a 91,000 square foot parcel located at the southeast corner of W. Sola and Chapala Streets. The project includes 33 new residential apartments (totaling 28,302 square feet) and two new commercial units (totaling 931 net square feet). The new building will total 52,945 square feet, including a 534 square foot exercise room and a 13,400 square foot partially below-grade parking garage that contains 42 spaces. A surface lot will contain 49 spaces, for a total of 91 parking spaces on-site. Thirty-three covered spaces are allocated to the residential units, two covered spaces are allocated to the commercial units and 56 spaces (7 covered, 49 uncovered) are allocated to the Arlington Theatre. Also proposed is the removal of eight mature trees including four grevillea, two pittosporum, one ficus and one solanum, with 6 mature palm trees to be preserved and relocated on-site. Grading excavation will total 3,400 cubic yards. A detached trash enclosure for the Theatre is proposed to replace an existing trash enclosure and will be constructed near the northwest corner of the Arlington Theatre. The Arlington Theatre and Arlington Hotel Garden Arch are proposed to remain. Landscape and hardscape improvements are also proposed, as shown on the approved plans.
  2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
  4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the HLC. Such plan shall not be modified unless prior written

approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Truck Access and Management Plan.** The development shall comply with the Truck Access and Management Plan prepared by Associated Transportation Engineers and dated July 25, 2013 and the following conditions:
  - a. For any activity, all trucks and buses associated with Arlington Theatre events shall be scheduled to arrive and depart outside of peak traffic hours of 7 am through 9 am and 4 pm through 6 pm.
  - b. All trucks and buses associated with Arlington Theatre events shall leave the site for temporary storage upon completion of performance stage set up, and return after performances to reload equipment to trucks.
  - c. Vehicles shall be limited to one truck and one bus onsite at a time. Events that require multiple trucks or buses shall be staggered with the additional vehicles staged on W. Sola St.
  - d. Permits for a "No Parking" area to facilitate staging on Sola St. shall be obtained from the City Public Works Department no less than 72 hours in advance of the event day.
  - e. Thirteen parking spaces within the Arlington parking lot shall be reserved and blocked to facilitate truck movements, parking and loading per figure 2 of the Truck Access and Management Plan.
  - f. Trucks and buses shall be removed from the Arlington site after completion of unloading.

- g. The designated parking area for trucks and buses shall be coned off on the Arlington Site to facilitate loading and unloading per figure 3 of the Truck Access and Management Plan.
  - h. The Arlington Theatre operators shall employ traffic and parking personnel to supervise unloading and loading activities, enforce parking restrictions, manage truck and bus ingress and egress from the site, and monitor parking lot circulation.
  - i. An orientation meeting shall take place between the Theatre operators and traffic control personnel prior to the first event season after project occupation to review management plan components of the Truck Access and Management Plan.
  - j. A monitor shall be hired during the first event season after project completion to determine if the Truck Access and Management Plan is working as intended. The monitoring firm is to prepare a summary report documenting operations after each event. A final report is to be submitted to Public Works Transportation staff one year after the occupied project's first event, summarizing all season operations and providing any recommended operational adjustments.
  - k. Follow-up meetings between the Theatre operators and traffic monitor personnel shall be scheduled as necessary to review each monitoring report and recommend fine tune management components to City staff.
7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
8. **Common Area Maintenance.** All common/shared areas shall be kept open, available and maintained in the manner in which it was designed and permitted.
9. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted except as outlined in the Truck Access and Management Plan.
- B. **Final Design Review.** In addition to the items identified in the HLC motion granting Project Design Approval, the following items shall be satisfactorily addressed in the final design plans prior to Final Approval by the HLC.
- 1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 24-inch box sized or 15 gallon size tree(s) of an appropriate species or like species, as determined by the HLC, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.

2. **Tree Relocation.** The five existing Phoenix canariensis tree(s) and one Washingtonia robusta tree shall be relocated on the Real Property and shall be fenced and protected during construction.
3. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
  - a. **Tree Protection.** All trees not indicated for removal on the approved Tree Protection & Removal Plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan and/or any related Conditions of Approval.
  - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the HLC.
  - c. **Tree Protection Plan.** The recommendations/conditions contained in the Tree Protection Plan prepared by Courtney Jane Miller, dated July 24, 2013, shall be implemented.
  - d. **Tree Replacement.** Any tree that is identified to remain in place or be relocated on-site that is subsequently damaged, lost or dies within two years of Occupancy of the project, shall be replaced at a three to one (3:1) ratio with replacement species and size to be approved by the HLC.
  - e. **During Construction.**
    - (1) All trees within 25 feet of proposed construction activity shall be fenced six feet outside the dripline for protection.
    - (2) No grading shall occur within six feet of the dripline(s) of the existing tree(s).
    - (3) A qualified Arborist shall be present during any excavation beneath the dripline(s) of the tree(s) which are required to be protected. All excavation within the dripline(s) of the tree(s) shall be minimized and shall be done with hand tools.
    - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
    - (5) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
    - (6) No heavy equipment, storage of materials or parking shall take place within six feet of the dripline of any tree(s).
4. **Screened Backflow Device.** The backflow devices for fire sprinklers, solar panels and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.

5. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted "Malaga Green," and if feasible, they shall be screened as approved by HLC.
  6. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) and green waste containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Said enclosure shall be approved by MarBorg and the City of Santa Barbara Environmental Services Division.  

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  7. **Historic Resource Report.** Prior to final approval of the project by the HLC, the items identified in Section 10.1 of the Historic Structures Report prepared by Post/Hazeltine Associates and dated April 25, 2013, shall be addressed.
  8. **Enhanced Pavement.** Identify all areas or enhanced or permeable pavement. Provide details on scoring patterns, colors, etc.
  9. **Solar Energy Systems.** Identify and detail any proposed solar panels, systems or equipment for the project. Regardless of whether a solar energy system is currently proposed, all projects are recommended to show a "potential future solar energy system installation location" if feasible for the site. Plans are recommended to show at least 300 square feet of roof space with good sun exposure free of rooftop equipment for potential future solar energy system installation if feasible
  10. **Storm Water Management.** Details on project compliance with Tier 3 Storm Water Management requirements shall be included on the final plans reviewed by the HLC.
  11. **Project Directory.** A project directory, including map and parking directional signs, listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.
  12. **Truck Access and Management Plan.** The project plans shall include a copy of the Truck Access and Management Plan prepared by Associated Transportation Engineers and dated July 25, 2013, including any associated diagrams.
- C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions

may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Public Improvements.** Public improvements are required for this project and shall be submitted to the Public Works Department for review and approval. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. Any design changes to the project or improvements in the right-of-way as a result of Public Works review of the public improvements shall require review after final by the HLC.

As determined by the Public Works Department, the improvements may include, but are not limited to, new and/or remove and replace to City standards, the following: sidewalk, driveway aprons modified to meet Title 24 requirements with widths to be determined by the City Traffic Engineer, curb and gutter, access ramp(s), asphalt concrete or concrete pavement on aggregate base or crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, connection to and/or relocation or extension of water and sewer mains and utilities, installation of new residential/commercial fire hydrant(s), public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe or connection to existing City or County storm drain, supply and install City standard Dome Style (or other) street light(s), coordinate with Public Works staff and Edison to retire light standard from existing utility pole, preserve and/or reset survey monuments, protect and relocate existing contractor stamps to parkway, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, supply and install new street name sign(s), storm drain stenciling, improvement of the MTD bus stop consistent with current MTD bus stop standards and amenities provided by the neighborhood type stop described in the City Urban Design Guidelines (benches, trash receptacles, shelters with night lighting, decorative hardscape surface, and concrete pads to meet ADA requirements) on Sola Street, new street trees and tree grates, and provide adequate positive drainage from site.

Any work in the public right-of-way requires a Public Works Permit.

- b. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction*

*Rights.* Engineering Division Staff prepares said agreement for the Owner's signature.

- c. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water Management Plan (treatment). The Owner shall submit drainage calculations and/or worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, storm water facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- d. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.

The Public Works Department shall consider closing Sola Street from State Street to Chapala Street in order to facilitate construction at the site.

- e. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
- f. **Vehicle Access.** Vehicles exiting to Chapala Street shall be restricted to right turns only, and a NO LEFT TURN sign shall be posted and maintained on-site advising motorists of this restriction and shall be shown on the approved plans.
- g. **Stop Sign.** A "STOP" sign and painted stop bar with "Stop" legend shall be installed at the main Chapala Street exit and shown on the approved plans.

h. **Bicycle Parking.**

- (1) **Residential:** Provide 16 covered secure bicycle parking spaces on the first floor of the development for residents. For residential bicycle parking, it is preferred that at least a portion be provided in bicycle lockers, a bicycle room, or similar covered and lockable storage on the first floor of the residential development. Their size and location shall be approved by the Transportation Manager.
- (2) **Commercial.** Provide one (1) bicycle parking space for every seven (7) vehicle parking spaces allocated to the commercial portion of the project. As currently designed, this would require seven (7) bicycle spaces. Their size and location shall be approved by the Transportation Manager.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition A "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Archaeological Monitoring Contract.** Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by David Stone, dated May 2013. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition C.2.c "Requirement for Archaeological Resources" below.

- c. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash

representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- d. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a building permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a building permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 50 years old. After construction, a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who elected to participate in the survey shall be prepared. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site.
- e. **Shoring Design.** Special design of the shoring is required to minimize the potential for deflection that may damage adjacent structures. A structural/civil engineer knowledgeable in this type of construction shall be retained to design the shoring and underpinning.
- f. **Solid Waste Management Plan.** The Applicant shall develop and implement a solid waste management plan that identifies feasible

measures to address the operation of the Project, which may include, but is not limited to, the following:

- (1) Provision of space and/or bins for storage of recyclable materials within the project site. This information shall be shown on the building plans and installed as a part of the proposed project's improvements.
  - (2) Development and implementation of a plan for collection of recyclable materials on a regular basis.
  - (3) Development of source reduction measures, indicating the method and amount of expected reduction.
  - (4) Implementation of a monitoring program (quarterly, bi-annually) to attain and maintain a 50-80% minimum participation in recycling efforts.
  - (5) Implementation of a composting landscape waste reduction program.
- g. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- h. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.  
Submit a draft copy of the notice to the Planning Division for review and approval. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- i. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the HLC and all elements/specifications shall be implemented on-site.
- j. **Acoustic Report.** An acoustic report compliant with 2007 CBC section 1207.11.2 shall provide specific construction requirements so "Interior

noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room."

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

Signed:

		Date
		Date
		License No.
		Date
		License No.
		Date
		License No.

En

- D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence; said sign shall not exceed 24 square feet.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 8:00 a.m. and 4:00 p.m., excluding the following holidays:

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1330 CHAPALA STREET "ARLINGTON VILLAGE"  
AUGUST 14, 2013

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

- 4. Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
- 5. Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
- 6. Vibration.** During demolition of the existing site improvements, care shall be taken to ensure that excessive vibrations of the ground closest to the Arlington Theatre do not occur. Any piece of pneumatic machinery used in the demolition process should be restricted to working at least 20 feet away from the Theatre.
- 7. Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).

8. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
9. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
10. **Construction Equipment Maintenance/Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
11. **Construction Dust Control - Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
12. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
  - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
  - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
  - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and

weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

13. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

- 1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
- 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
- 3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.

F. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government

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AUGUST 14, 2013

entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

October 7, 2013

Ms. Allison DeBusk  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, 93103

RECEIVED  
OCT 07 2013  
CITY OF SANTA BARBARA  
PLANNING DIVISION

**RE: Arlington Village Apartments (MST2013-00169)**

Dear Allison,

Per your request I've attached an updated project description for the Arlington Village Apartments, an updated site plan, the Sola Ramp Study, and an updated Traffic Management Plan.

Since the approval of the project at the Historic Landmarks Commission (HLC) on August 14, 2013 our team has modified the site plan by adding a secondary point of ingress and egress. It had been our desire to provide a secondary driveway from Sola Street as we felt that it would improve circulation on the site. But, upon initial assessment by our civil engineer, Penfield & Smith (P&S), it appeared that the grades were too steep for the driveway to meet the City's slope requirements. Please note that there has been no change to the building design that was approved by HLC.

Once the project was appealed by Marge Cafarelli, we sat down with P&S and our transportation consultant, Associated Transportation Engineers (ATE), to review the matter again. Our team discovered that, with the reconfiguration of the drainage plan and the parking layout, we could provide the secondary point of ingress and egress. We were pleased that this new driveway could be included. The provision of the driveway resolved Ms. Cafarelli's key concern about traffic loading at the Chapala Street driveway and site circulation.

In addition, the provision of the Sola Street driveway allowed us to remove the existing secondary point of egress off of Chapala Street. This driveway was planned to be used as a point of exit by the trucks/buses supporting the 10-12 live performances that require them. They are now planned to exit the site at the Sola Street driveway. Transportation staff reviewed the revised site plan and were supportive of the changes.

Lastly, ATE updated the Traffic Management Plan to reflect the changes to the site plan. The plan is intended to ensure that the existing theatre operations and the on-site traffic associated with Arlington Village Apartments and Alama del Pueblo. They are well coordinated and do not conflict with one another.

○ San Luis Obispo  
3765 S. Higuera St., Ste. 102  
San Luis Obispo, CA 93401  
P: (805) 543-1794 | F: (805) 543-4609

○ Santa Maria  
1862 S. Broadway, Ste. 101  
Santa Maria, CA 93454  
P: (805) 349-7788 | F: (805) 354-7050

● Santa Barbara  
10 E. Figueroa St., Ste. 1  
Santa Barbara, CA 93101  
P: (805) 963-8283 | F: (805) 963-8184

○ San Clemente  
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San Clemente, CA 92672  
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A California Corporation | Victor Montgomery, Architect #C

ARCHITECTS | PLANNERS | SURVEYORS  
Bry Michael, PE #36895, LS #6276 | Jeff Ferber, LA #2844

Printed on recycled paper 

*Arlington Village Apartments (MST2013-00169)*  
*Ms. Allison DeBusk*  
*October 7, 2013*  
*Page 2*



Please let me know if you have any questions.

Sincerely,

**RRM DESIGN GROUP**

A handwritten signature in blue ink that reads 'Lisa Plowman'.

Lisa Plowman  
Planning Manager

- Attachments:
1. Updated Project Description
  2. Updated Site Plan
  3. Sola Ramp Study
  4. Updated Traffic Management Plan, September 12, 2013

## ***Arlington Village Apartments***

The 91,000 square foot project site is located on the corner of Sola and Chapala Streets. The Arlington Theater and a surface parking lot are located on-site. The Corwin Family is proposing to develop the existing surface parking lot with a mixed use project including 33 apartments and two small commercial spaces. More specifically, the project includes:

- 33 apartments totaling 29,180 gross square feet
- 2 studio flex-units totaling 960 gross square feet. These units would be rented as a commercial office.
- A 550 square foot exercise room
- A 13,789 square foot parking garage and improved surface parking for the theatre
- A 361 square foot trash enclosure for the theatre (replacing a fenced trash enclosure that currently exists in the parking lot)

The project is 54,621 gross square feet (including the 13,789 square foot parking garage). The project is consistent with and helps to fulfill Plan Santa Barbara’s new residential policies that encourage the development of new rental units in the downtown that are modestly sized. For example, the average unit size for this project is 858 net square feet. The proposed density is approximately 17.3 units per acre. A breakdown of the unit count and size is provided below:

<b>UNIT TYPES &amp; SIZE</b>		
<b>33 Apartments &amp; 2 Commercial Flex Units</b>		
<b>Number of Units</b>	<b>Type of Unit</b>	<b>Unit Size</b>
2	Studios	427 Net SF
2	Flex Space Studio	466 Net SF
5	1 Bedroom/1 Bath	640 Net SF
4	1 Bedroom/1 Baths	776 Net SF
2	2 Bedroom/1 Bath	873 Net SF
14	2 Bedroom/2 Bath	931 Net SF
2	2 Bedroom/2 Bath	854 Net SF
4	3 Bedroom/2 Bath	1,164 Net SF

The project has been designed to complement the existing walking paseo system within this City block. As shown on the site plan, the building will be constructed in the northeast corner of the existing parking lot and will complete the development of this portion of the block as envisioned in the 1930s. The project will incorporate the existing paseos that run north-south from Sola to Victoria and east-west along the north side of the theatre.

The proposed buildings would be 2 ½ - 3 stories and the maximum height would be approximately 33' 2" from Sola Street and 40' 2" from the interior paseo. A central component of the project is the inclusion of common spaces, courtyards, and as discussed above, public paseos. A "village green" and courtyard would be provided on-grade between the theatre and the proposed development. This area is intended to serve as a place where residential and commercial tenants can gather and enjoy the Santa Barbara climate. In addition, common and private courtyards will be provided on the second and third levels of the project.

The proposed development is located in an area that is transitioning from commercial to residential uses. The development directly to the north and east is commercial, the new project to the south is a mix of residential and commercial uses, and the development to the west is residential. In order to be respectful of this commercial/residential transition and provide a buffer between the public space and the residential units, a landscaped setback of 13 feet is provided along Sola Street.

As noted above, the project would include a 13,789 square foot parking garage to serve the on-site residents and theatre employees. The project includes an improved surface parking lot in the northwest corner of the property along Chapala that will serve the theatre patrons and employees. Because the project site is located within the central business district and is eligible for a 10% zone to benefit, the project is required to provide a total of 56 parking spaces for the theatre, 33 residential spaces, and two commercial/residential flex spaces.

Access to the site is provided via two driveways; a 24 foot driveway off of Chapala Street and via a 20 foot driveway off of Sola Street. Both the surface lot and the parking garage are accessible from either driveway.

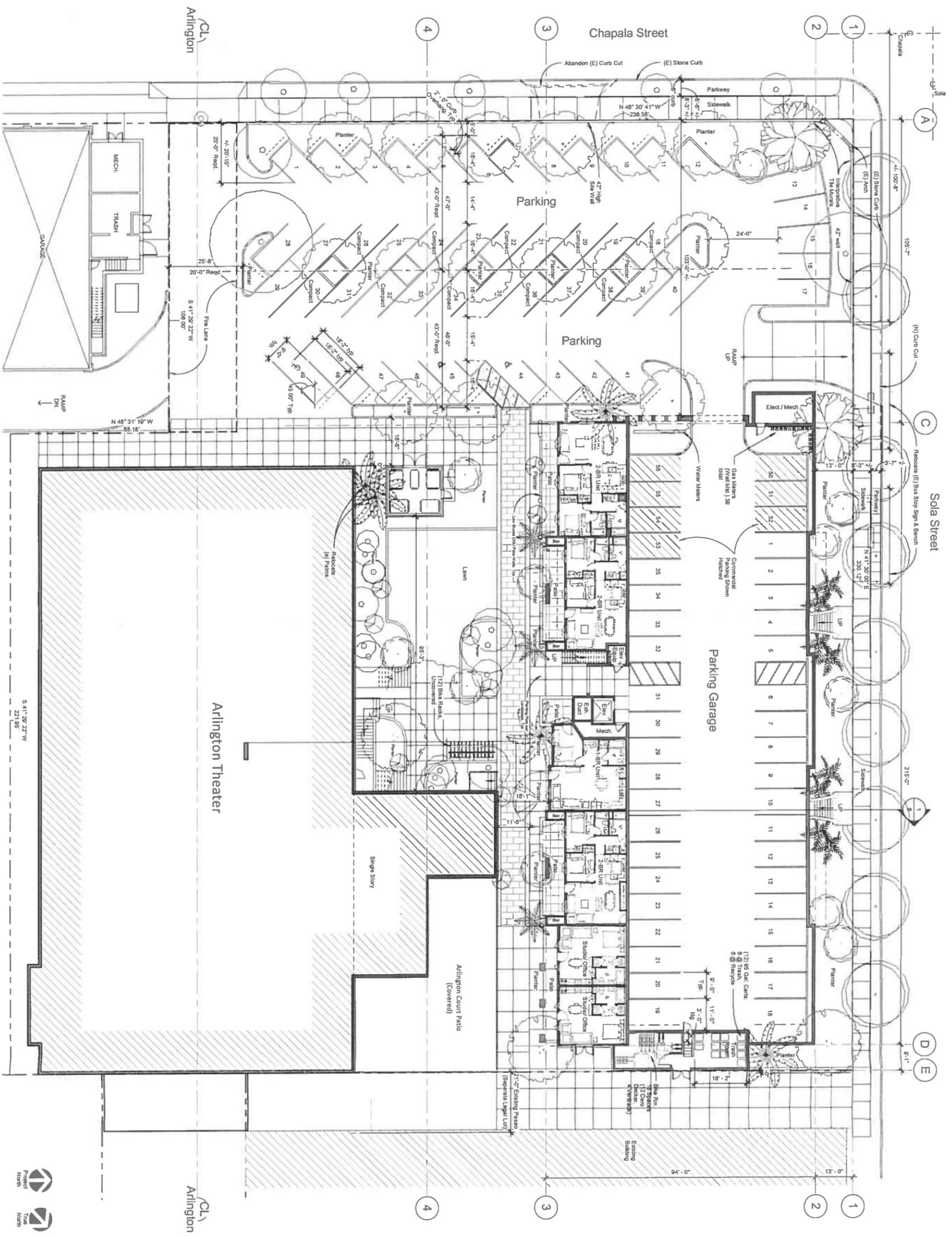
The Arlington Theatre primarily operates as a movie house, but also accommodates live entertainment shows including guest lecturers and concerts. The live season occurs between September and April. Approximately 10-12 shows per season require large trucks and buses to support the performers. The existing loading area for the theatre is at the rear of the building and access to this portion of the theatre is provided via the existing Chapala driveway. A Traffic Management Plan has been prepared by Associated Transportation Engineers to ensure that the existing theatre operations and the on-site traffic associated with Arlington Village Apartments and Alama del Pueblo are well coordinated and do not conflict with one another. The Management Plan sets forth how the arrival of trucks/buses will be staged, how they will enter and exit the site, where they will park, and how the loading and unloading will occur. The Plan also includes an on-site traffic control plan and requires that the implementation of the Plan be monitored for the first season after the construction of the Arlington Village Apartments. The monitor will prepare a summary report documenting the operations after each event.

We are aware that the City encourages the incorporation of green materials or techniques into projects in the community. Both PGA and Metropolitan Theatre Corporation are committed to incorporating "green building" principles where feasible. For example, we are investigating use

of photovoltaic panels that would be integrated into the flat roof areas to power residential uses to the greatest degree possible.

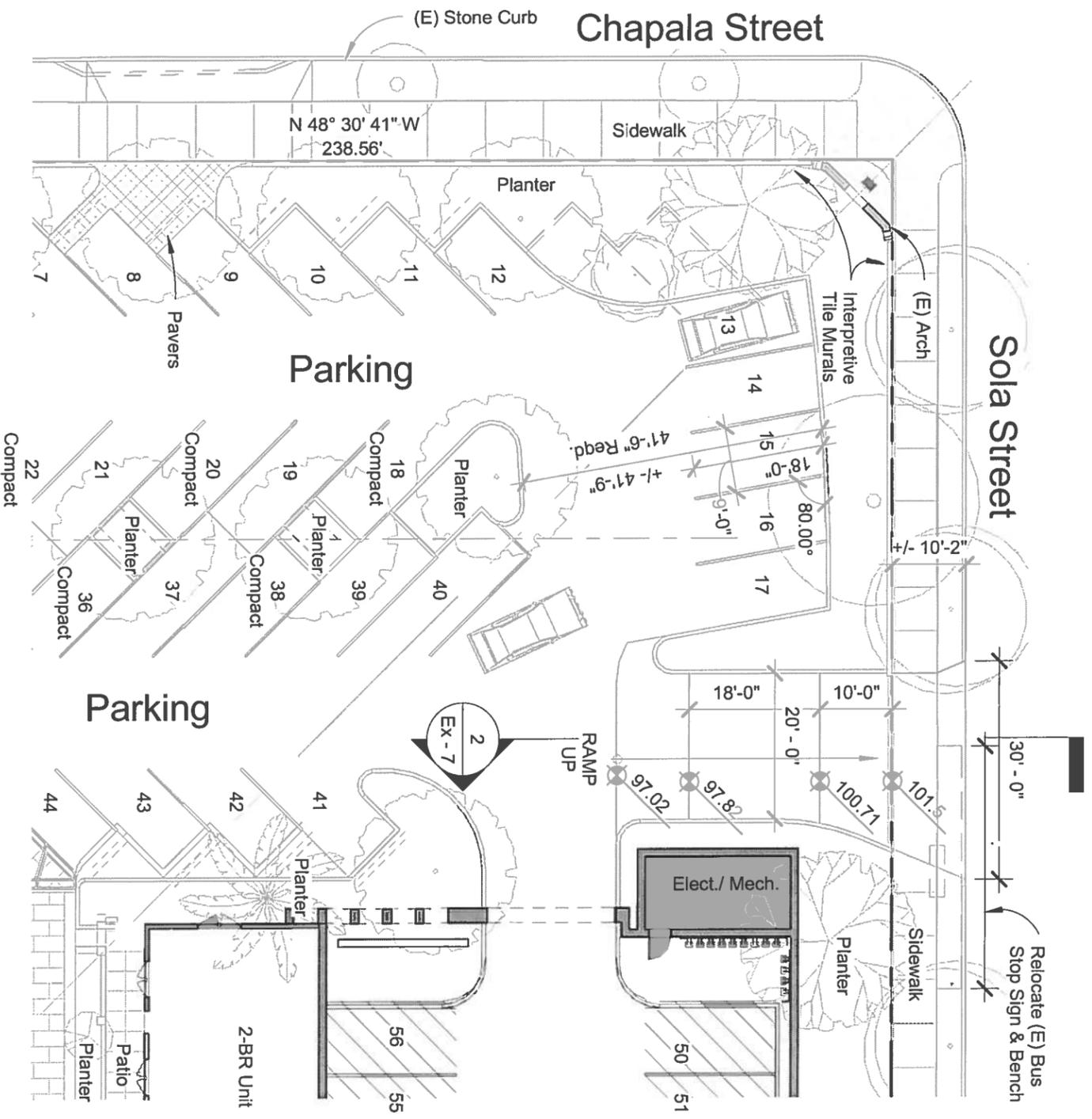
The project site has 35 existing trees on-site and they include; 15 existing palm trees, one eucalyptus tree, one ficus, five grevillea, five sycamore (street trees), one solanum, two cypreus, two pittisporum, one avocado, one pepper, and one araucaria tree. The palm and eucalyptus trees are scattered throughout the site and the grevillea and pittisporum are planted along the northern property boundary. The sycamore trees are planted along the western boundary in the right of way. The majority of the existing trees will either be preserved in place or will be boxed and moved as part of the project. Only seven of the 35 trees will be removed and they include four grevillea, two pittosporum, and the ficus tree. The project would include abundant landscaping along the street frontage and throughout the project site.

The majority of the site is paved and it currently drains to the south toward Chapala Street where the storm water is picked up by the existing storm drain system. The proposed amount of earthwork would be 3,400 cubic yards of cut and 0 cubic yards of fill. The cut material will be exported to the site.

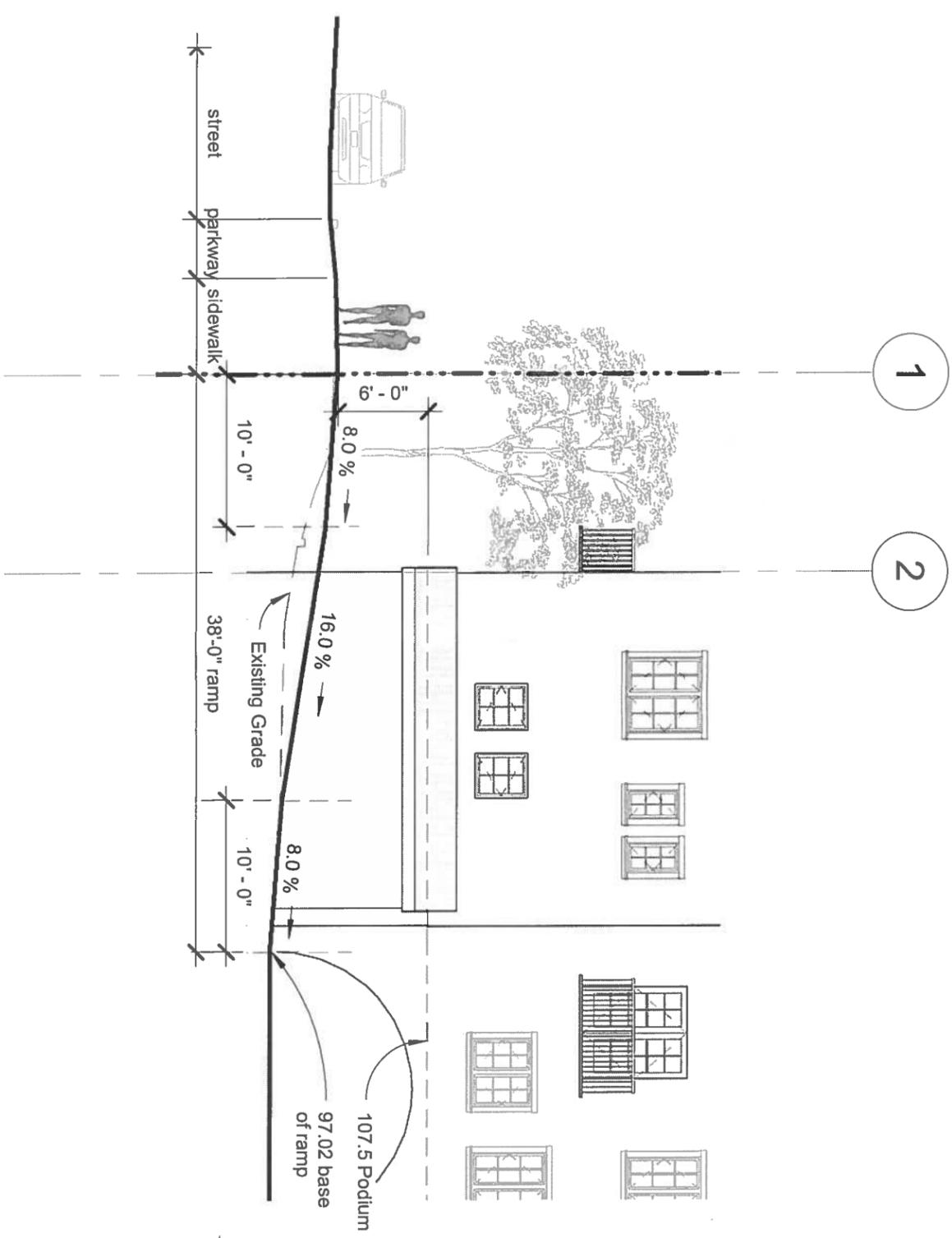


② Site/Parking Plan  
1/16 = 1'-0"





1 Sola Ramp Study  
1" = 20'-0"



2 Section at Driveway to Sola St.  
1" = 10'-0"



## ASSOCIATED TRANSPORTATION ENGINEERS

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Since 1978

Richard L. Pool, P.E.  
Scott A. Schell, AICP, PTP

October 7, 2013

07031L07.wpd

Lisa Plowman  
Peikert Group  
10 E. Figueroa Street  
Santa Barbara, CA 93101

### ***TRUCK ACCESS AND MANAGEMENT PLAN FOR THE ARLINGTON CULTURAL VILLAGE PROJECT, CITY OF SANTA BARBARA***

Associated Transportation Engineers (ATE) has prepared the following truck access and management plan for the Arlington Cultural Village Project, located adjacent to the Arlington Theater in downtown Santa Barbara. The plan was developed based on input provided by City Transportation staff.

#### **PROJECT DESCRIPTION**

The Arlington Cultural Village Project is proposing to develop a mixed-use project with rental apartment units and live-work office space on the north side of the Arlington Theater building along Sola Street. Figure 1 shows the site plan and parking lot layout for the project. Parking for the Arlington Cultural Village would be provided in a parking garage under the building and parking for the Arlington Theater would be provided in the garage (7 spaces for employees) and in a surface parking lot (49 spaces) located west of the building along Chapala Street. Access to the parking lots would be provided via driveways on Chapala Street and Sola Street. The Chapala Street driveway would also provide access to the parking garage serving the adjacent Santa Barbara Public Market and Alma del Pueblo condominium buildings which are currently under construction.

#### **TRUCK ACCESS AND MANAGEMENT PLAN**

The Arlington Theater hosts 10-12 performances/concerts per year that require large trucks (55-foot long) and buses (45-foot long) for delivery of equipment and performers. The size and number of trucks required varies between performances, with smaller performances using 1 truck and larger performances requiring 2-4 trucks. Trucks and buses currently use the

Chapala Street driveway to access the loading door located on the west side of the Arlington Theater building. The trucks are able to circulate within the existing parking lot to access the loading area. Some trucks also park in the existing on-site lot after unloading and remain during performances.

Future truck access will need to change as a result of the proposed project and the development of the adjacent Santa Barbara Public Market and Alma del Pueblo buildings. A truck access and management plan was developed to ensure that truck access is maintained for the Arlington Theater.

### **Truck Management**

The following measures are proposed as part of the truck management plan to facilitate loading and unloading operations for the Arlington Theater. The components of the truck management plan were developed based on input provided by the operators of the Arlington Theater and the Granada Theater, as well as City staff.

- Schedule trucks (55-feet long) and buses (45-feet long) to arrive and depart from the site during off-peak hours. Trucks and buses typically arrive at the site in the early morning hours to set up for evening performances. The trucks and buses would leave the site after the stage set up is completed. Trucks and buses would return to the site in the late evening hours after the performances to break down the stage equipment.
- Stagger the arrival and departure times for delivery trucks to facilitate the loading and unloading operations.
- When events with multiple trucks are held, only one truck will unload at a time. The additional trucks will be staged on Sola Street adjacent to the site until they can be moved on-site.
- Coordinate with City staff to obtain "No Parking" permits in order to ensure that vehicle staging areas are available the day of the event. Permits would need to be obtained in advance and no parking signs would need to be placed on Sola Street 72 hours in advance of the day of the event when parking is restricted.
- Reserve 5 parking spaces within the Arlington Theater parking lot to facilitate truck movements and loading. The parking spaces will be blocked off on the days when trucks are needed for events and the spaces will be restricted with no overnight parking allowed. The theater is closed during the loading and unloading periods thus there would be no demand for event parking. Figure 2 shows the location of the parking spaces that will need to be temporarily restricted during the loading/unloading periods.

- Move the trucks and buses to off-site parking areas after unloading. Potential off-site parking areas for trucks are located at the Earl Warren Showgrounds, the County Bowl, Calvary Church, and the National Guard Armory.
- Trucks will park in the first five spaces of the drive aisle located to the west of the Arlington building when loading/unloading. The truck parking area is shown on Figure 3.
- Tour buses will temporarily park on-site in the paseo area adjacent to the trash enclosure to unload passengers (see Figure 3). Buses will exit the site and park along Sola Street once unloaded.
- Establish a designated loading zone with cones in the back of the Arlington building. The loading zone area is shown on Figure 3.
- Employ traffic and parking control personnel to supervise unloading and loading activities, enforce parking restrictions, and manage truck ingress and egress from the site.
- Schedule an orientation meeting with the theater operators and traffic control personnel to review the management plan components prior to the first event season (in September) after the project is occupied.
- Hire a monitor to observe the truck loading and unloading operations during the first event season to determine if the plan is working acceptably. The monitoring firm would prepare a summary report documenting the operations after each event.
- Schedule follow-up meetings with the theater operators and traffic control personnel to review the monitoring reports and fine tune the management plan components as necessary.

### **Truck Access**

Inbound. Trucks and buses would enter the site via the existing southern driveway on Chapala Street. Trucks would proceed east along drive aisle and park in the first parking bay located west of the Arlington Theater. Buses would temporarily park in the paseo area adjacent to the trash enclosure (see Figure 3). Figures 4 and 5 show the inbound truck and inbound bus movements into loading areas.

Outbound. Trucks and buses leaving the site would utilize the proposed driveway on Sola Street to exit the site. Figure 6 and 7 show the outbound truck and bus movements from the loading/unloading areas. It is noted that on-street parking would need to be restricted along the north side of Sola street opposite the driveway in order to accommodate the outbound truck movement.

### **Garbage Truck Access**

Inbound. Garbage trucks would enter the site via the existing southern driveway on Chapala Street (see Figure 8). Garbage trucks would proceed east along the 24-foot drive aisle and pull into the paseo area located at the northwest corner of the Arlington Theater. The garbage bins would be rolled from the storage shed located in this area to the trucks.

Outbound. Garbage trucks would back out of the paseo area towards the south end of the Arlington Theater. The trucks would then turn left and exit the site via the driveway on Chapala Street (see Figure 8).

### **On-Site Traffic Control**

As noted previously, access to the project site would be provided via a driveway on Chapala Street and a 24 foot-wide entry drive aisle. The drive aisle would also provide access to the parking garage serving the adjacent Santa Barbara Public Market and Alma del Pueblo condominium buildings which are currently under construction (see Figure 1).

In order to control traffic movements to and from the project parking lot and the adjacent parking garage, the following signing and striping improvements are proposed. The proposed traffic controls are illustrated on Figure 9.

- Install a stop-sign and stop bar for vehicles exiting the Arlington Theater parking lot onto the main drive aisle.
- Install a stop-sign and stop bar for vehicles exiting the parking garage on the adjacent Santa Barbara Public Market and Alma del Pueblo site.
- Install a stop-sign and stop bar for vehicles exiting the proposed Sola Street driveway.
- Provide a centerline stripe on the entry drive aisle.
- The entrance and exit from the from the Arlington Village parking garage will be controlled by gate.
- Paint "No Parking Fire Lane" signs on the driveway adjacent to the entrance to the Alma del Pueblo development to ensure that vehicles do not park in this area.

This concludes our truck access and management plan for the Arlington Cultural Village Project.

Associated Transportation Engineers

A handwritten signature in black ink, appearing to read 'Scott A. Schell', written over a horizontal line.

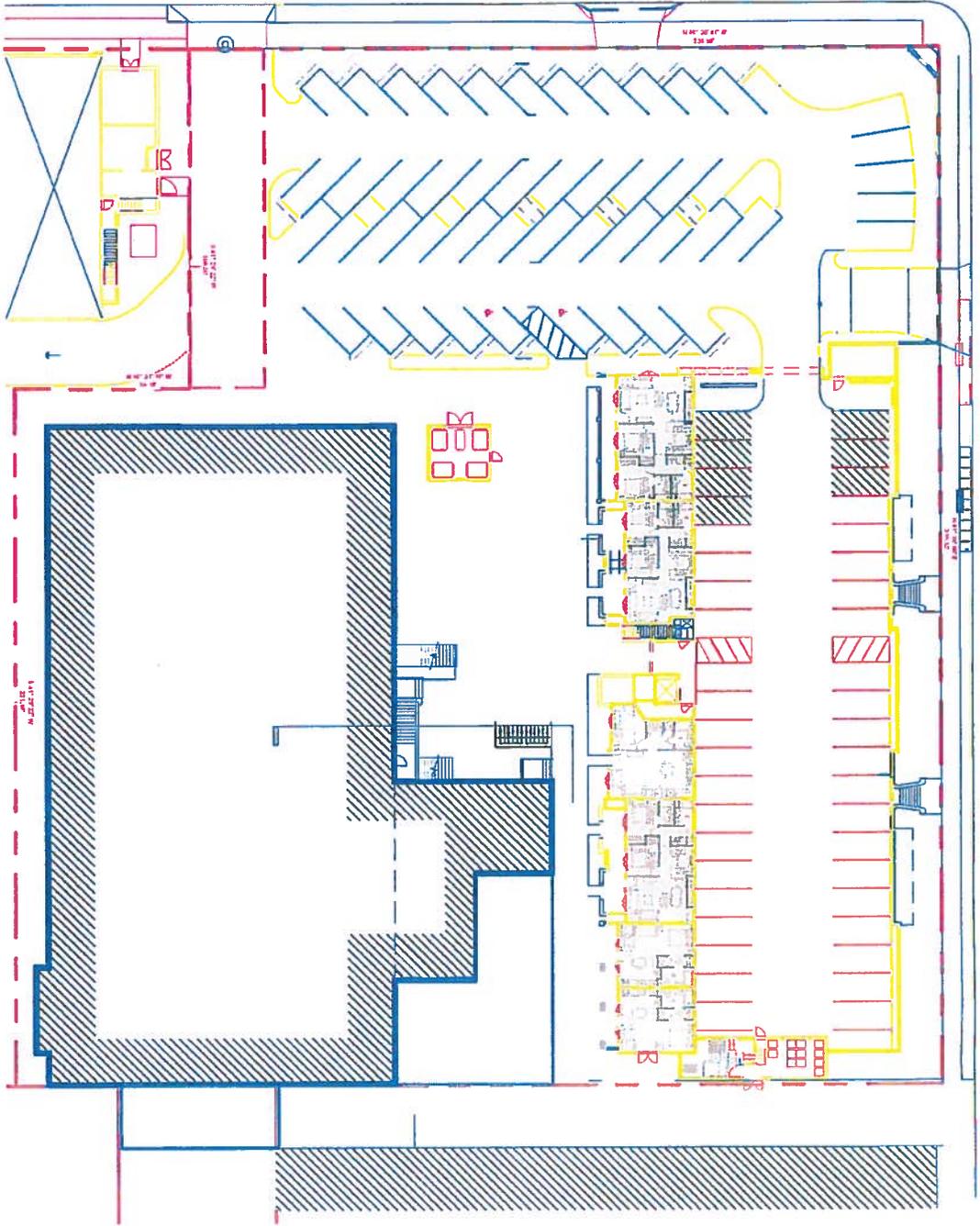
Scott A. Schell, AICP, PTP  
Principal Transportation Planner

SAS/MMF

Attachments: Figures 1-9



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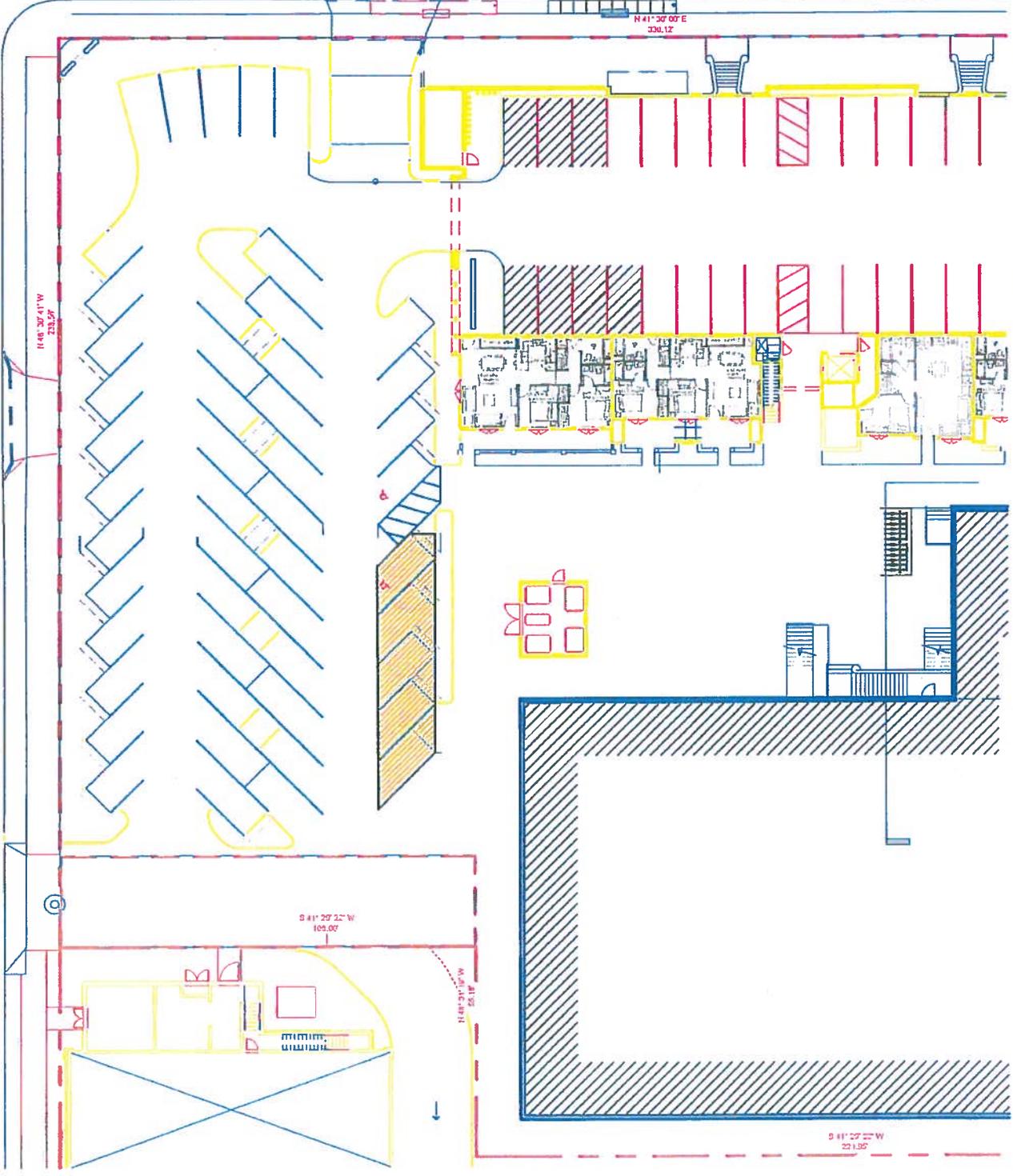


PROJECT SITE PLAN

FIGURE

1

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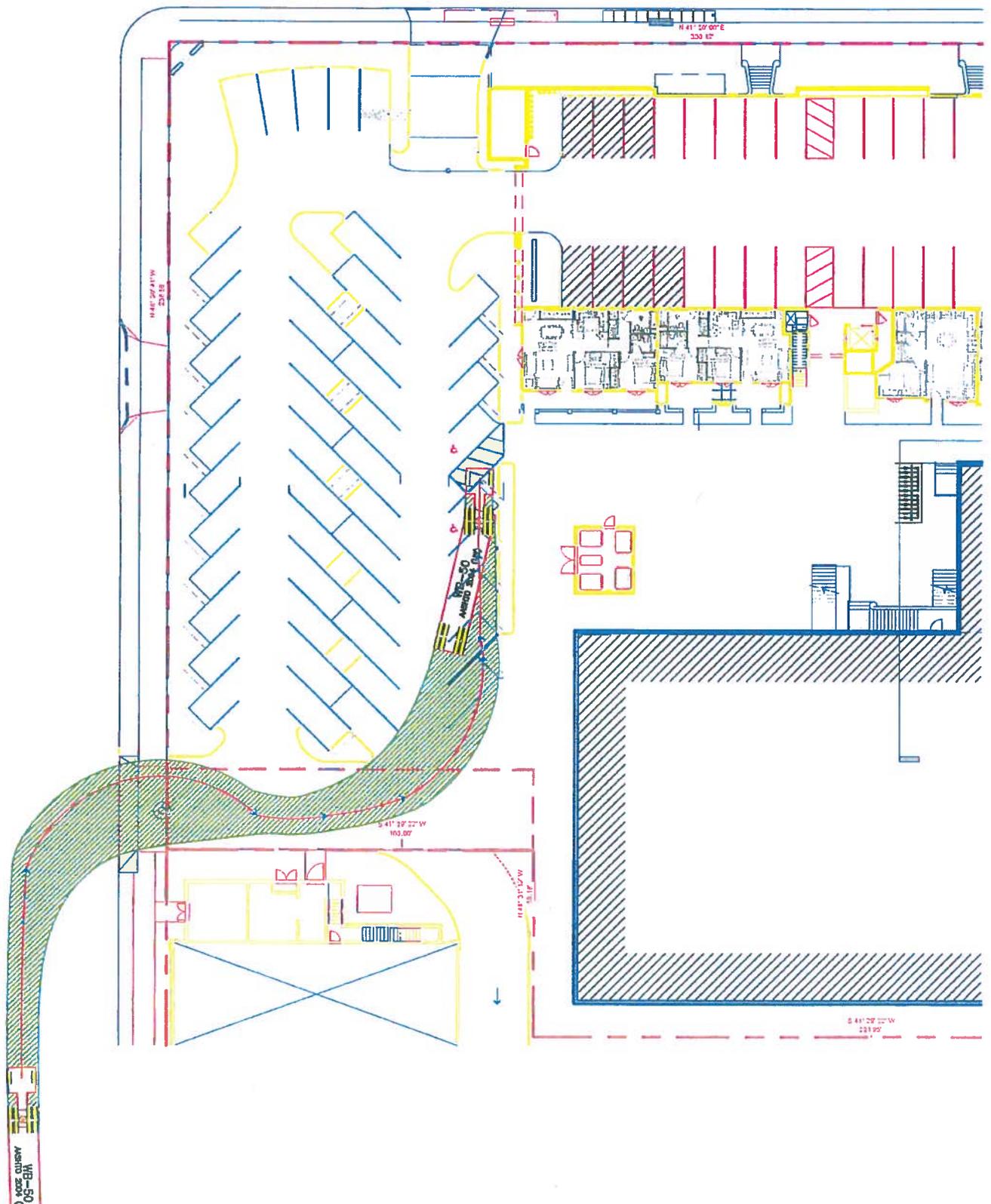
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RESTRICTED PARKING AREAS

FIGURE 2

MMF - #07031



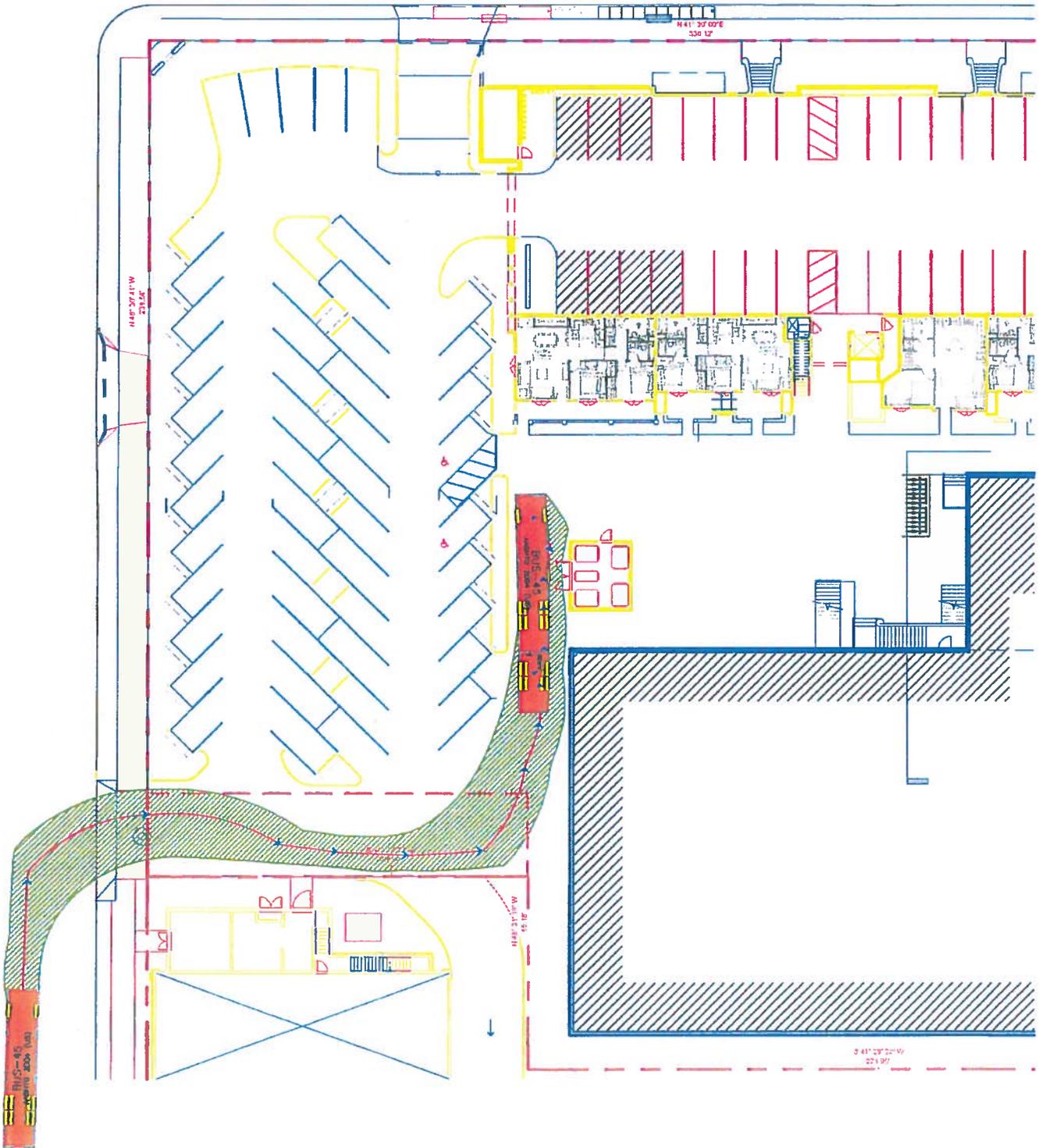


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INBOUND TRUCK MANEUVER

FIGURE 4

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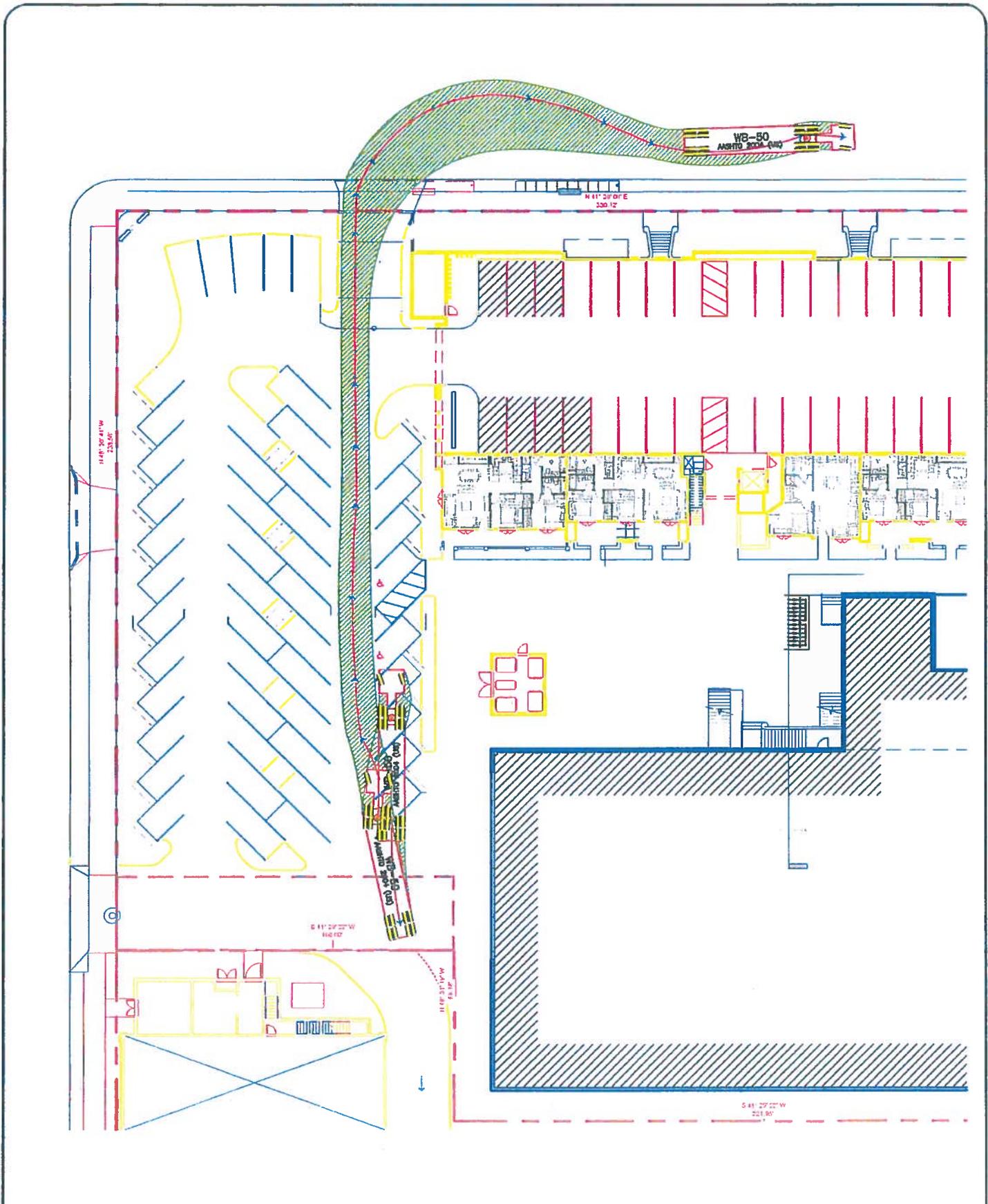


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### INBOUND BUS MANEUVER

FIGURE 5

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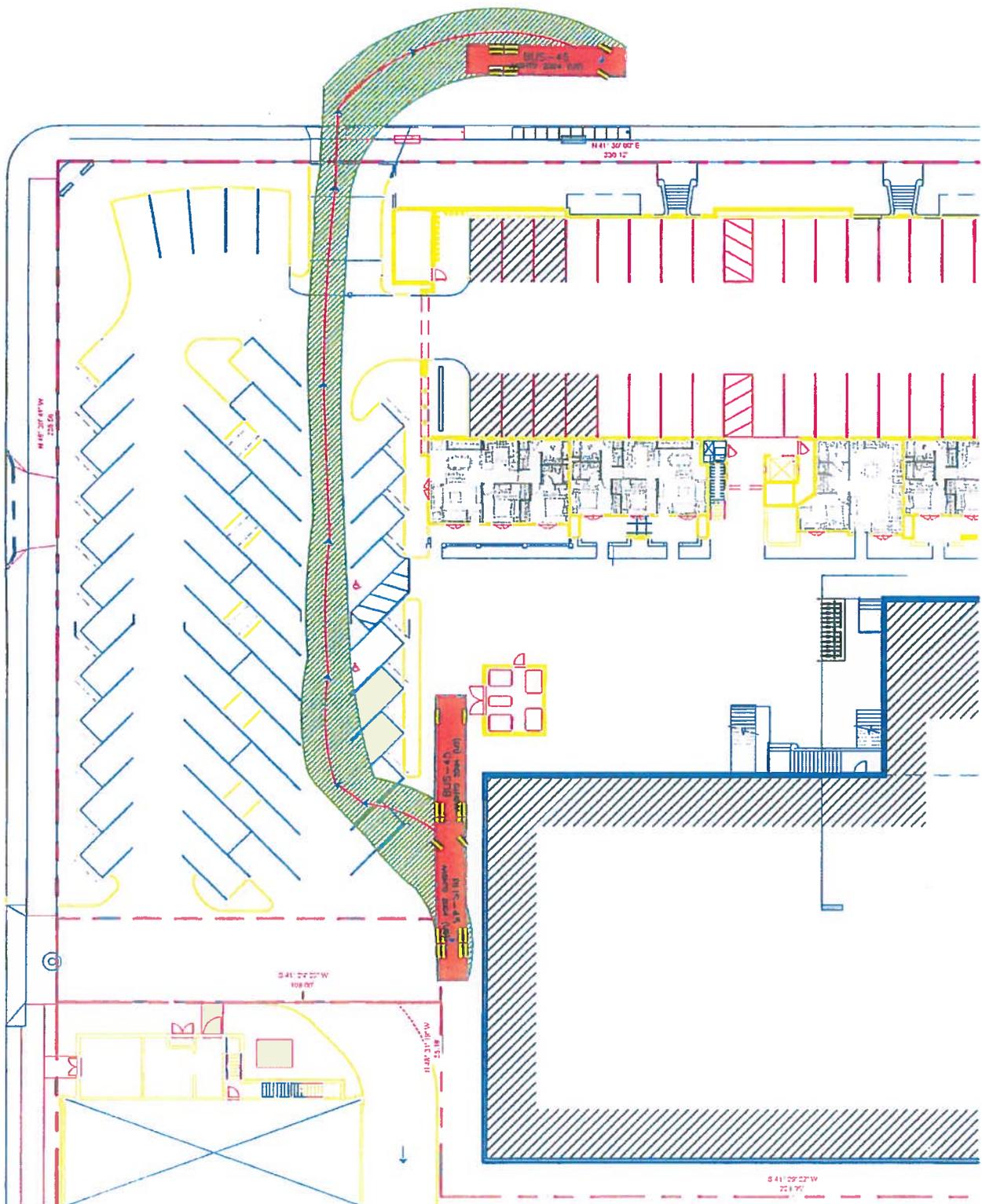


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OUTBOUND TRUCK MANEUVER

FIGURE 6

MMF - #07031

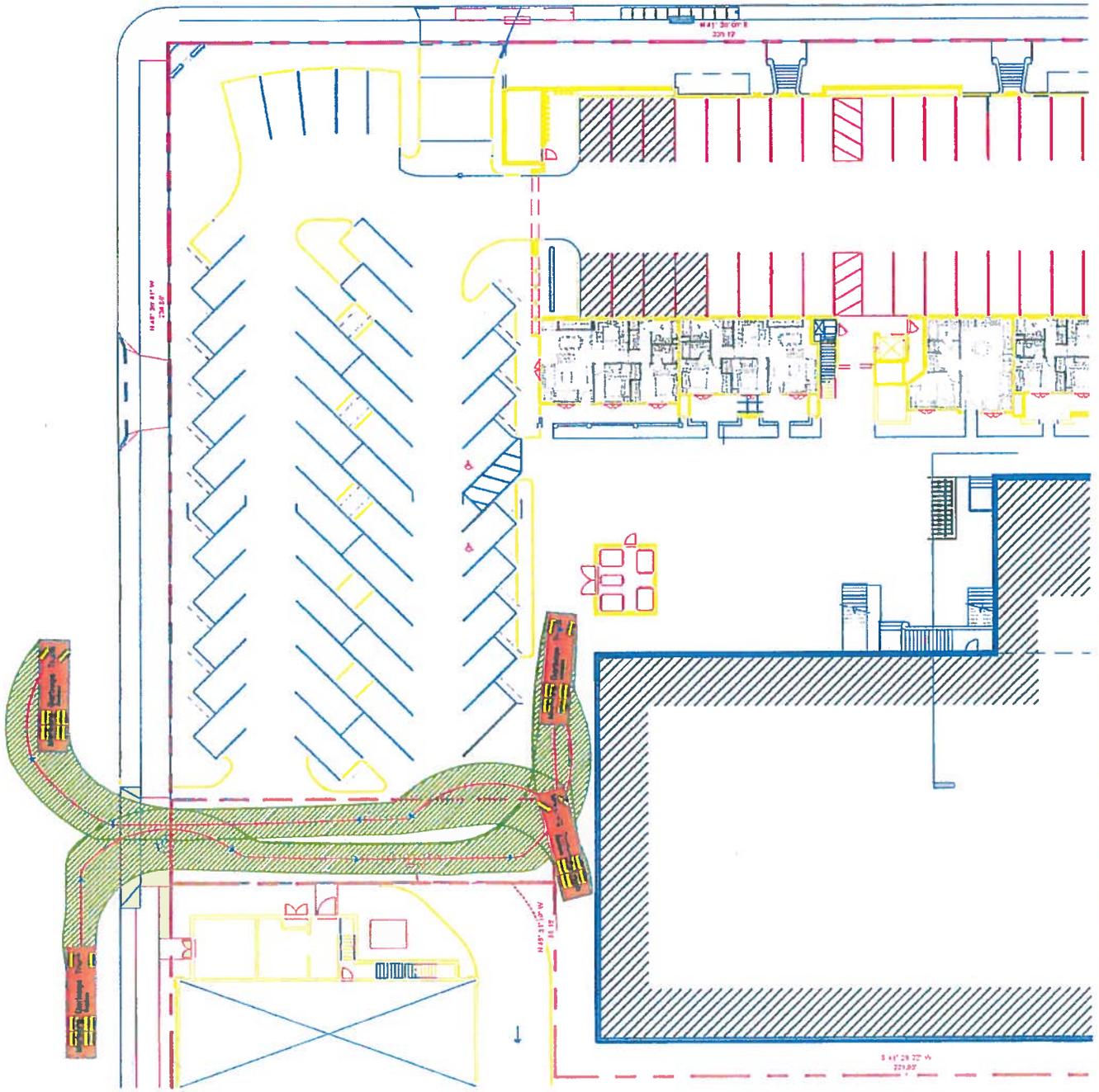


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OUTBOUND BUS MANEUVER

FIGURE 7

MMF - 807031

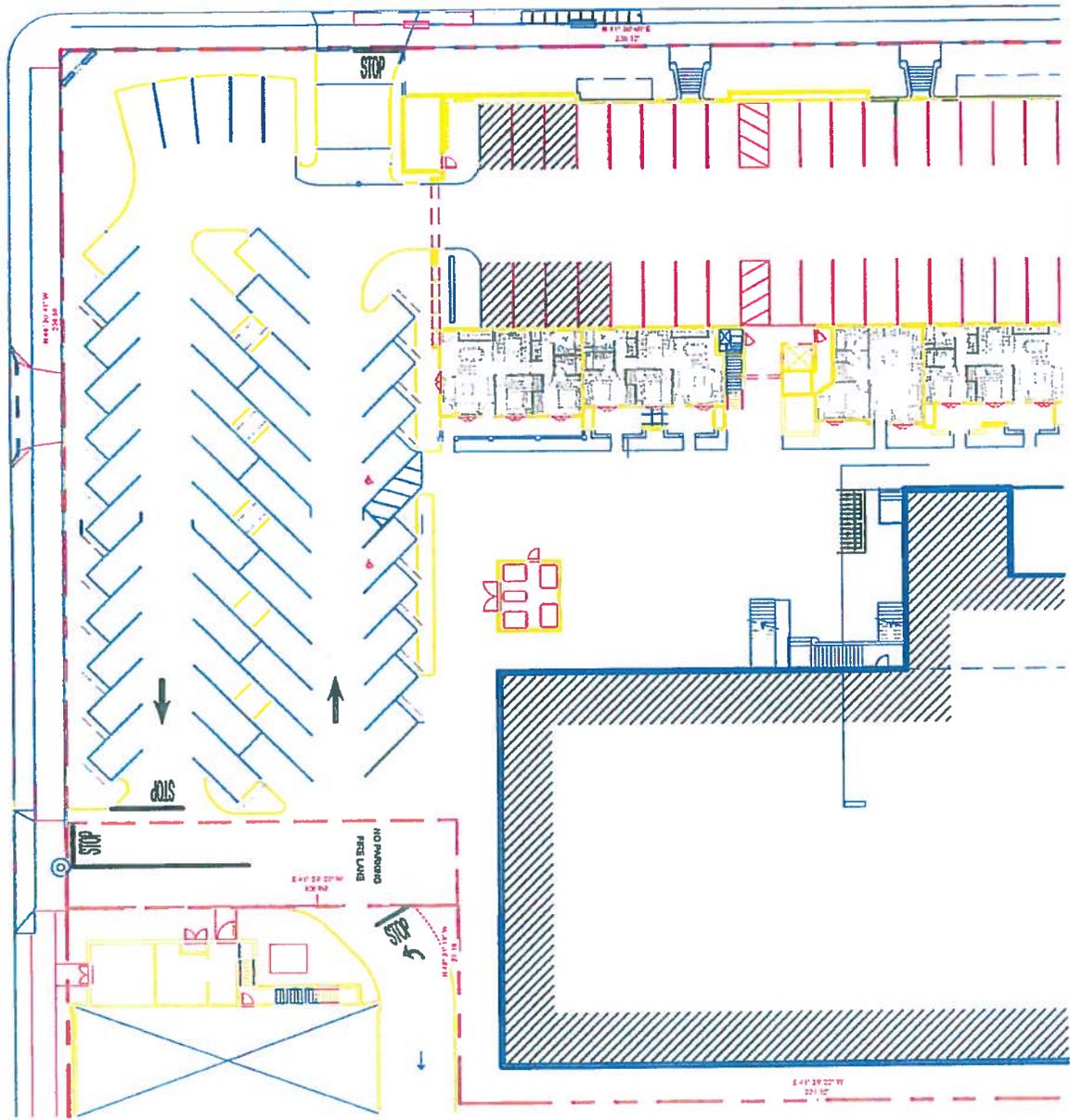


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MARBORG GARBAGE TRUCK MANEUVER

FIGURE 8

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ON SITE TRAFFIC CONTROL

FIGURE 9

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# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Citywide Performance Highlights For Fiscal Year 2013 And Comparative Indicators Report

**RECOMMENDATION:** That Council:

- A. Receive a summary of department performance management results and highlights for Fiscal Year 2013; and
- B. Receive a report on how the City of Santa Barbara compares with similar California communities on key indicators.

### **DISCUSSION:**

The City of Santa Barbara's performance management system sets annual objectives for every program in the City, creates a tracking and feedback mechanism for evaluating the objectives and is an integral part of the annual budget and management review processes. Created in 2002 to promote long-term planning and improve program efficiency and effectiveness, the performance management system facilitates the planning and prioritization of work, evaluation of the results, identification of improvement opportunities and alignment with City Council goal's for the organization.

Departments planned to accomplish 820 objectives in Fiscal Year 2013 and achieved 688 objectives or 84% of those targets. Overall results and highlights from these objectives and examples of objectives not met are included (Attachment 1).

In addition to performance measurement, managers check on the health of their organization through monthly reports on key management indicators (Attachment 2). These provide managers and supervisors with statistics on use of sick leave, lost hours due to injury, vehicle collisions and timeliness of completing employee evaluations. From a big-picture perspective, patterns can emerge that alert a manager when change or attention is needed. Use of sick leave and lost hours due to injury are standard productivity measures. The reports on vehicle collisions are helpful for spotting areas requiring supervisory attention. Performing evaluations in a timely manner holds managers accountable to an annual assessment of employee performance, identifying areas for improvement, and providing feedback.

Also included in this report is the annual Comparative Indicators Report. This report compares Santa Barbara with eleven other California cities of similar characteristics: Berkeley, Carlsbad, Huntington Beach, Newport Beach, Oceanside, Redondo Beach, Santa Cruz, Santa Maria, Santa Monica, Sunnyvale and Ventura. These cities were selected because they are mainly coastal communities, have similar demographics, provide similar services and are close in population and land size. Comparing benchmarks between cities provides a starting point for Council and staff to evaluate the effectiveness and efficiency in providing services relative to other communities. Attachment 3 contains the graphs showing how Santa Barbara compares to the other cities in the survey.

**ATTACHMENT(S):**

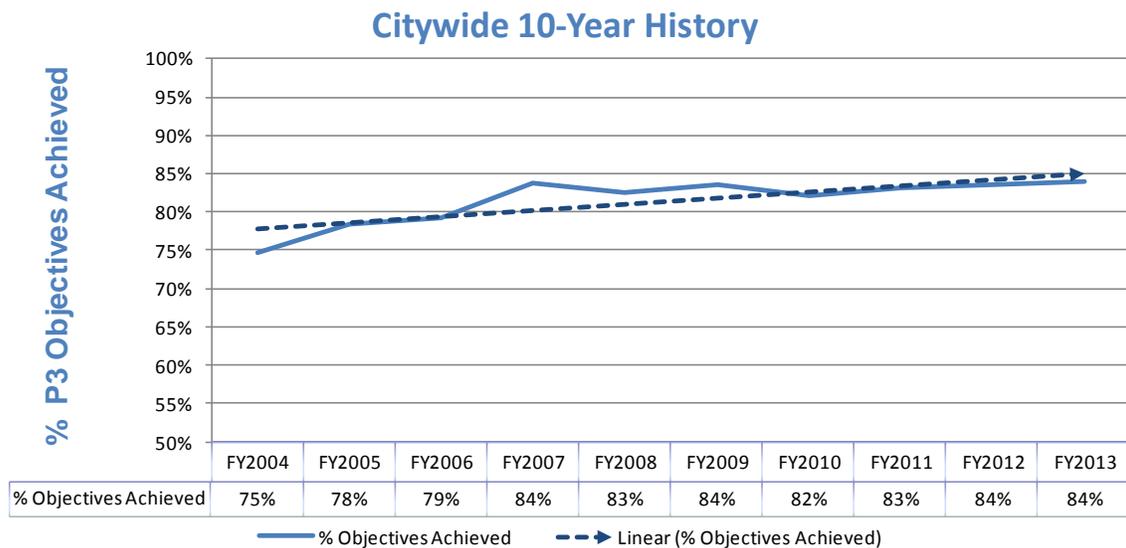
1. Fiscal Year 2013 Performance Highlights
2. Fiscal Year 2013 Management Indicators
3. Fiscal Year 2014 Comparative Cities Indicators

**PREPARED BY:** Kate Whan, Administrative Analyst

**SUBMITTED BY:** James L. Armstrong, City Administrator

## Fiscal Year 2013 Performance Highlights

Over the years, City Department staff members have identified annual program objectives as part of the budget and performance management process. Mid-year status reports and year-end reports provide detailed results for each objective. Lessons learned from objectives achieved and not achieved are part of a continuous improvement process, which is reflected in the ten-year history below. What follows are highlights of performance results for Fiscal Year 2013.



DEPARTMENT	FY 2013 Objectives Achieved	FY 2013 Total Number of Objectives	FY 2012 Percent Achieved	FY 2013 Percent Achieved	Variance
ADMINISTRATIVE SERVICES	26	28	69%	<b>93%</b>	24%
AIRPORT	36	48	82%	<b>75%</b>	-7%
CITY ADMINISTRATOR'S OFFICE	15	17	89%	<b>88%</b>	-1%
COMM DEVELOPMENT	59	73	83%	<b>81%</b>	-2%
FINANCE	95	110	85%	<b>86%</b>	1%
FIRE	41	45	82%	<b>91%</b>	9%
LIBRARY	37	44	83%	<b>84%</b>	1%
MAYOR & COUNCIL	5	5	100%	<b>100%</b>	0%
PARKS AND RECREATION	107	138	88%	<b>78%</b>	-10%
POLICE	76	99	77%	<b>77%</b>	0%
PUBLIC WORKS	155	176	83%	<b>88%</b>	5%
WATERFRONT	36	37	93%	<b>97%</b>	4%
CITYWIDE	688	820	84%	<b>84%</b>	0%

## Highlighted Performance Objectives

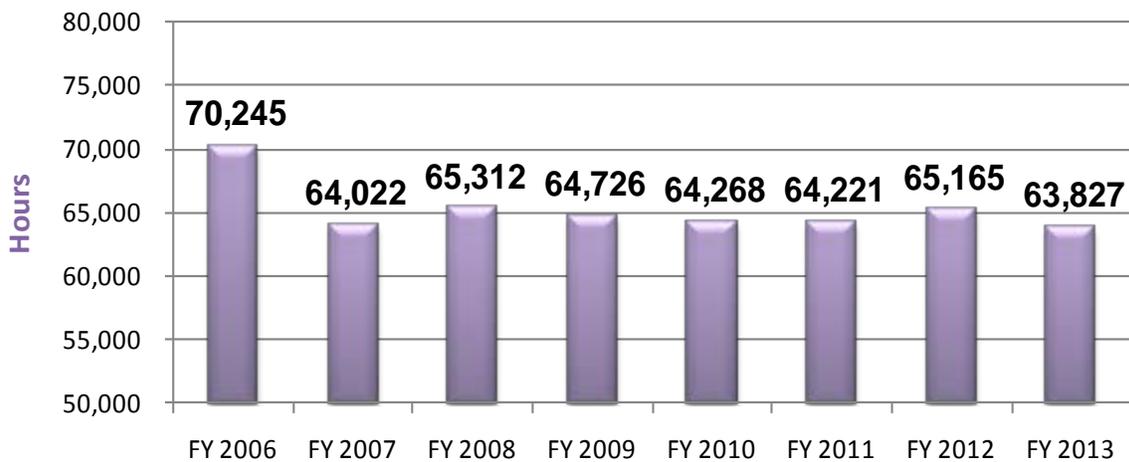
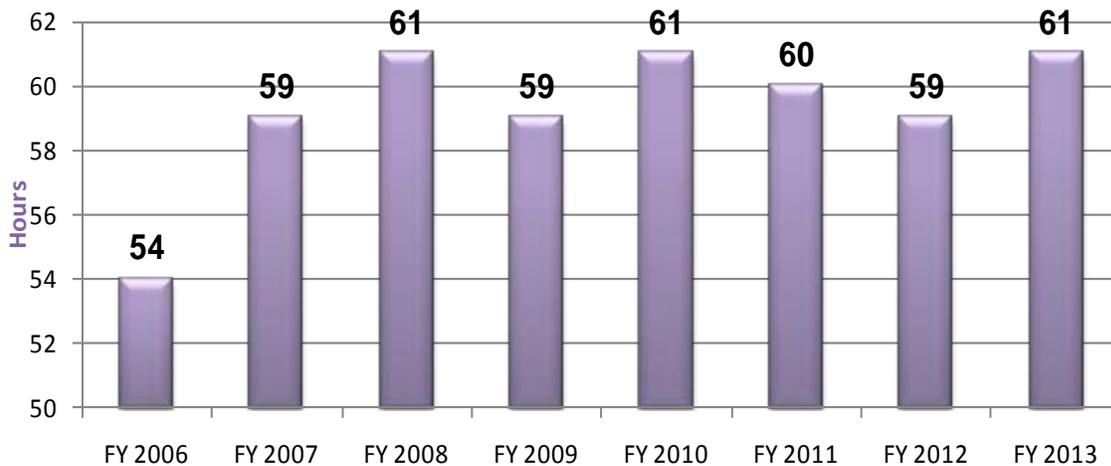
<b>Contributions and Grants</b>
Creeks applied for several new grants to continue providing for a majority of the program operating expenses.
Parks and Recreation received over \$500K in donations and \$300K in volunteer support. 2
The Fire Department received \$430K from FEMA to equip firefighters with upgraded portable radios.
The Library surpassed its \$1M fundraising goal by more than 10%.
The Police Department's Traffic Division received \$224K in grants for DUI enforcement and special traffic safety efforts.
The Streets Division received \$77.2 M in grants received for bridge replacements.
<b>Effectiveness and Efficiency</b>
Fire Operations had an average Code 3 response time of 3:08 minutes. The target response time is 4 minutes.
Harbor Patrol responded to 98% in-harbor emergencies within 5 minutes, exceeding the targeted 96%.2
Human Resources processed over 9,400 applications for regular City job openings.
Patrol Division beat the average response time targeted minutes for Priority 1 and 2 Emergency calls. Priority One: Target 6:30, Achieved 5:54. Priority 2: Target 13:20, Achieved 12:24.
The Crime Lab processed 105,000 images; an increase of 27% from last year.
Waterfront Parking Services' new self-pay parking lots have reduced staff time required and resulted in an 11% increase in revenue.
<b>Excellent Customer Service</b>
Airport staff negotiated reinstatement of Alaska Airline's all year round service to Portland.
Marina Management facilitated 1 Navy ship visit (USS Halsey) and coordinated 13 cruise ship visits carrying approximately 28,000 passengers.
Police successfully launched the "Coffee with a Cop" which uses neighborhood coffee shops to host town hall meetings.
The Fire Department expanded Citizen Emergency Response Training by conducting two additional classes; one in Spanish and one special Access and Functional Needs CERT class.
The Library Department offered 1,073 programs to children, a 20% increase from last year.
<b>Infrastructure Improvements and Maintenance</b>
Achieved LEED Gold status on Airline Terminal Project
Creeks and Public Works completed Phase 1 of Mission Creek Fish Passage (\$1.56 M).
Featured completed capital projects: Cater Water Treatment Plant Advanced Treatment Project (\$16 M), Headworks Screening Replacement Project at El Estero Wastewater Treatment Plant (\$5.97 M), Las Canoas Water Main Replacement (\$2.98 M), Parking Lot 2, 9, & 10 Structural Upgrades (\$1.95 M), Zone 5 Pavement and Slurry Seal (\$1.8M) and the Conejo Road Repairs and Sewer Improvements (\$775 K).
Public Works implemented a computer-based sewer main condition assessment database with video.
The Streets Division installed 5,350 sq. ft. of new sidewalk, 28 new access ramps, and awarded \$7.97 M in bridge replacement contracts.
The Waterfront and Public Works completed Marina One Renovation Phases 2-4 (\$4.57 M)
Waterfront's Operation Clean Sweep collected 8,200 pounds of seafloor debris from the Harbor.

<b>New Initiatives, Policies and Program Enhancements</b>
Community Development added the Safety Element and Adaptive Management Program to the General Plan and made significant progress on the Average Unit-size Density Incentive Program.
Council adoption of the Non-Residential Growth Management Program, Climate Action Plan, Zoning and General Plan map amendments.
Increased number of community-hosted special events by 7% at parks.
Increased number of community-hosted special events held at Carrillo Recreation Center by over 200%.
Mobile Audio Video (MAV) recording systems have been installed in all police patrol cars.
The Finance Department successfully located and enrolled 718 new and/or unlicensed businesses into the Business License Tax program.
The Police Department initiated Veteran's Treatment Court, a new restorative policing program.
Trash and Recycling completed a new Solid Waste and Disposal 10-year contract and expanded the Food Scrap Recycling programs to all the Jr. and Sr. High schools.
<b>Regulatory Compliance</b>
Creeks submitted the Annual Report of the City's Storm Water Management Program to the Regional Water Quality Control Board prior to deadline.
Finance updated the Risk Management manual to include new Medicare reporting requirements.
Public Works achieved 100% compliance with wastewater discharge limits as required by the Regional Water Quality Control Board
Public Works completed 100% of the mandated inspections and certifications required for fleet maintenance.
Successfully passed the State Department of Safety of Dams inspection at Gibraltar Dam.
The Fire Department cleared over 400 cubic yards of vegetation from roadways and chipped and mulched 100% of the trimmings (Ten 40-yard roll-off boxes worth).

<b>Objectives Not Achieved</b>
City billing was not able to meet targeted timelines for data entry and application processing.
Delays in completing the Draft Airport Master Plan have put other planned projects on hold.
Did not complete 90% of streetlight work orders within two weeks...completed 73%.
Did not complete the development and implementation of a new reading route for all fire-line meters
Did not complete an Underground Storage Fuel Tank removal and Above ground installation as planned at the Fleet Corporate Yard.
Golf Course maintenance costs were 8.3% above target due to having to irrigate more in a drier year.
Police Officer Range qualification and proficiency testing objectives not met due to range closure and staffing issues.
The Cabrillo Bridge Replacement Project continues to be held up by right-of-way issues
The Fire Department could not ensure use of standardized Electronic Patient Care Report (EPCR) in Firehouse software module.
Zoning and Enforcement did not complete 90% of preliminary plan checks within 5 days of receipt.

**Fiscal Year 2013 Management Indicators*****Sick Leave***

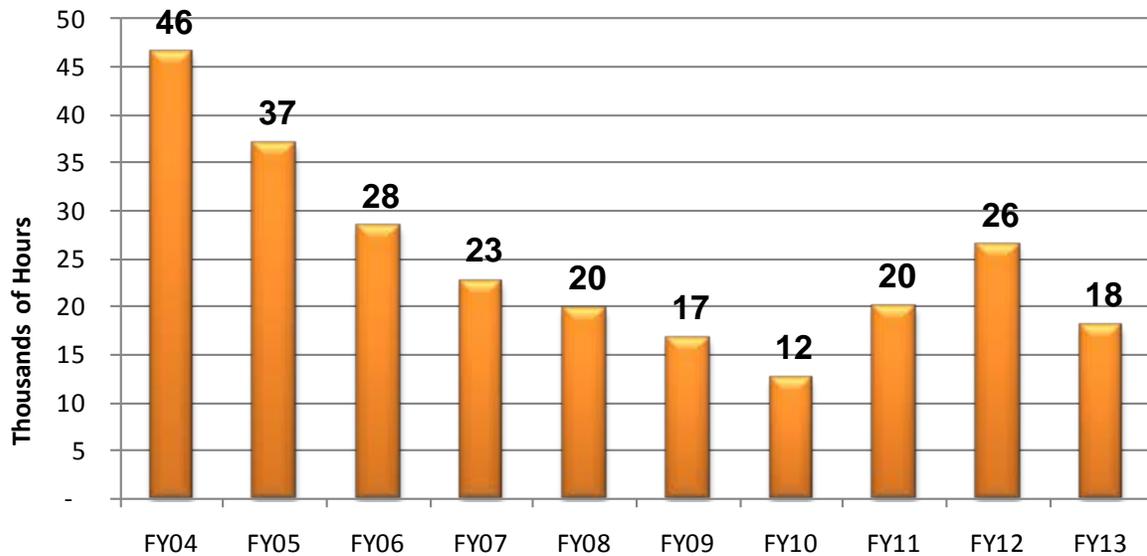
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**Hours of City-Paid Sick Leave Used****Average City-Paid Sick Leave  
Hours Used per Year**

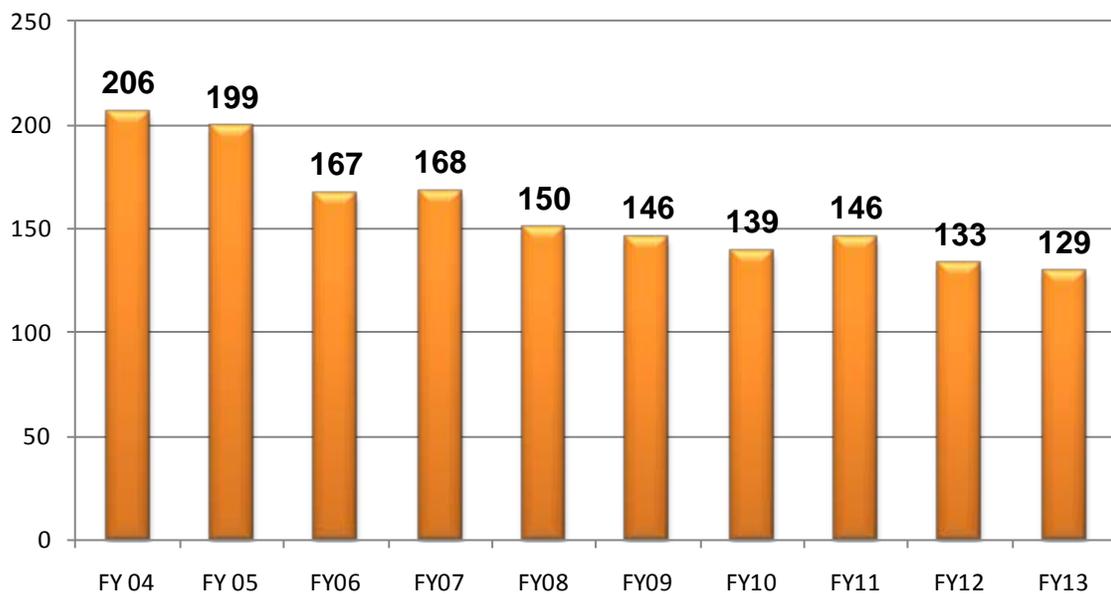
## Injuries

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### Total Hours Lost Due to Injury by Fiscal Year



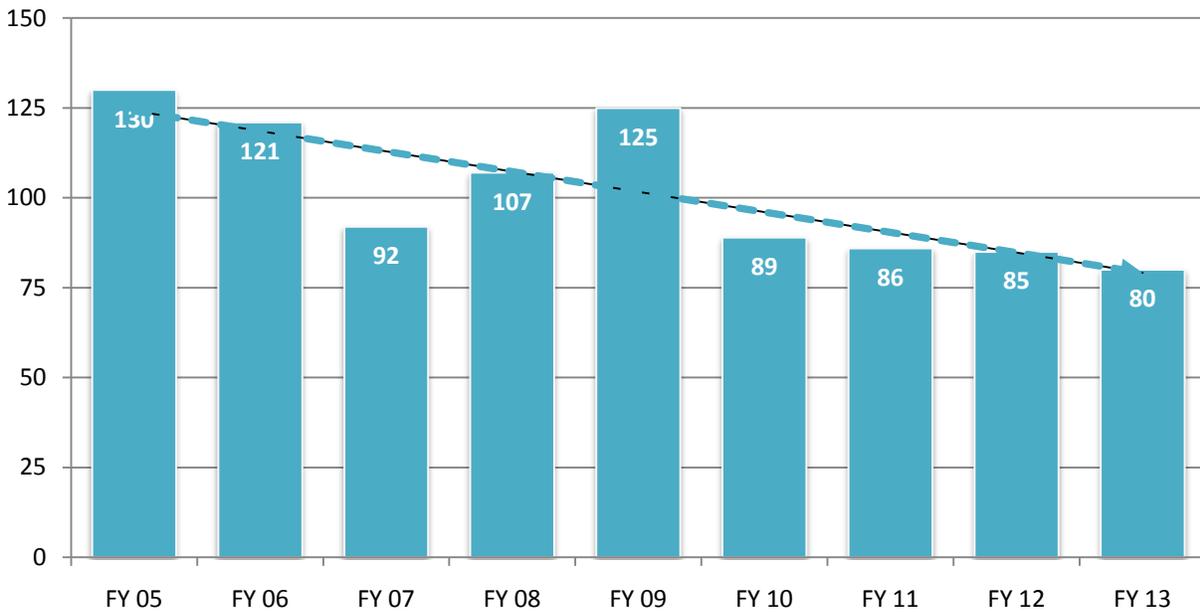
### Total Number of Injuries By Fiscal Year



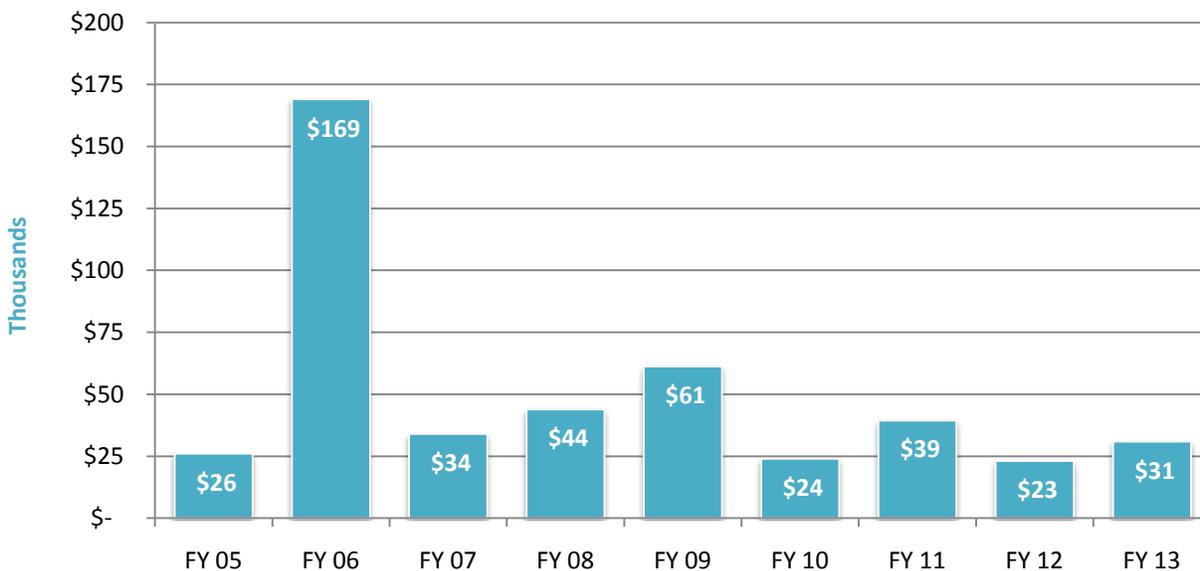
## Vehicle Incidents

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### Citywide Number of Vehicle Incidents



### Citywide Value of Claims Paid on Vehicle Incidents (in Thousands)

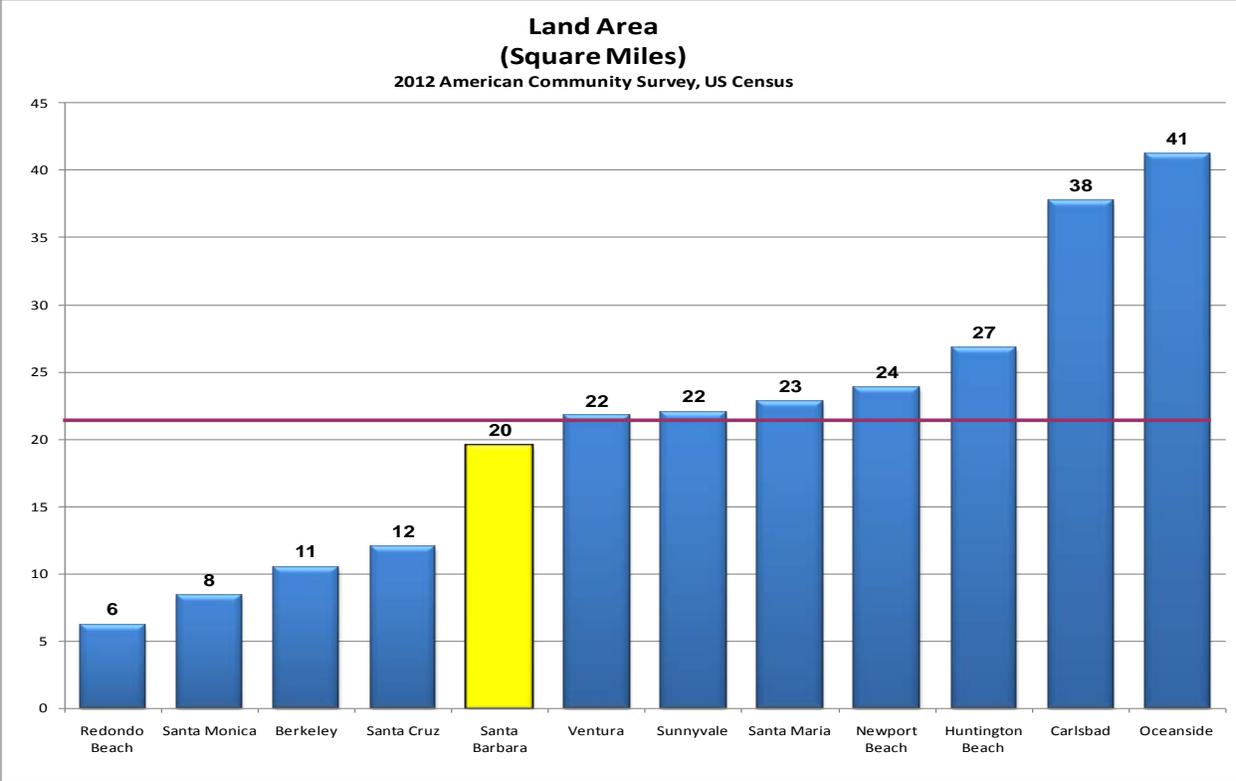
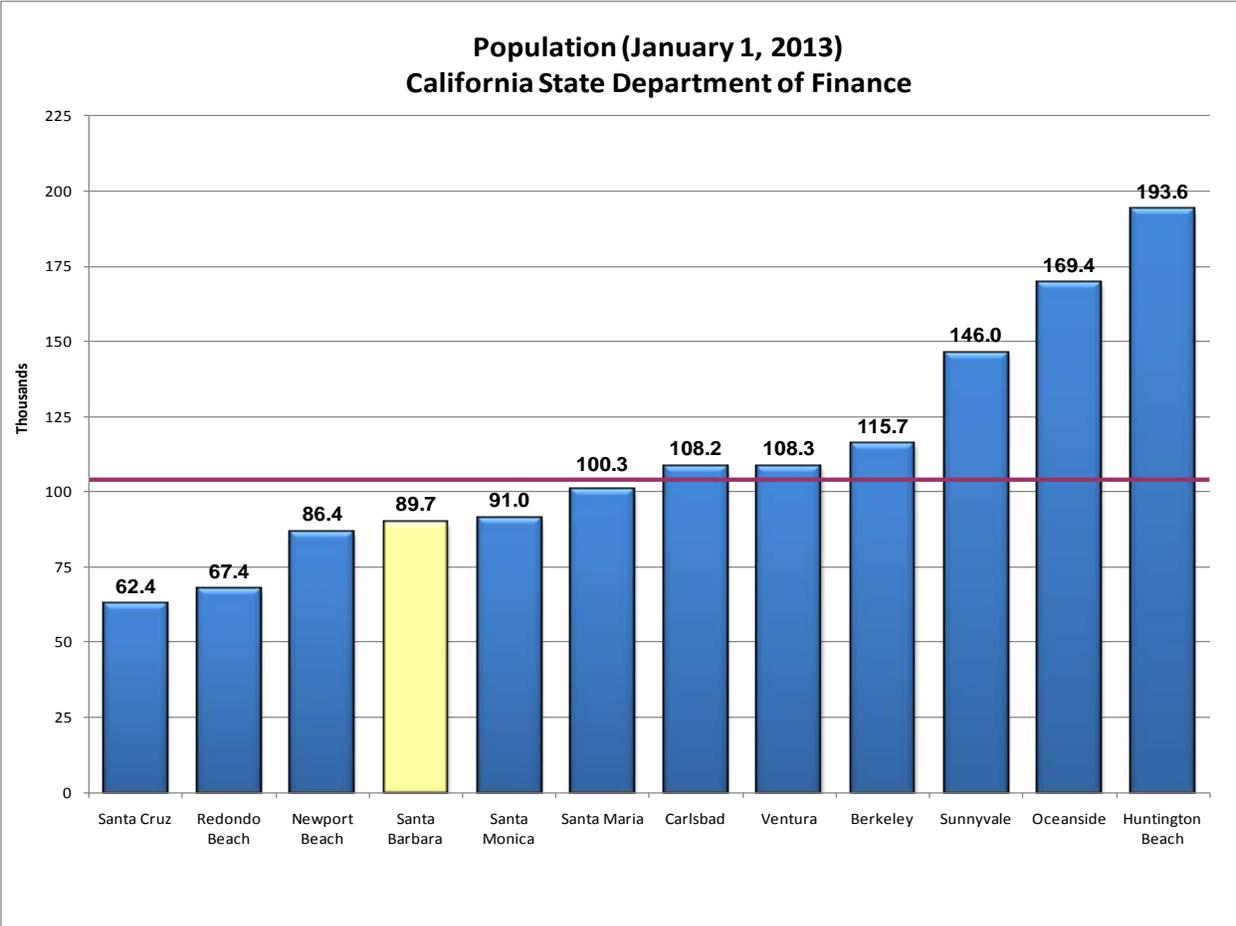


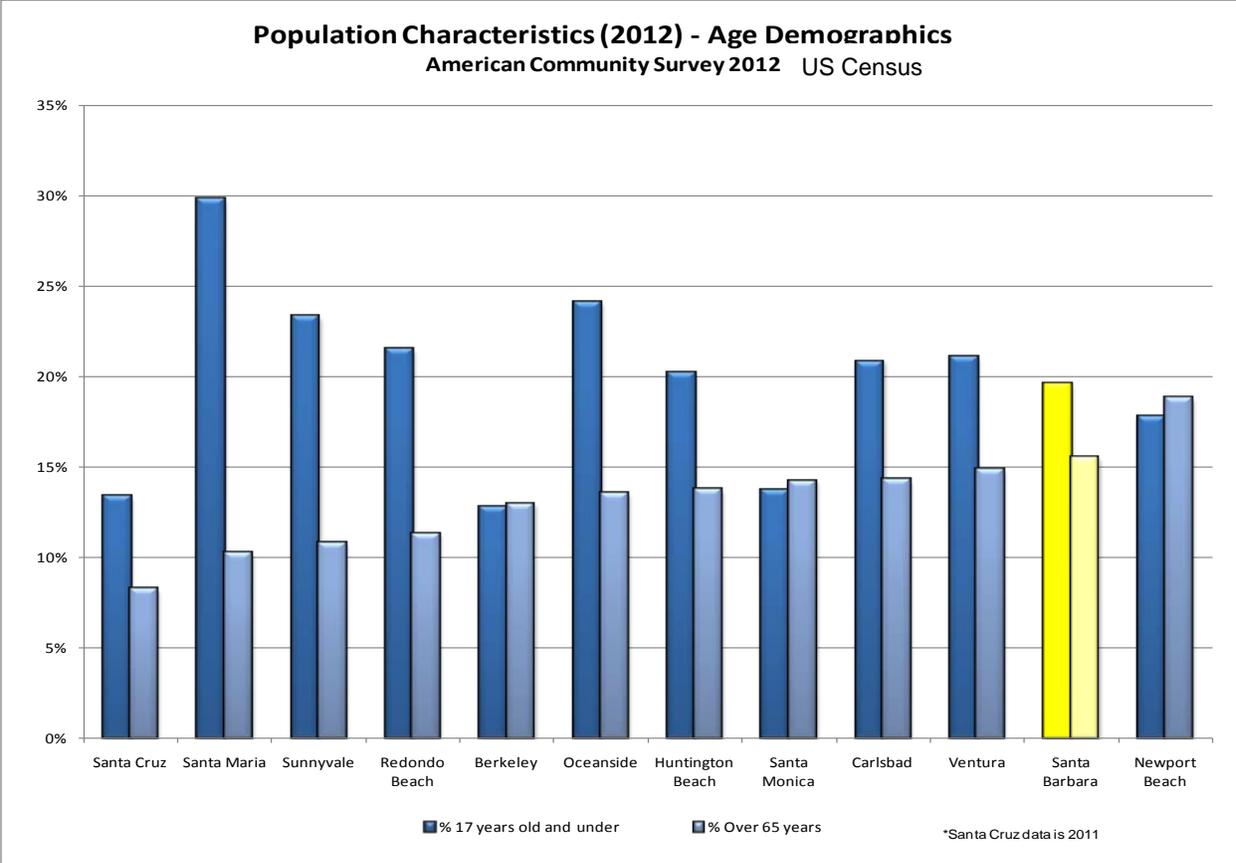
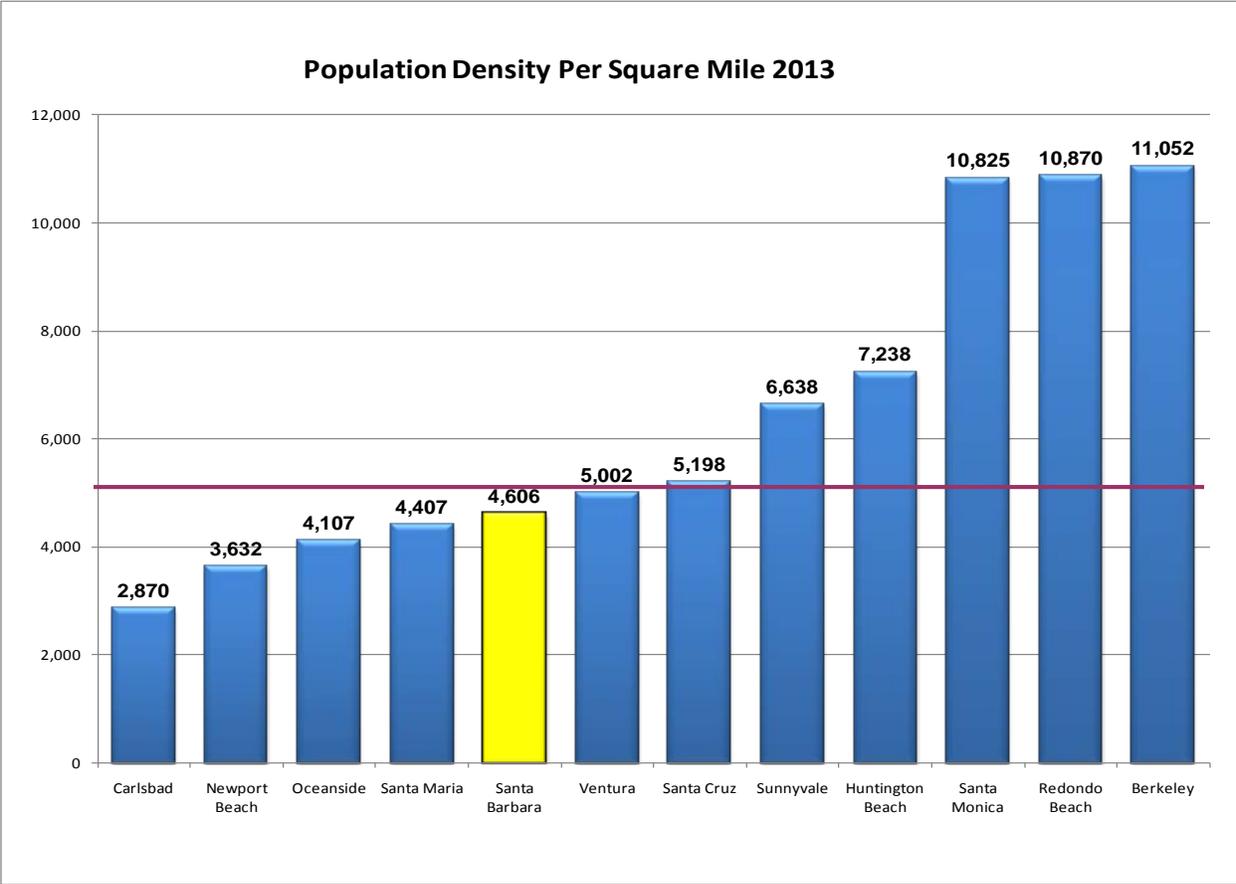
### *Evaluations*

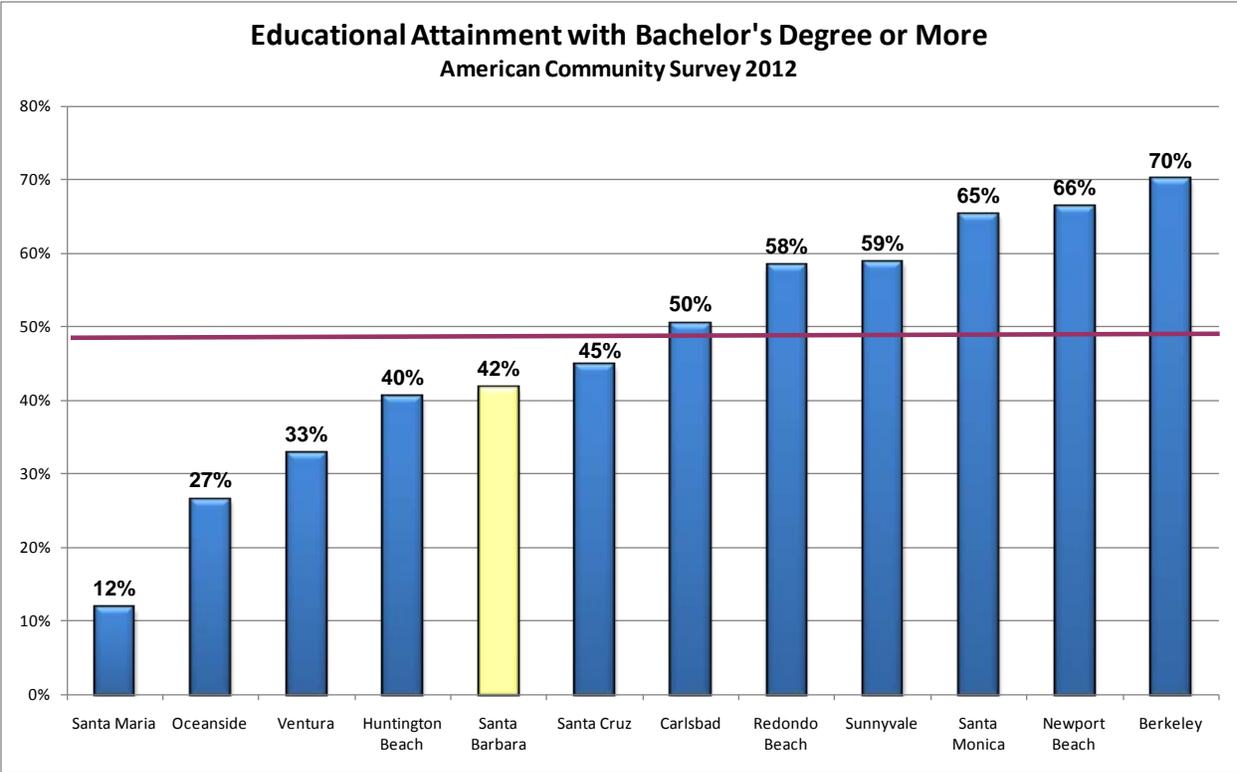
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Department	On Time	Grand Total	% On Time
Administrative Services	24	25	96%
Airport	39	43	91%
CAO and M & C	5	5	100%
Community Development	56	62	90%
Finance	28	34	82%
Fire	84	92	91%
Library	30	31	97%
Parks and Recreation	82	88	93%
Police	144	185	78%
Public Works	225	269	84%
Waterfront	41	42	98%
	<b>758</b>	<b>876</b>	<b>87%</b>

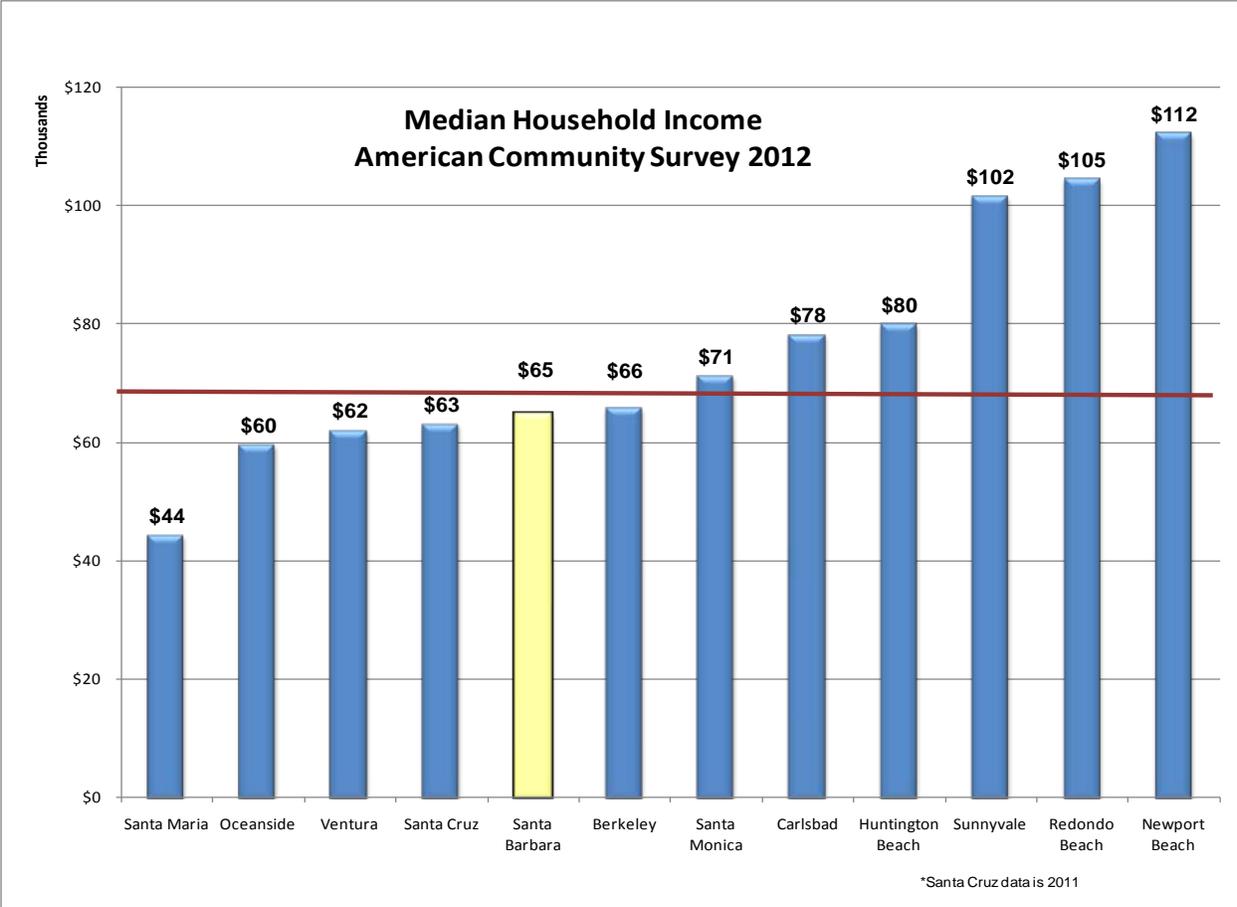
General Characteristics

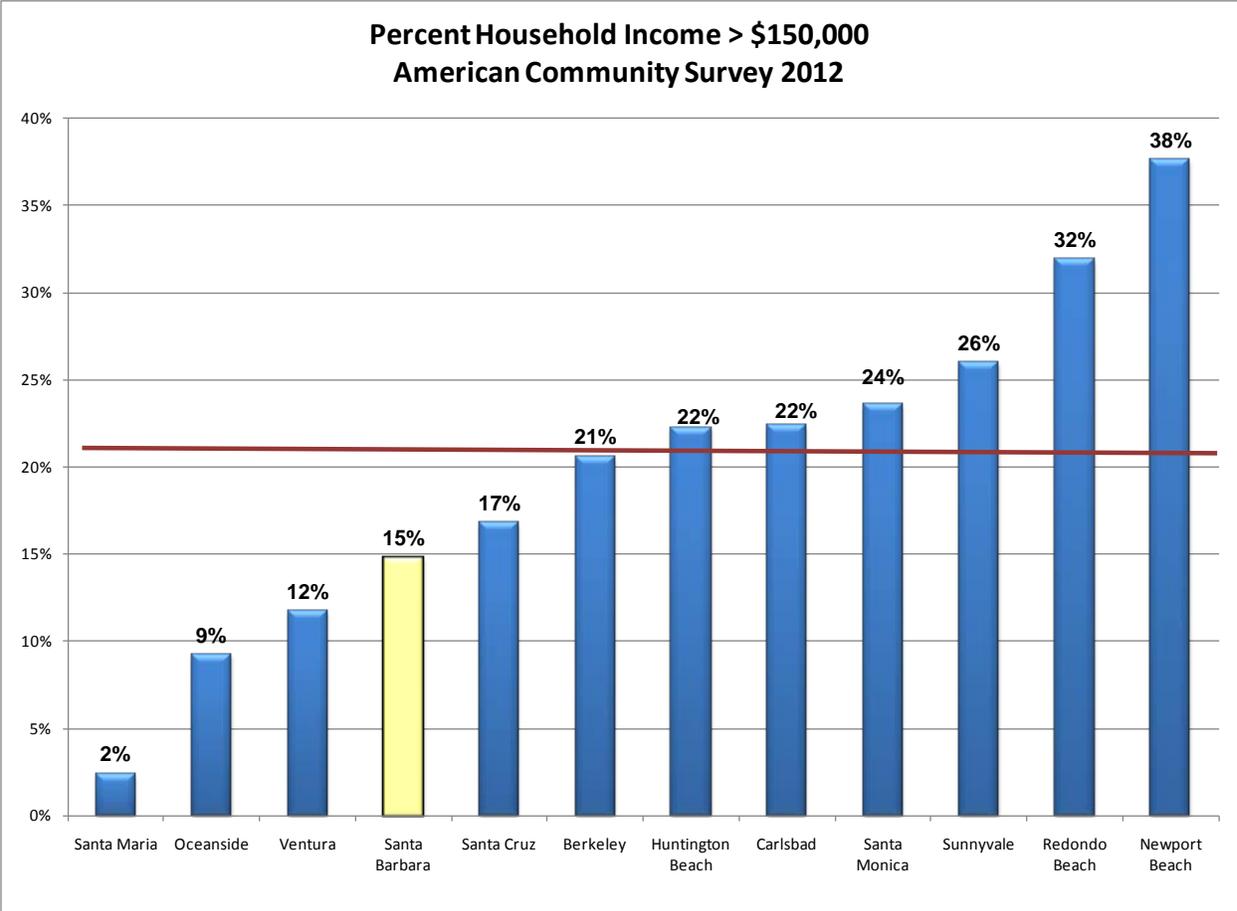
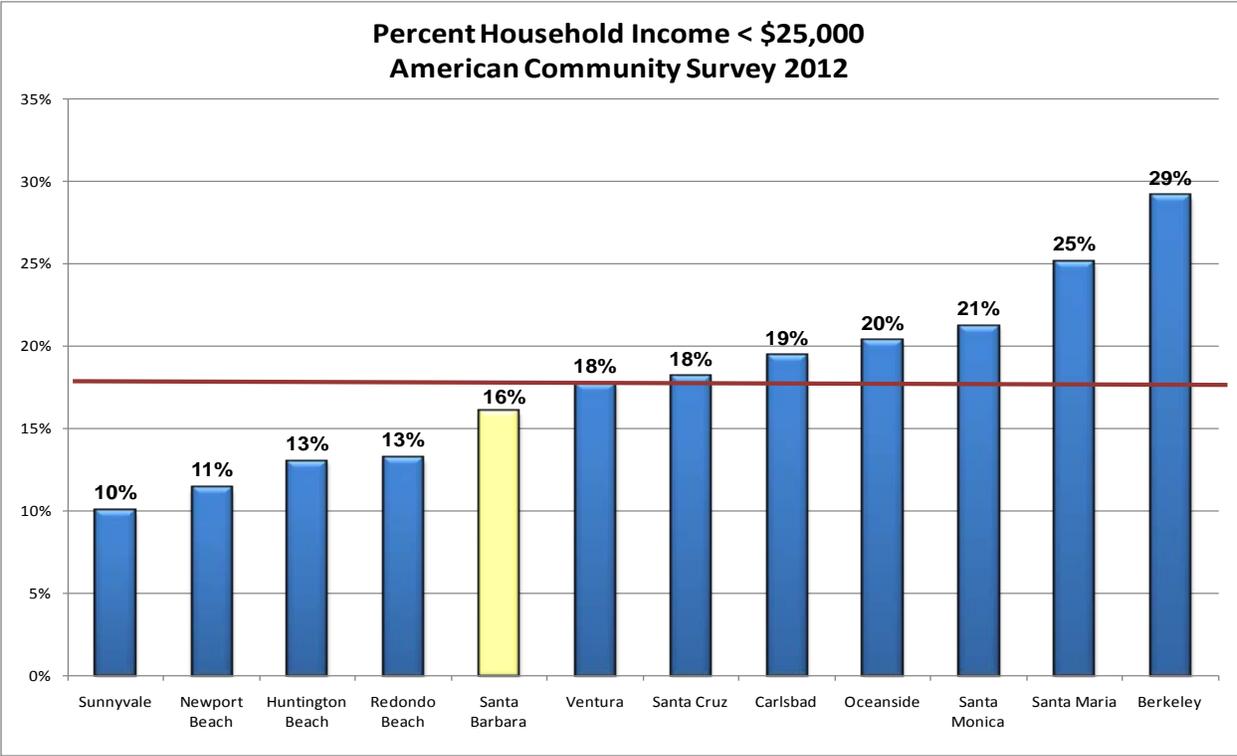


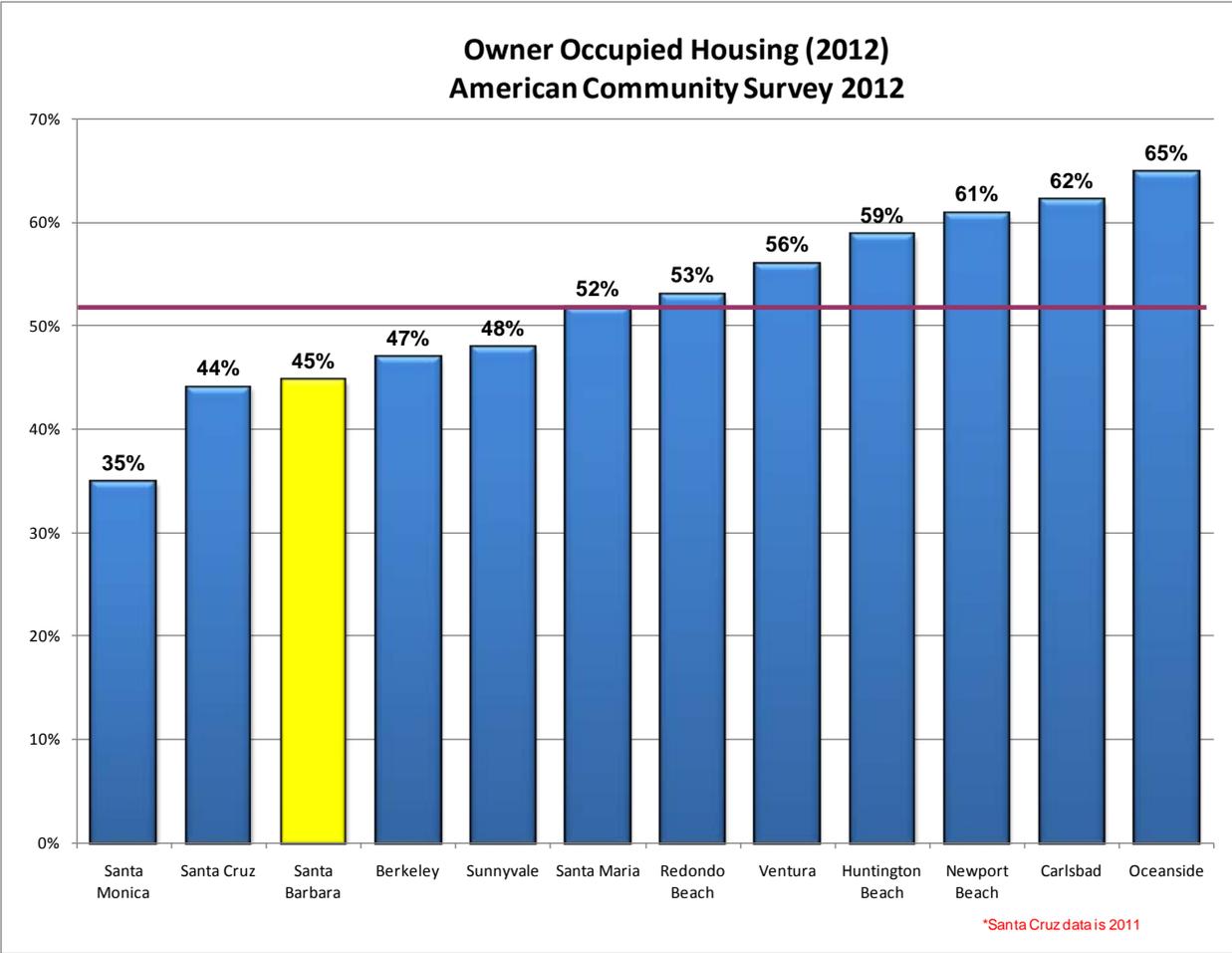




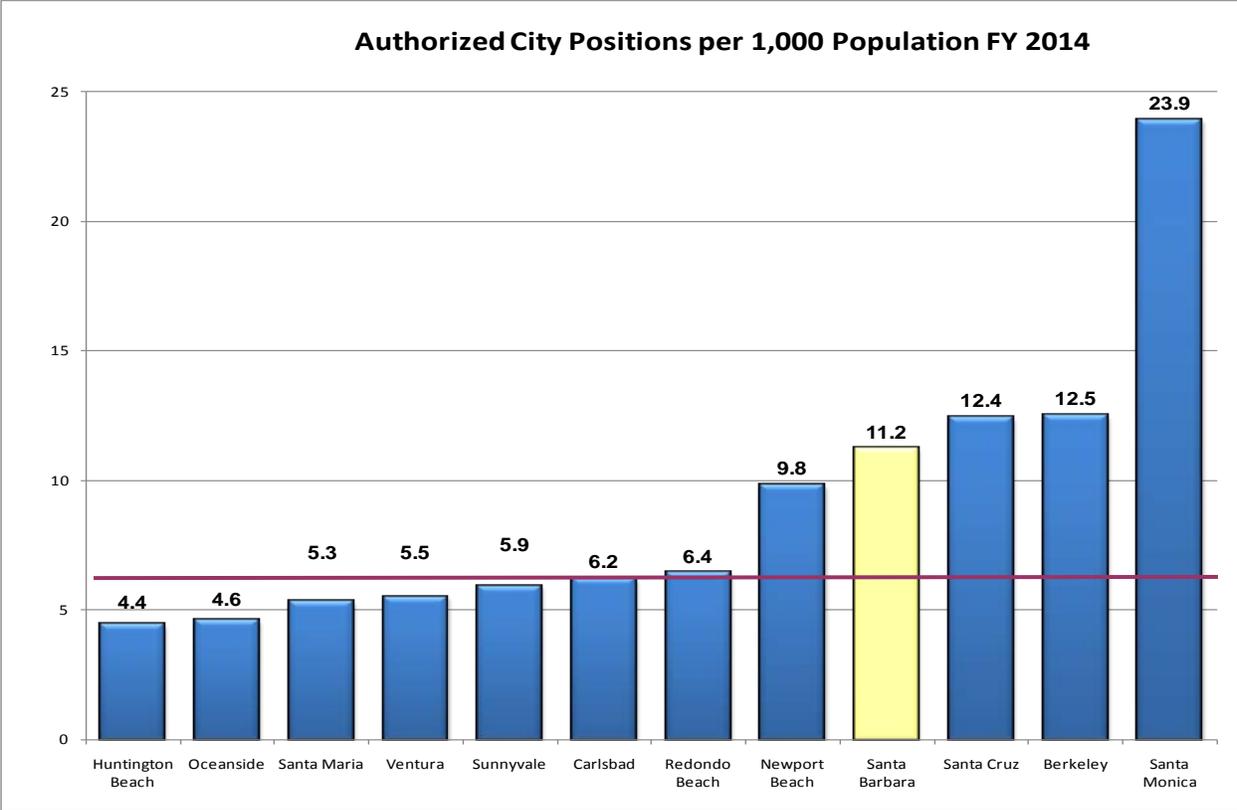
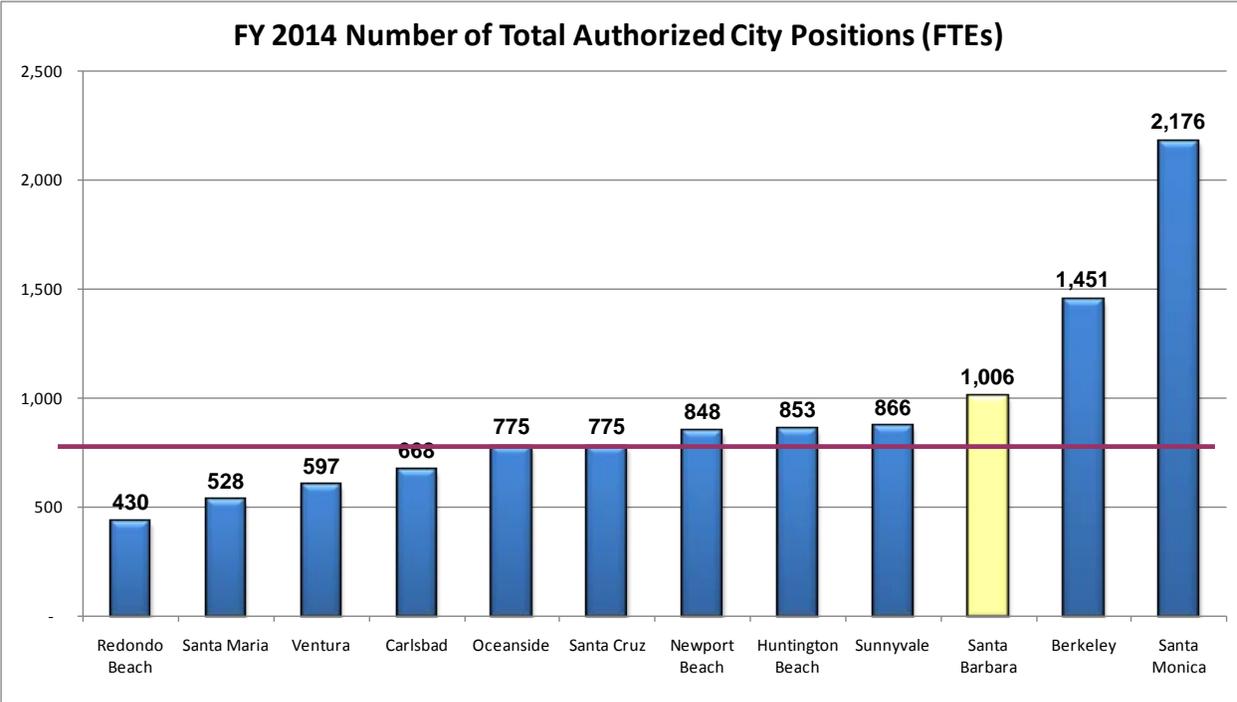
*Household Income*

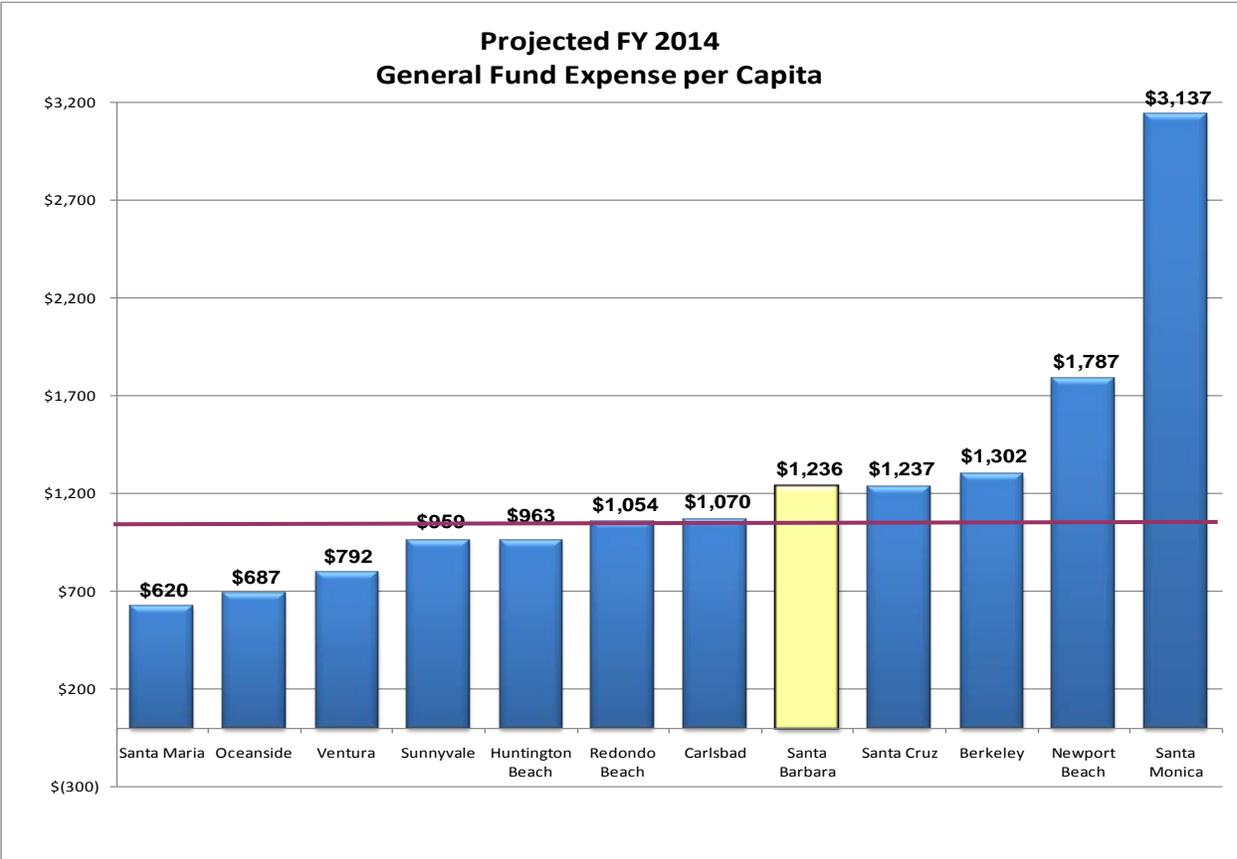
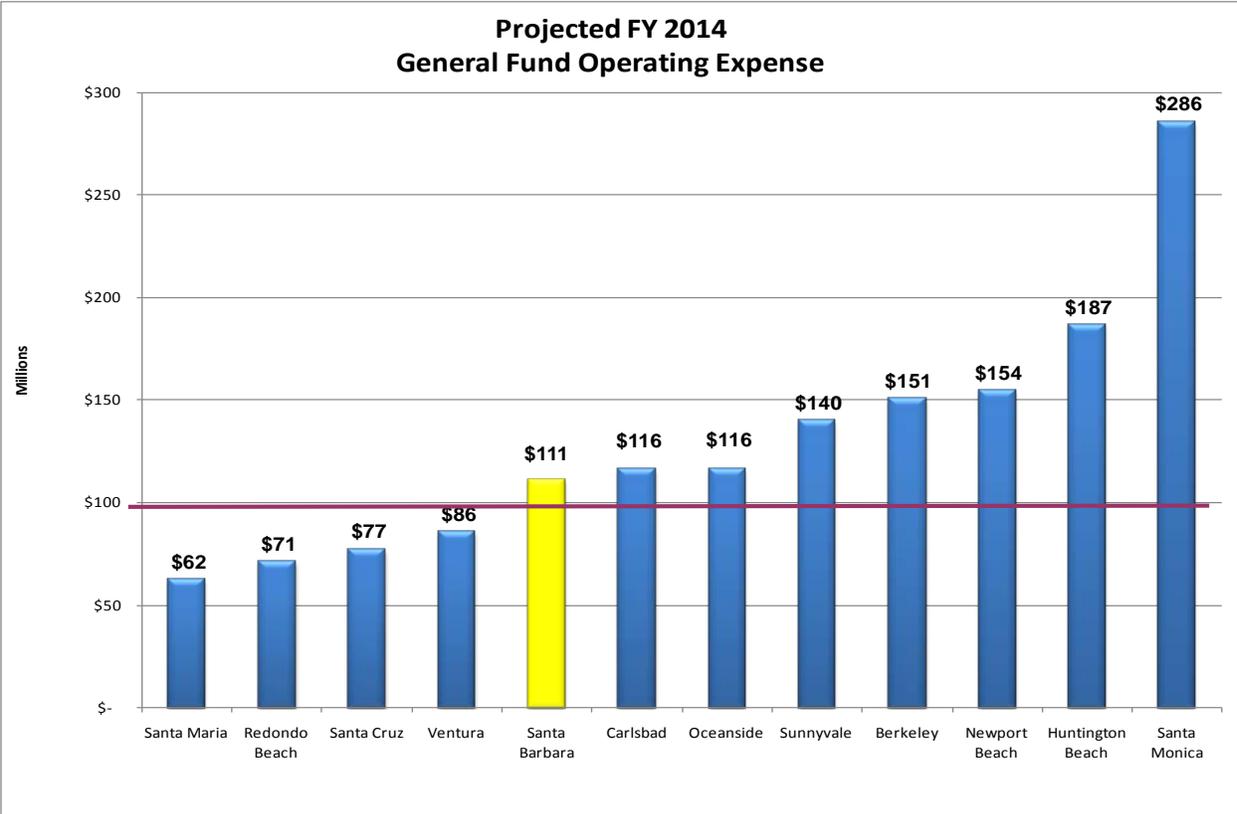


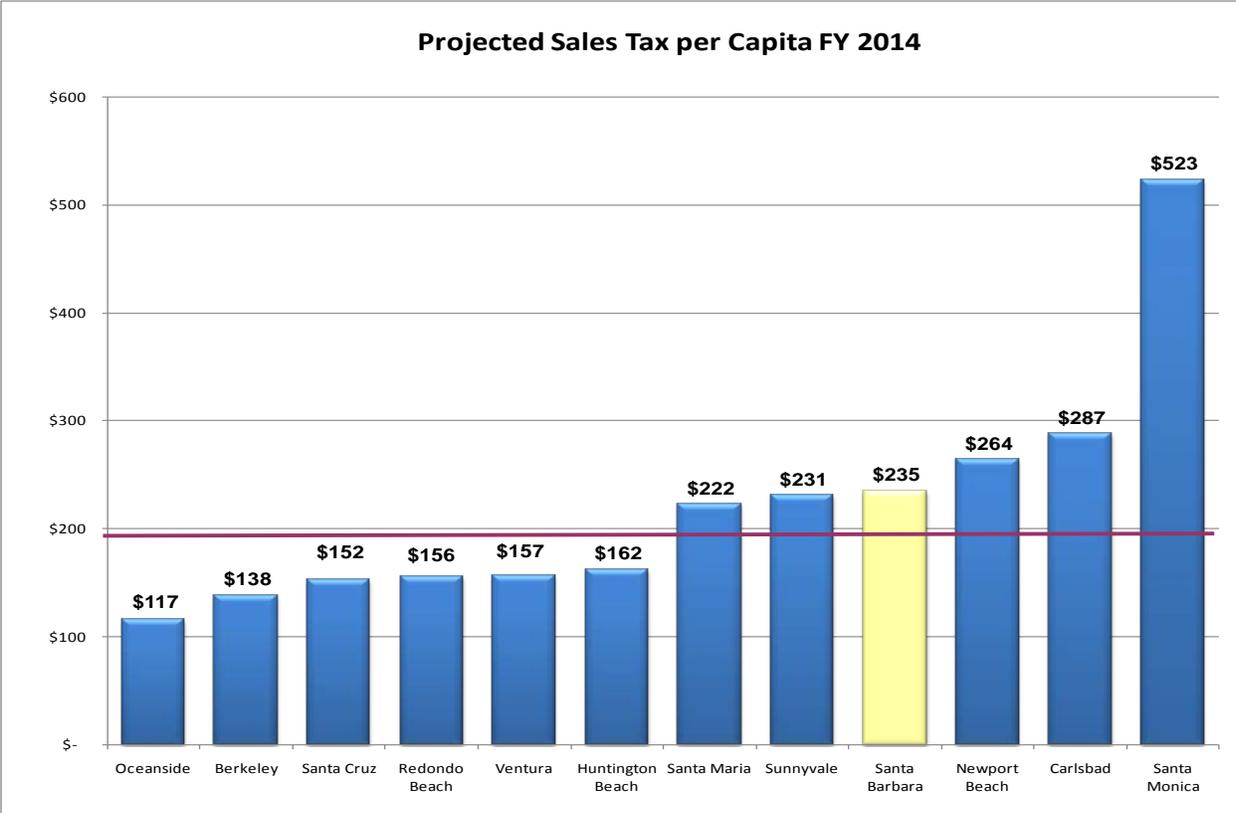
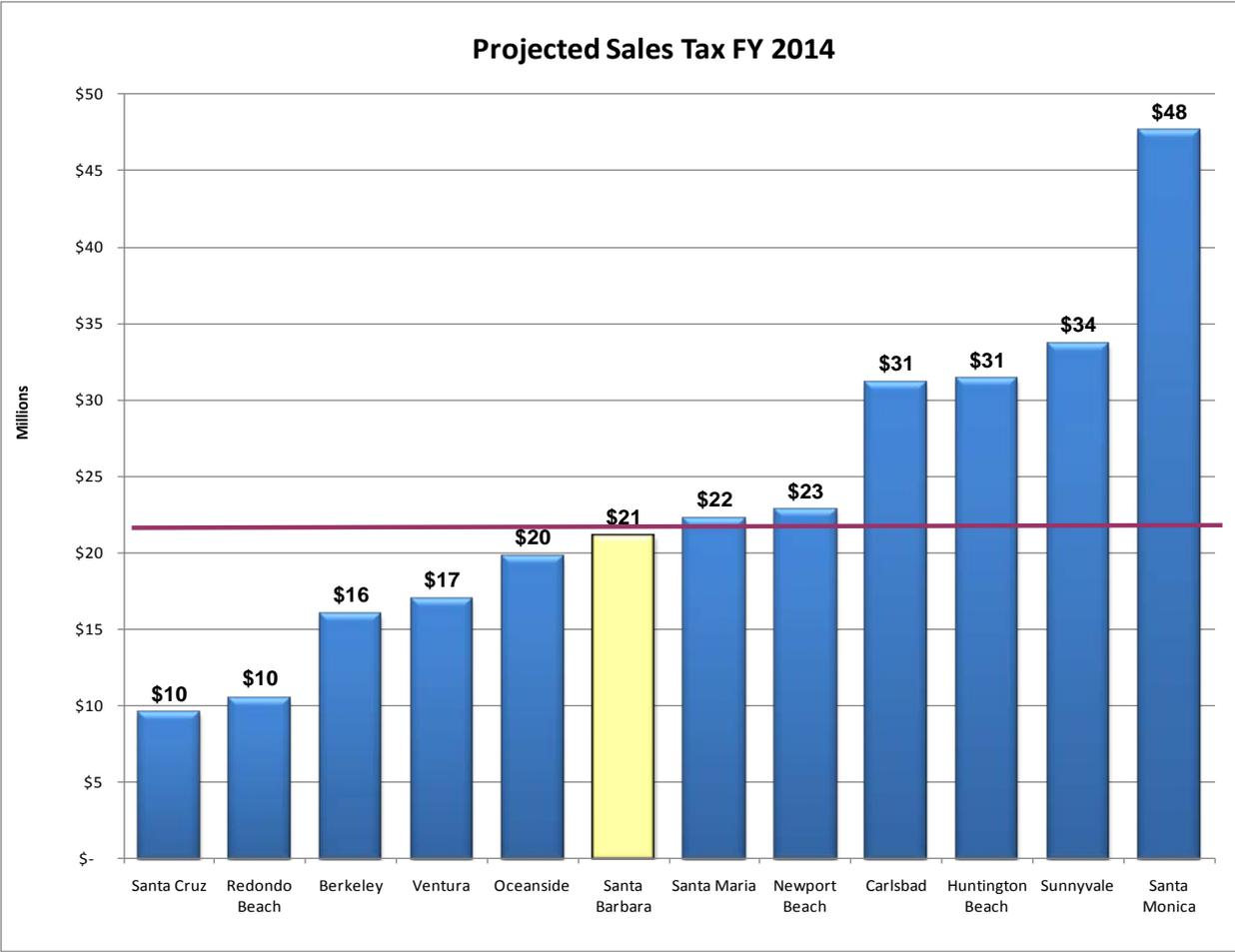


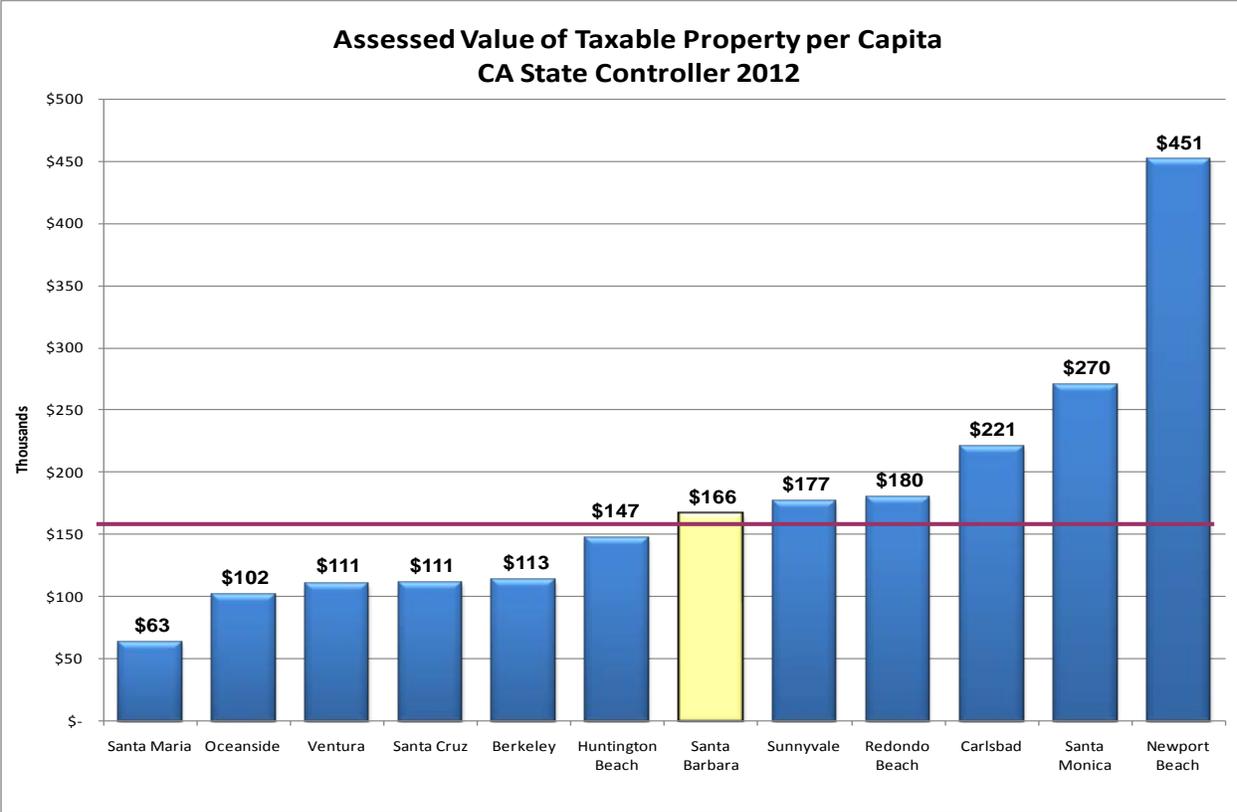
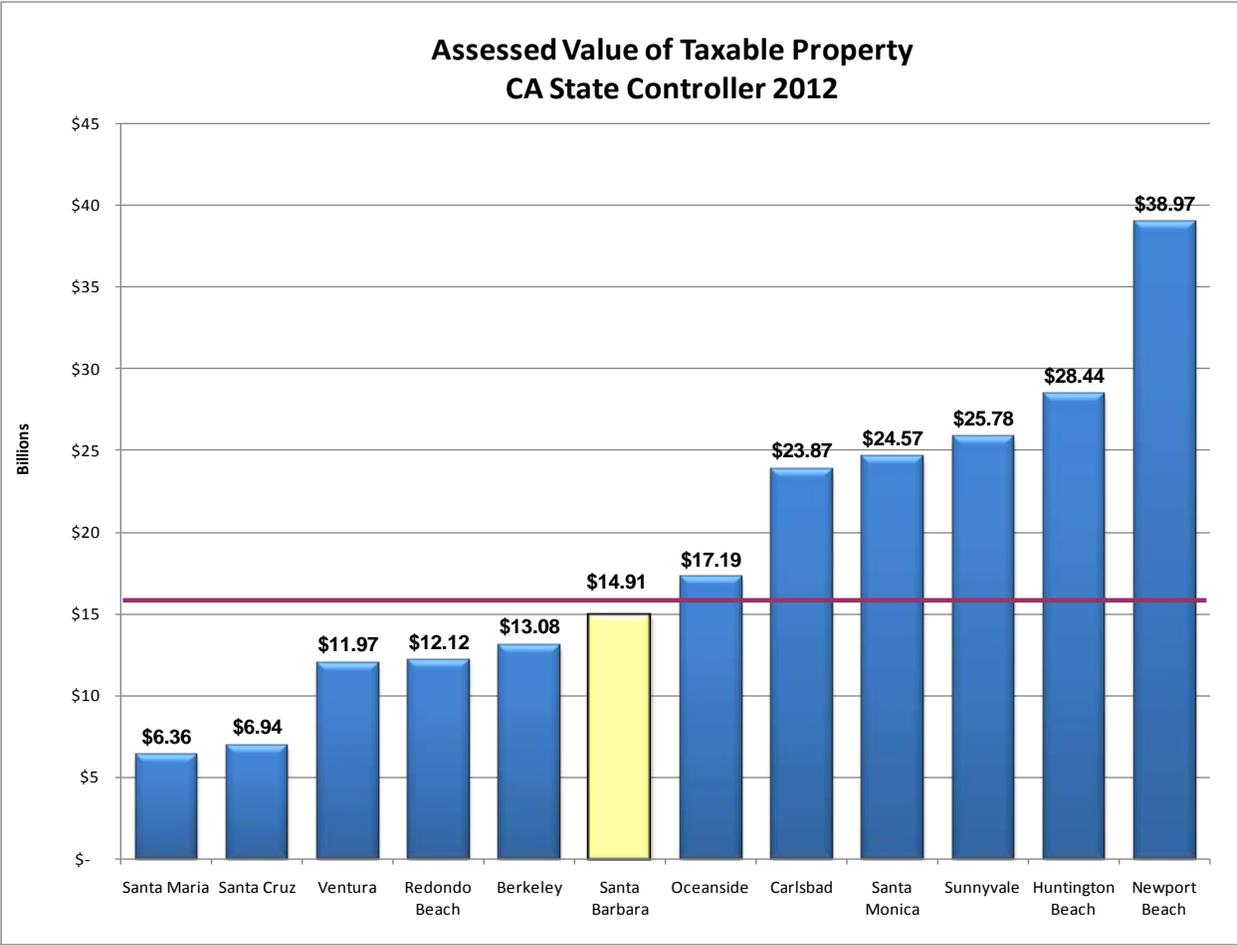


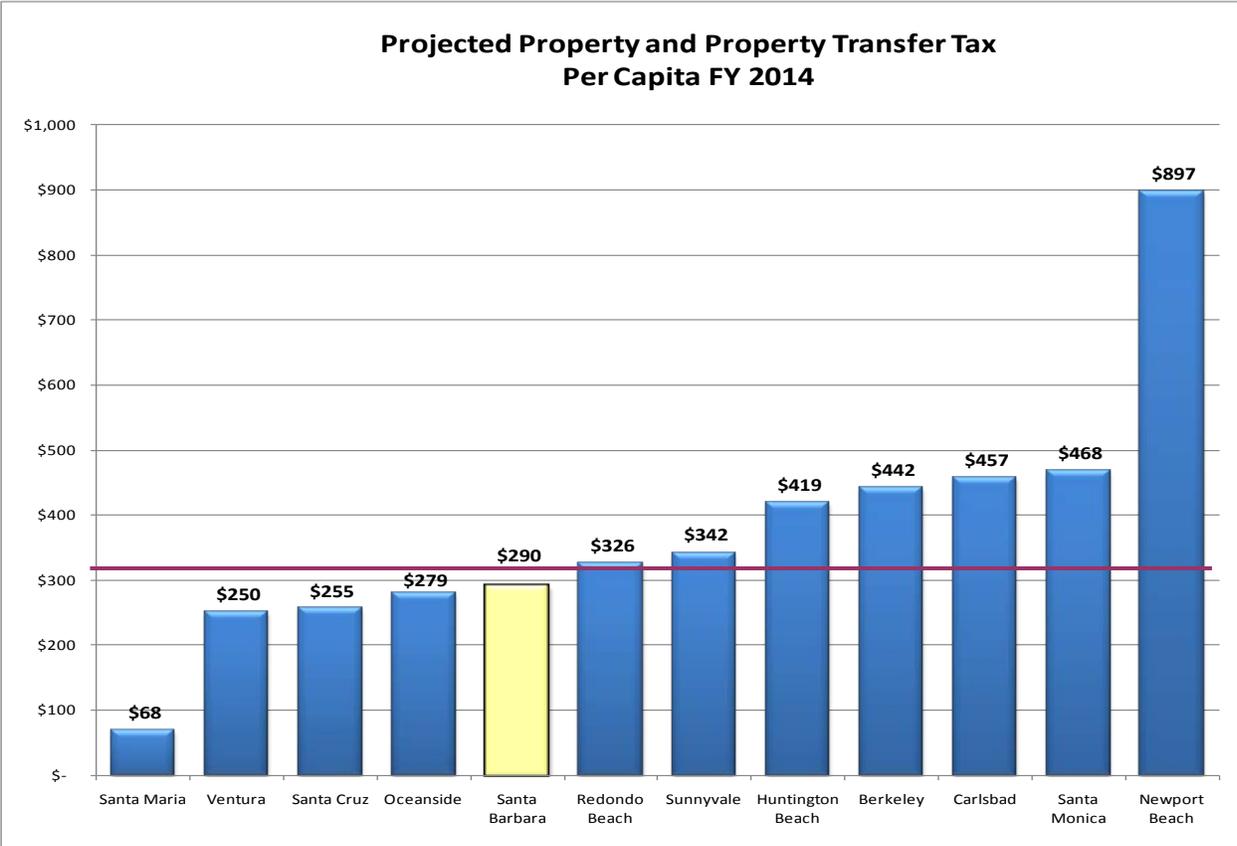
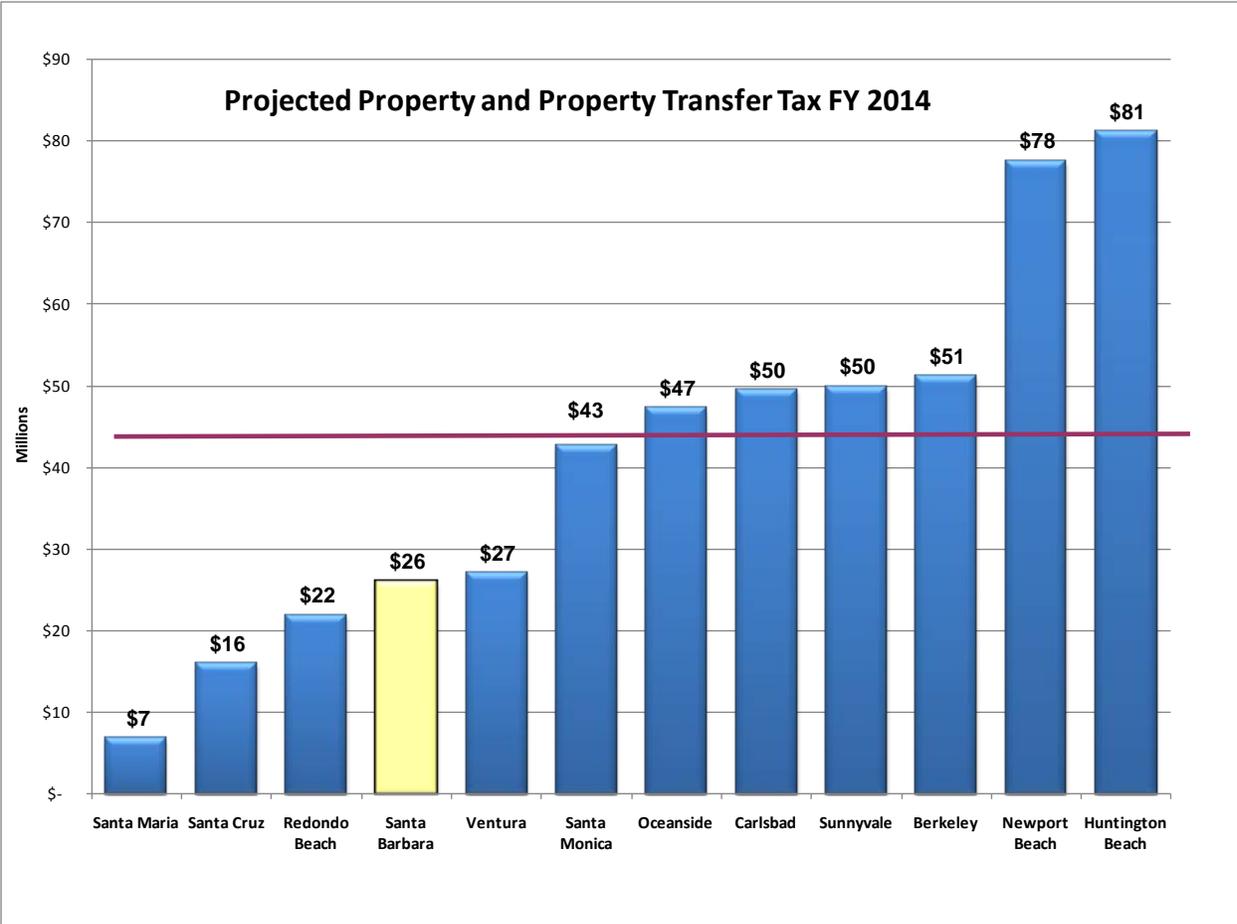
FY 2014 Adopted Budgets

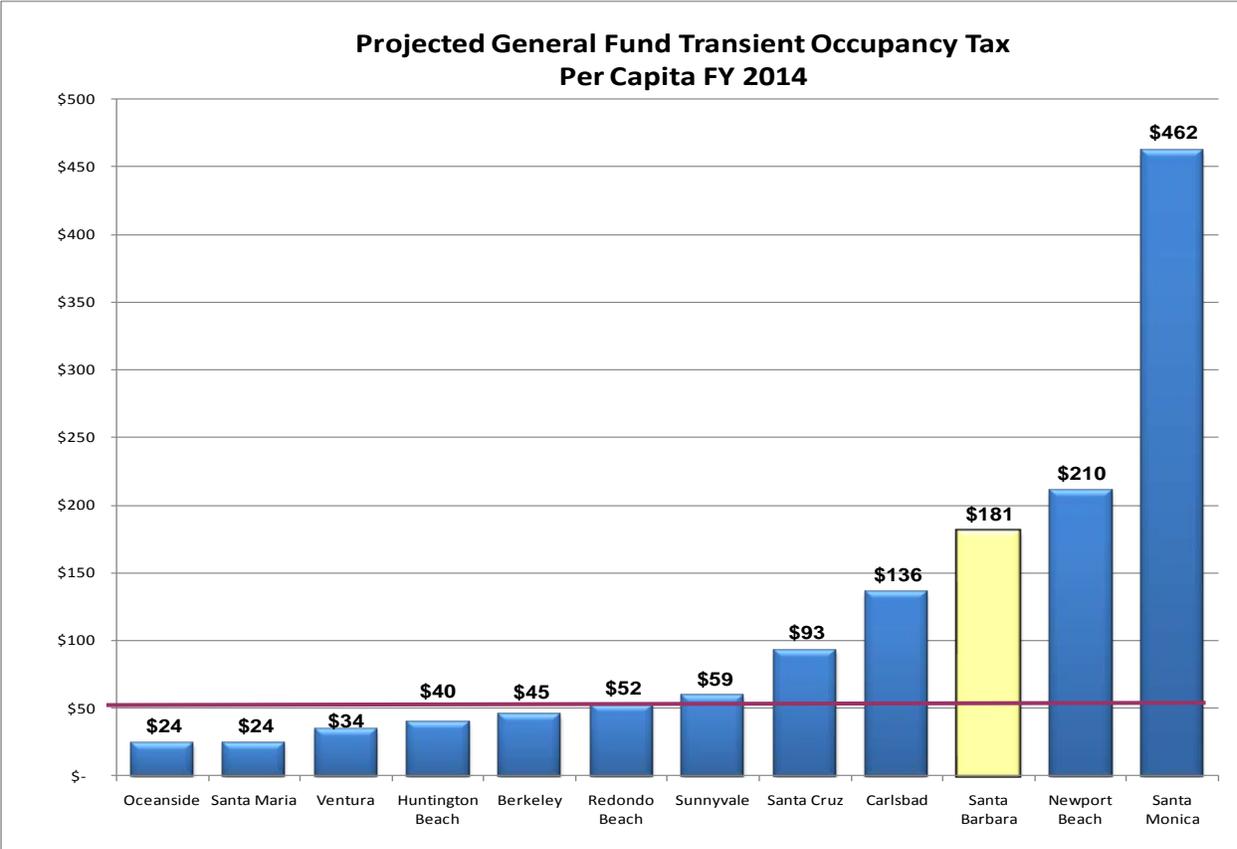
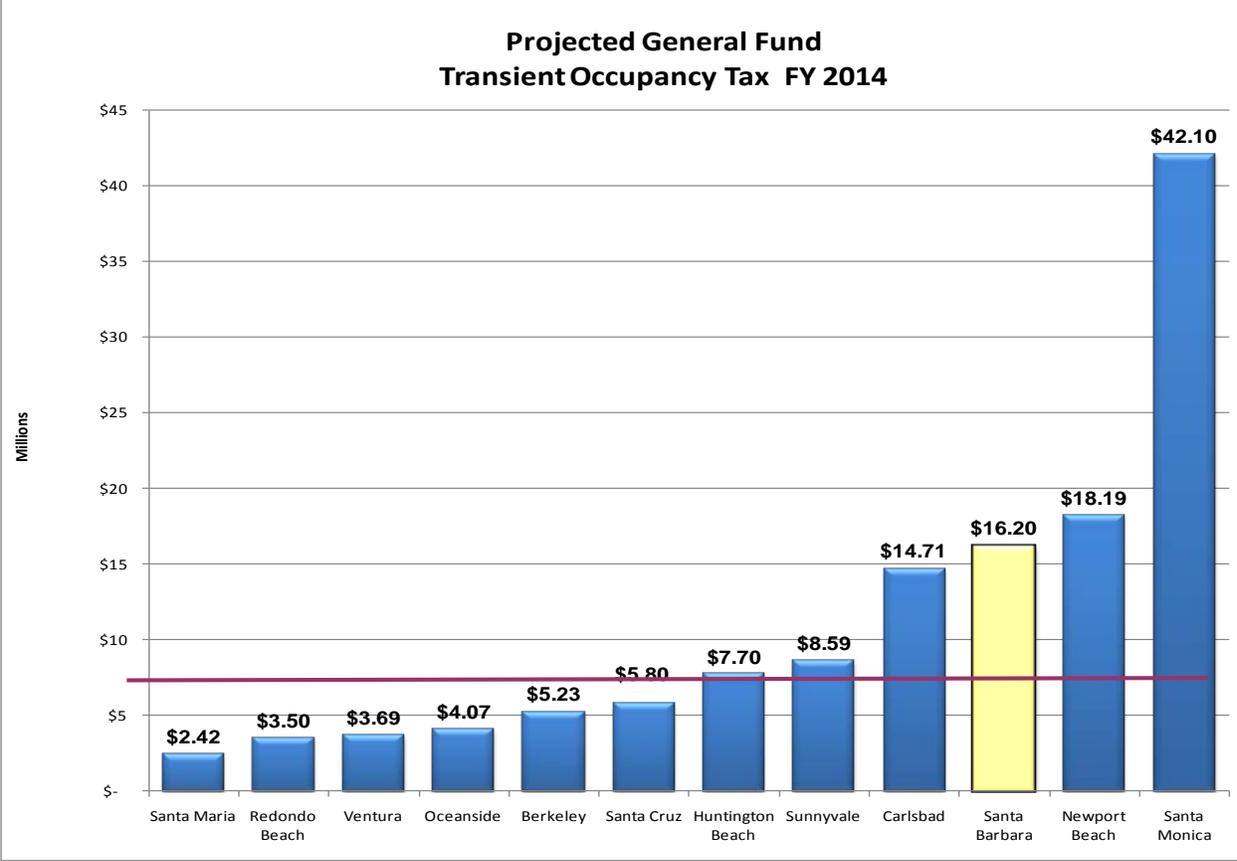


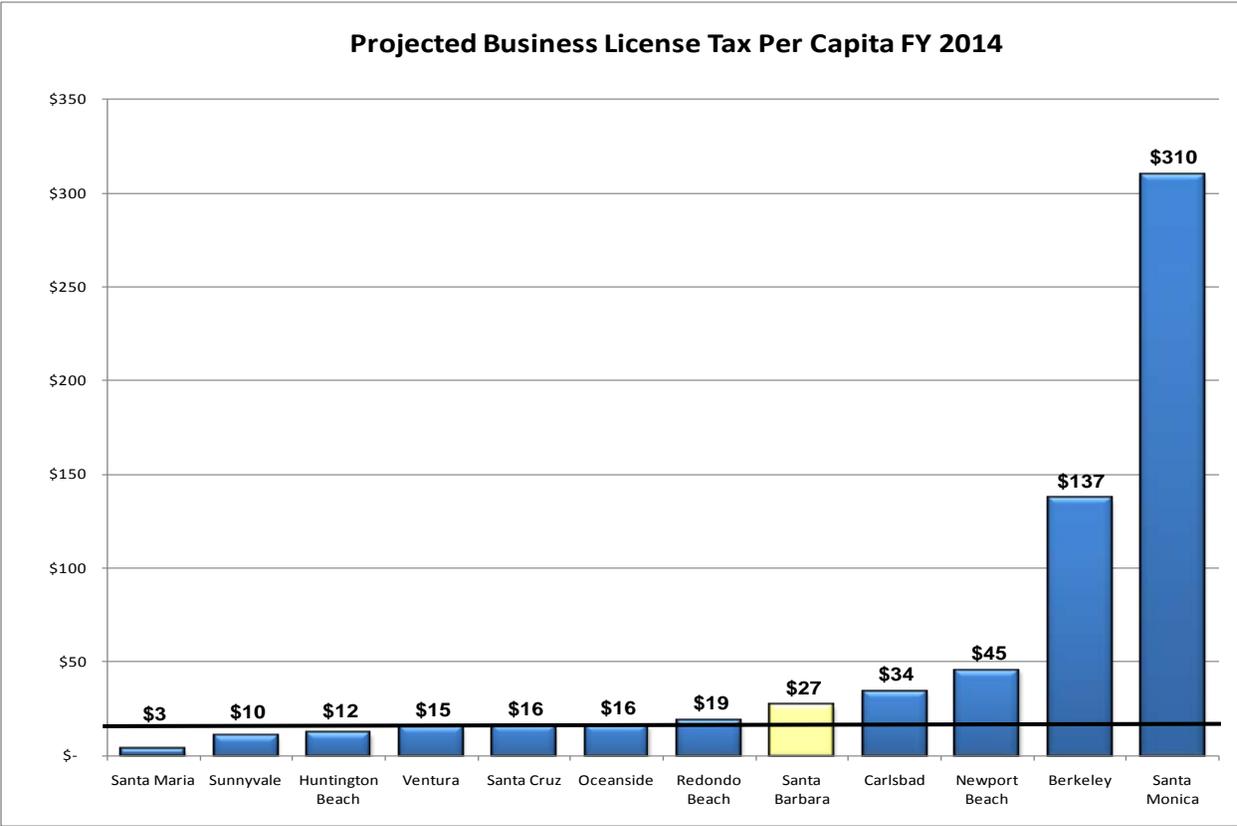
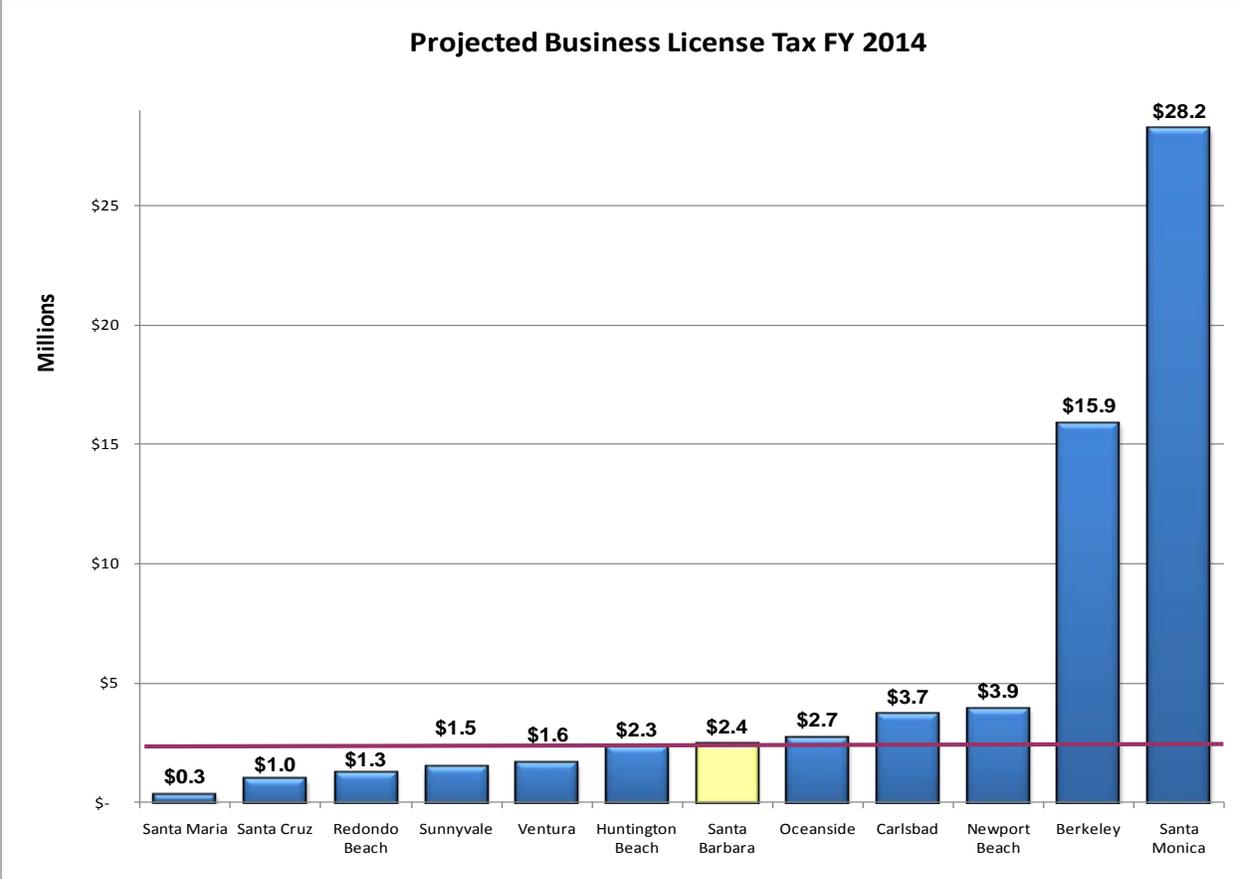


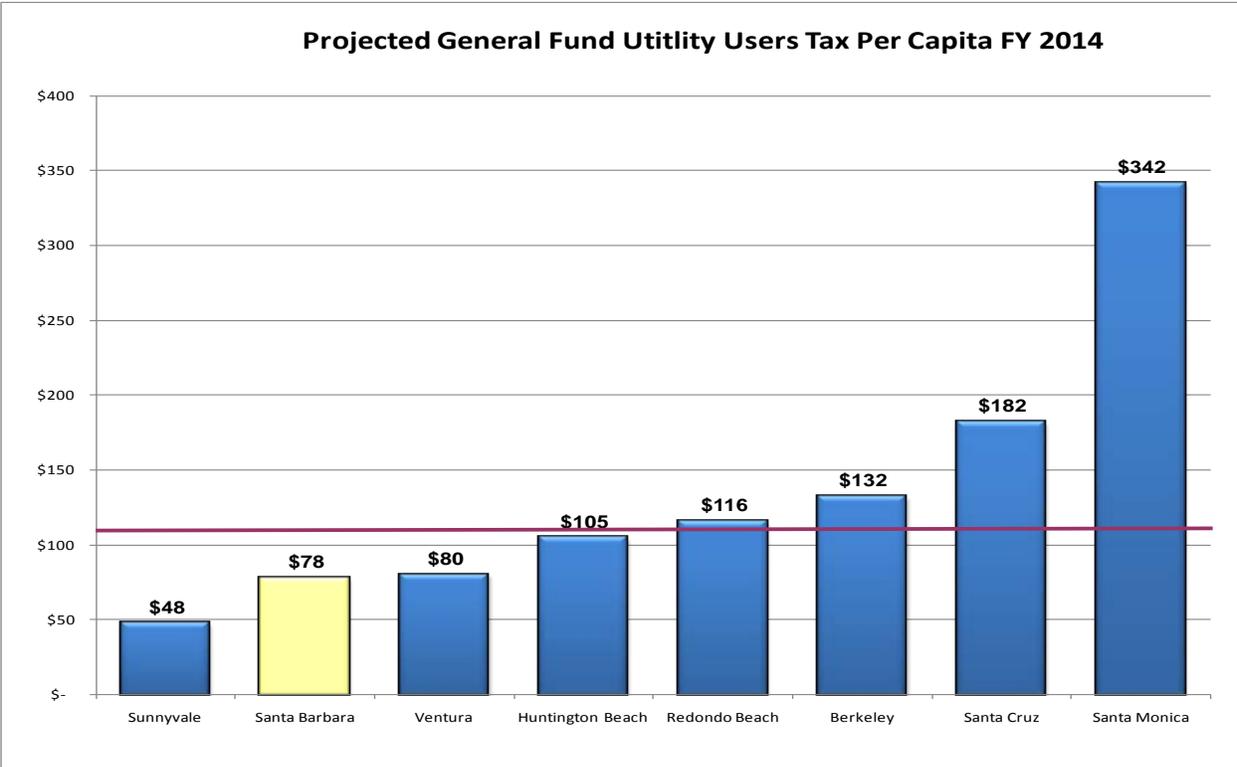
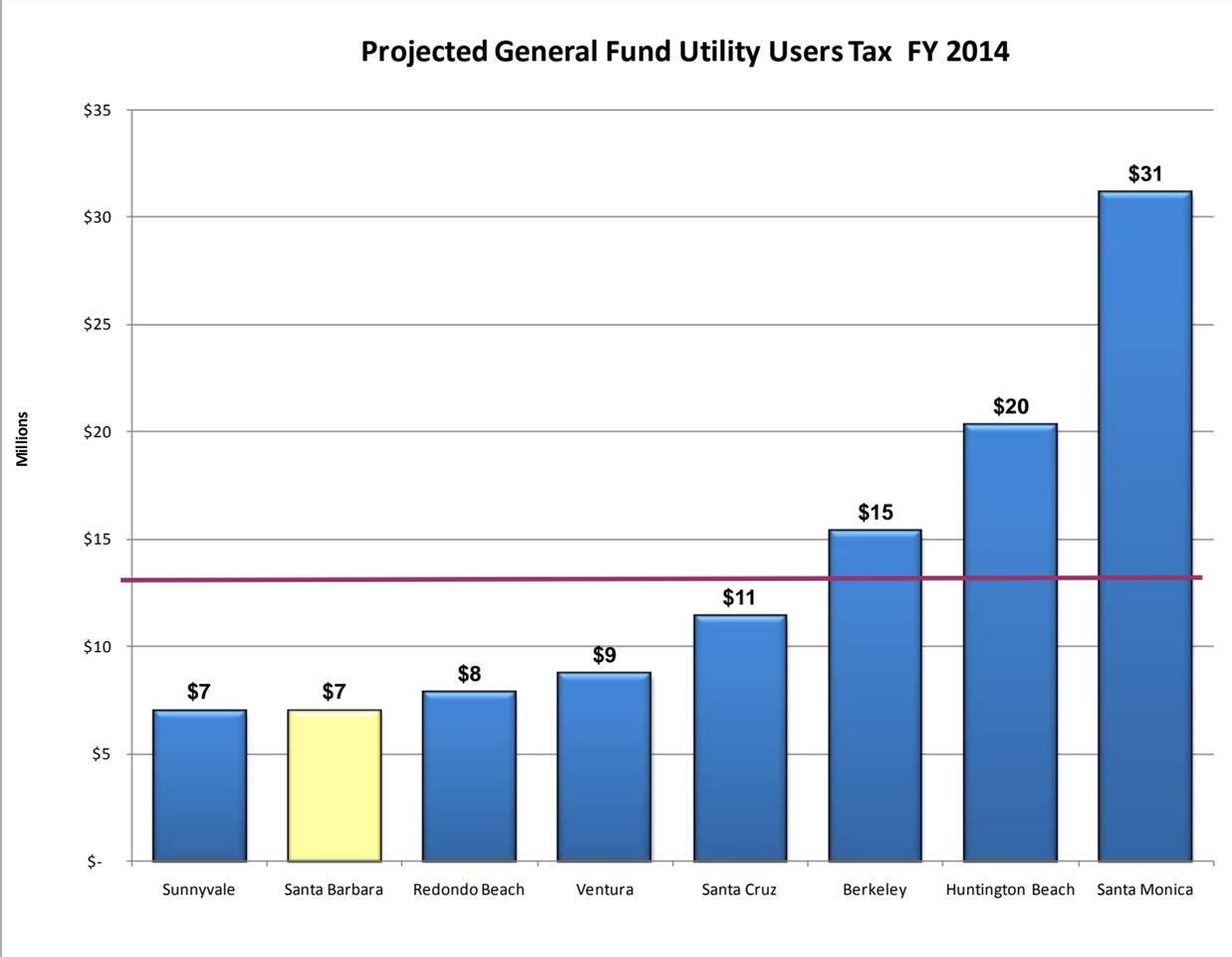




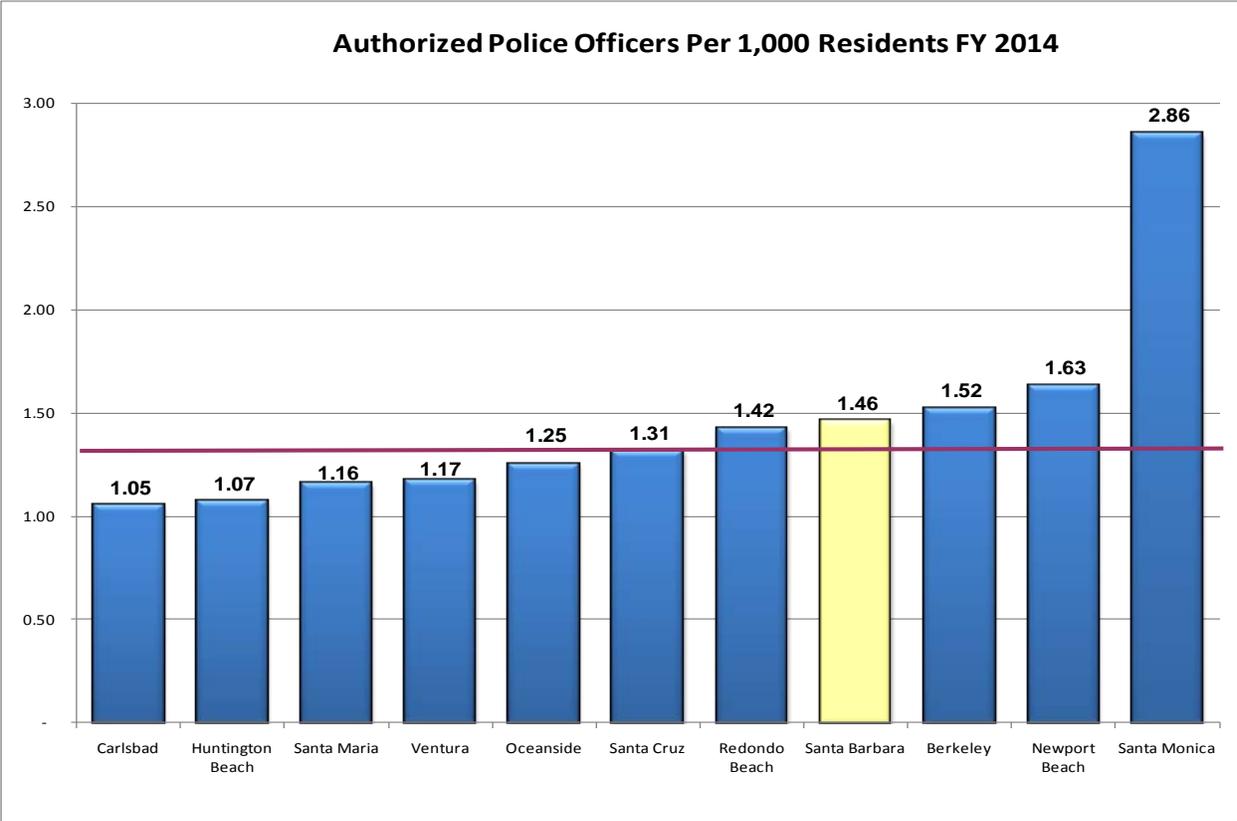
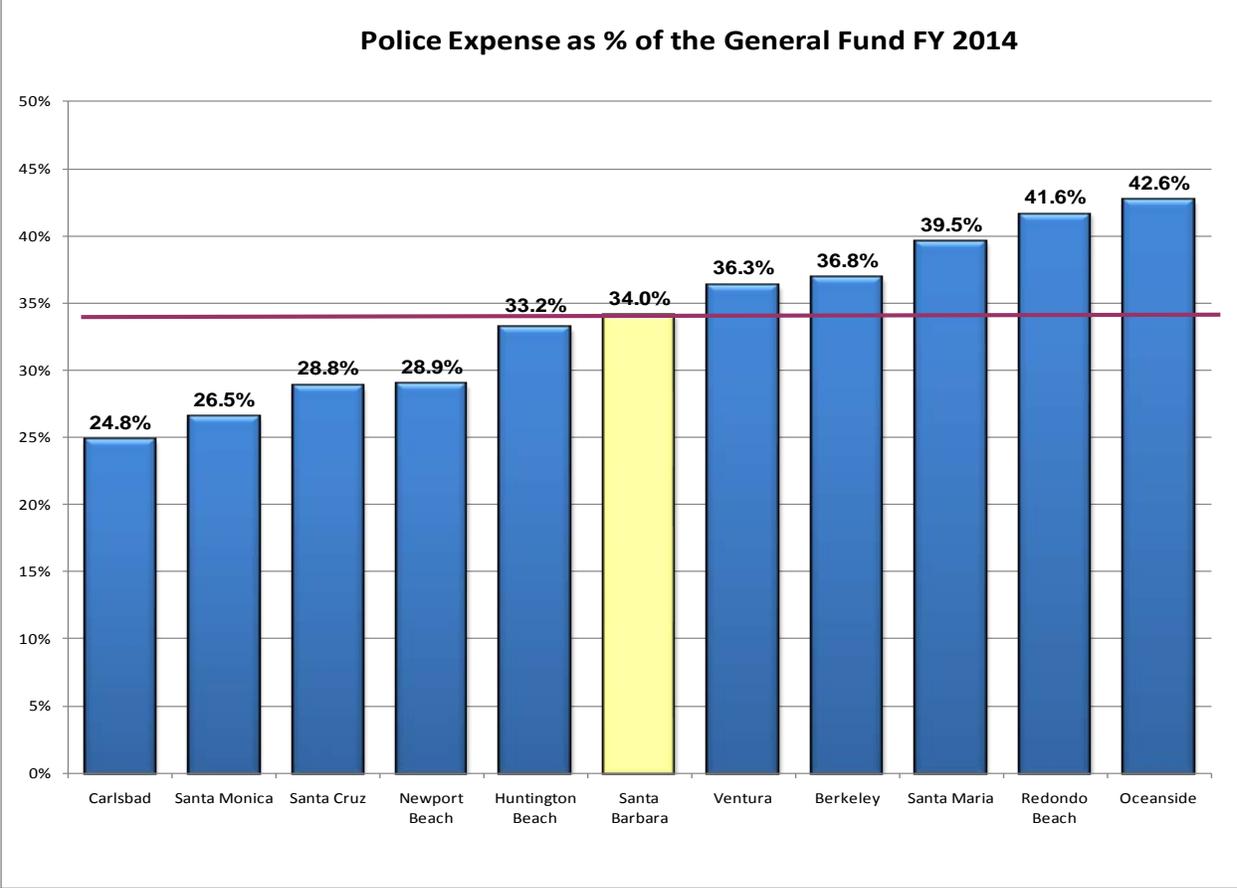




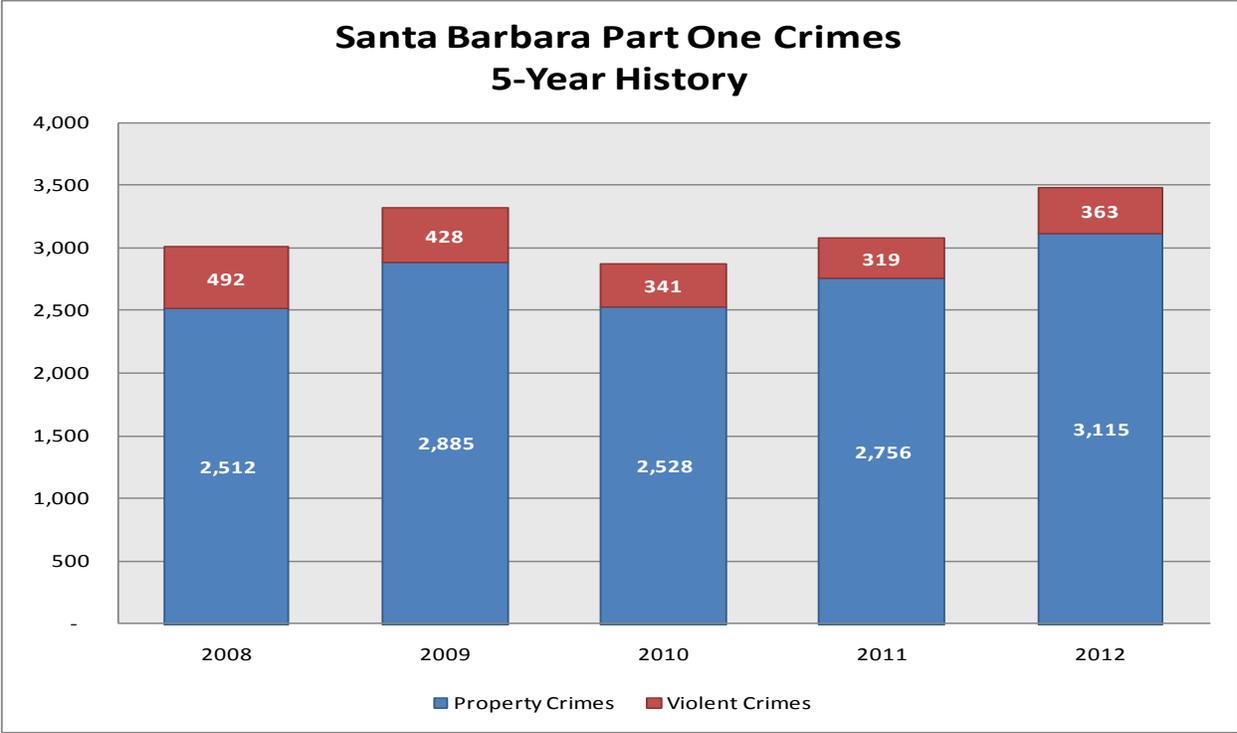
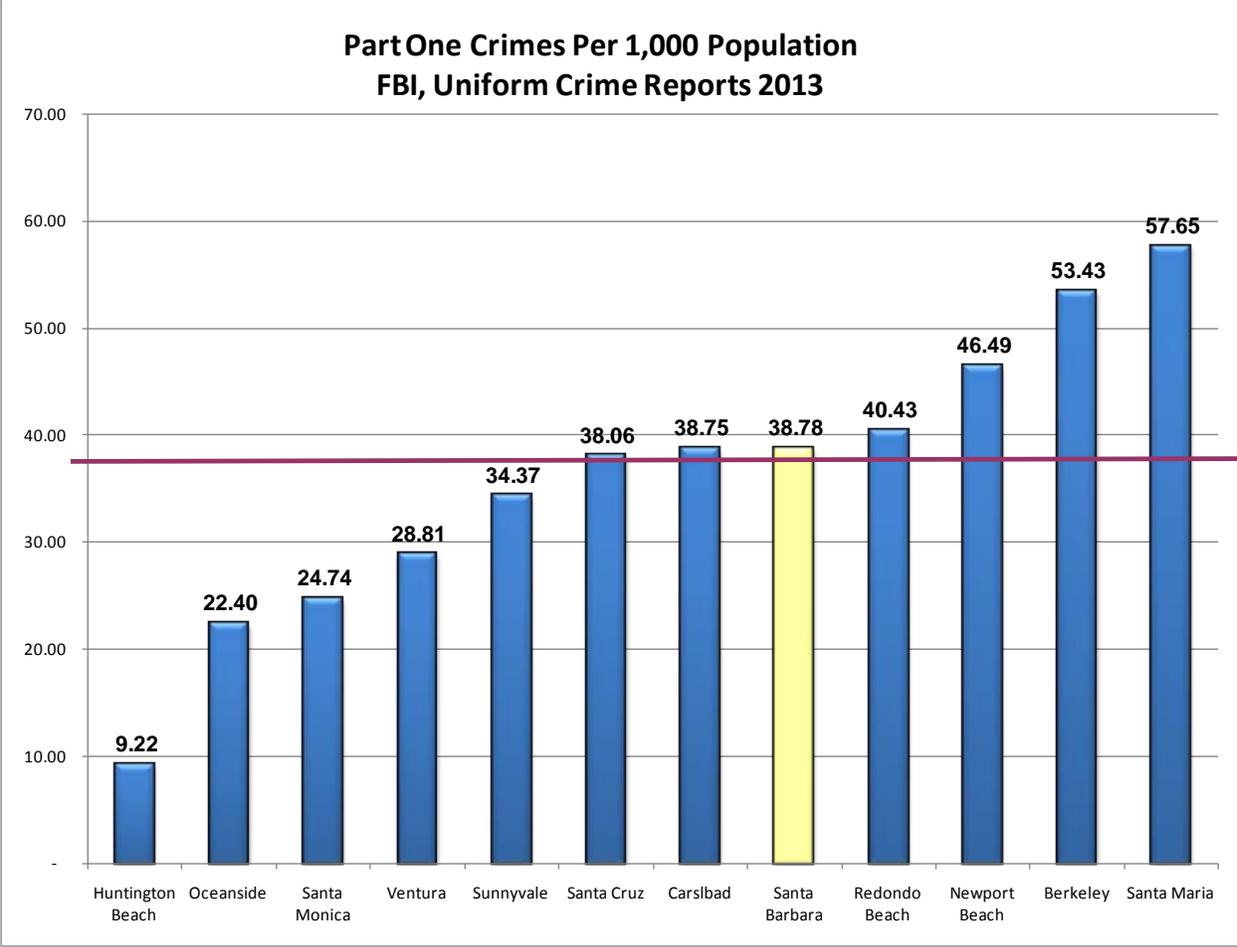


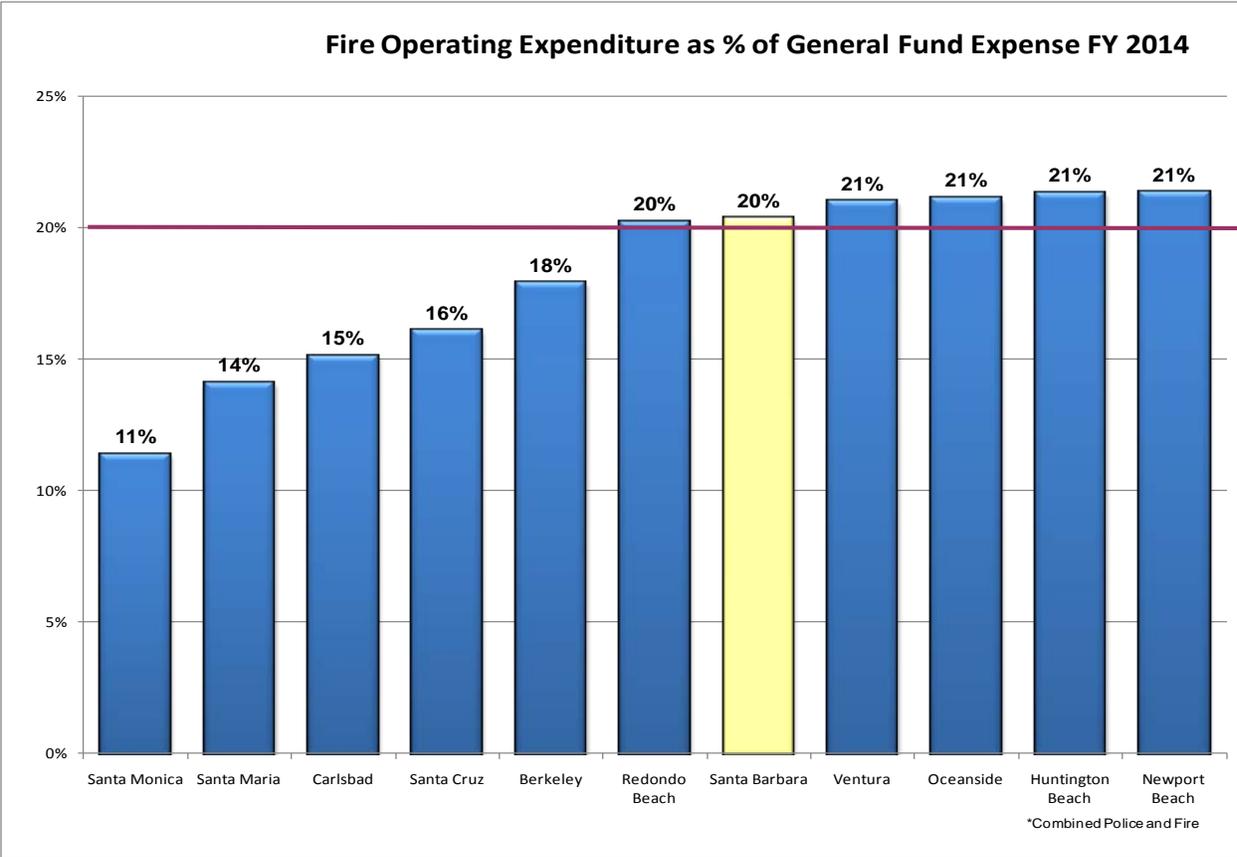
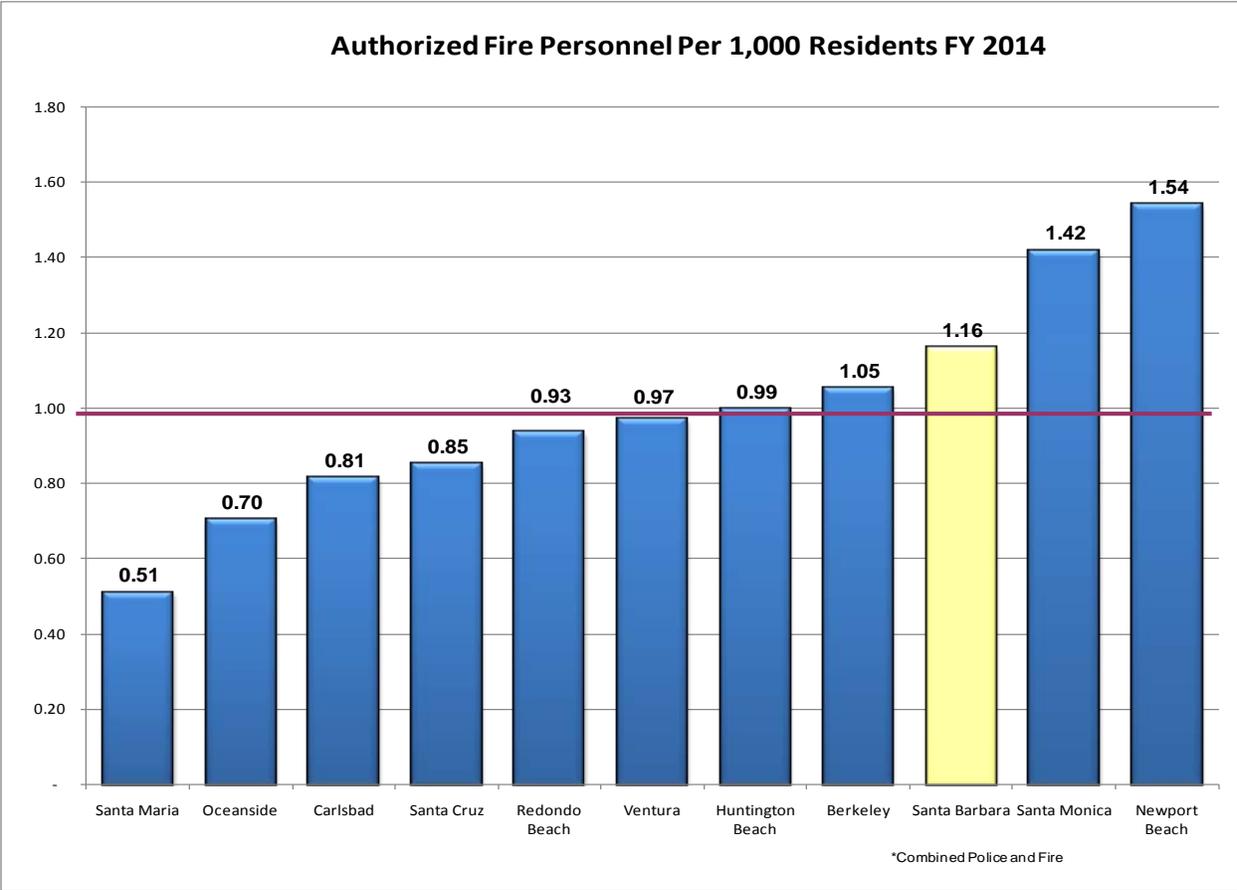


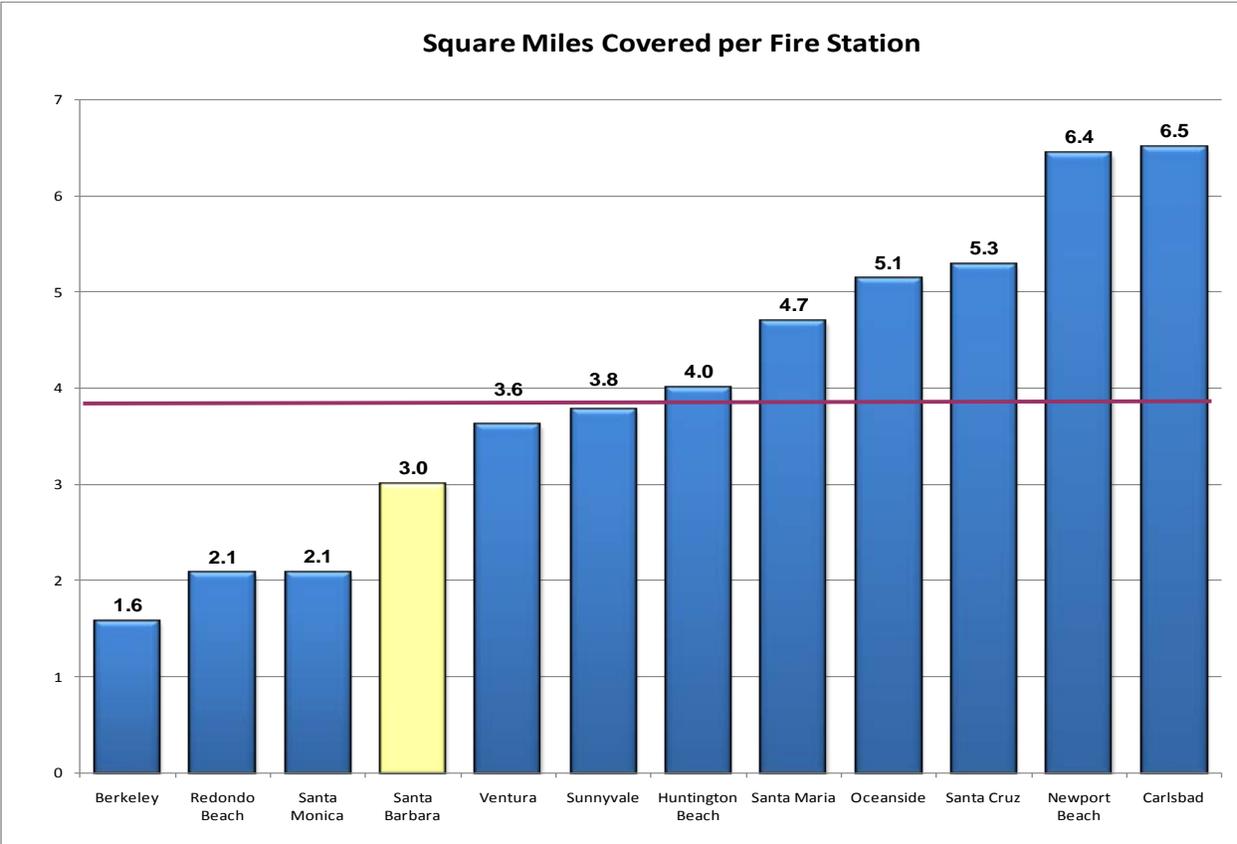
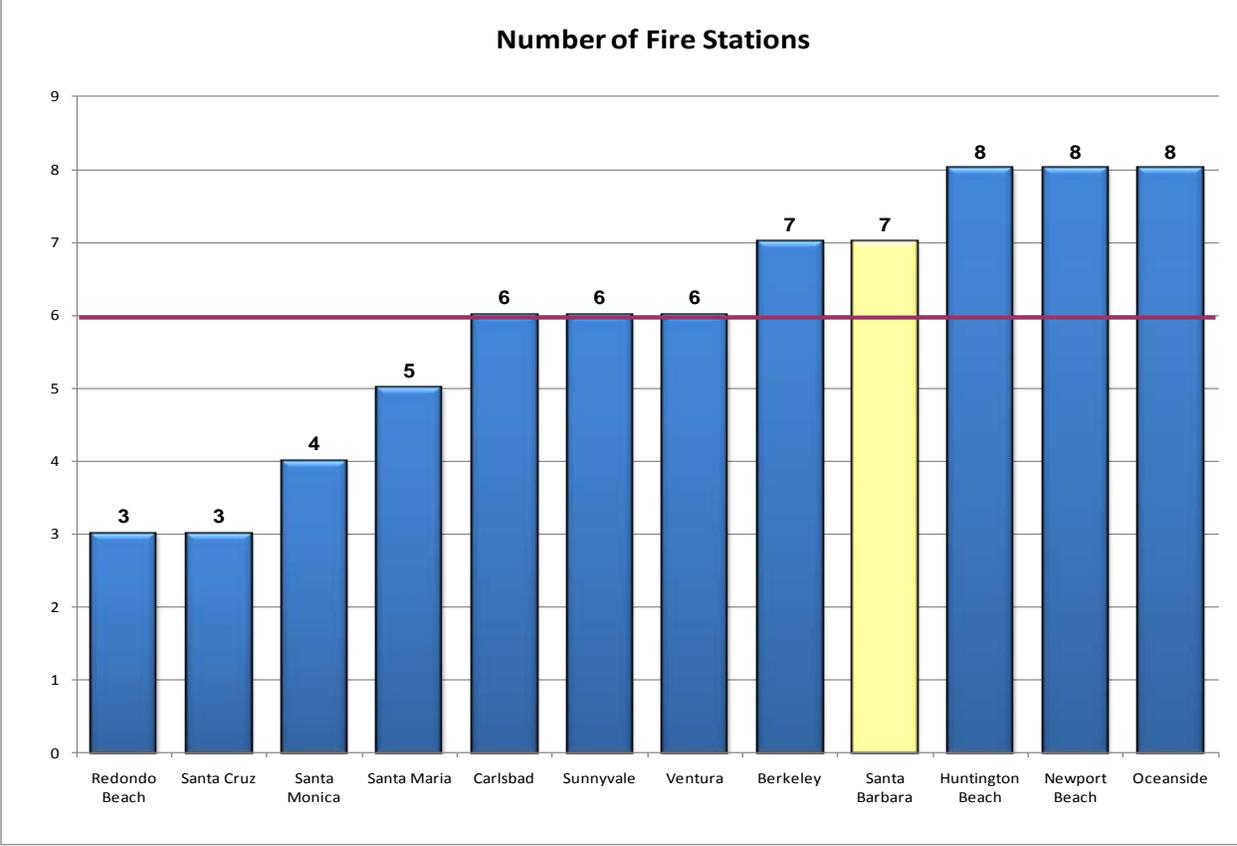
Public Safety



Public Safety

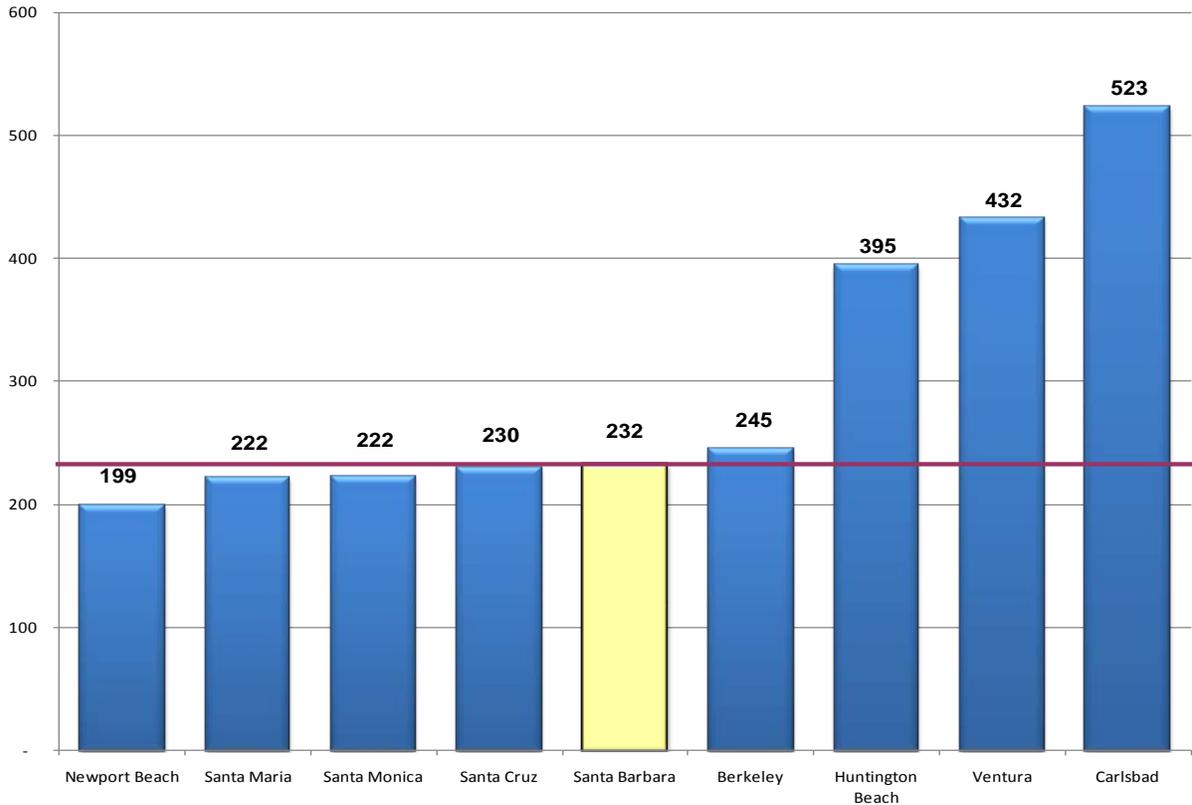




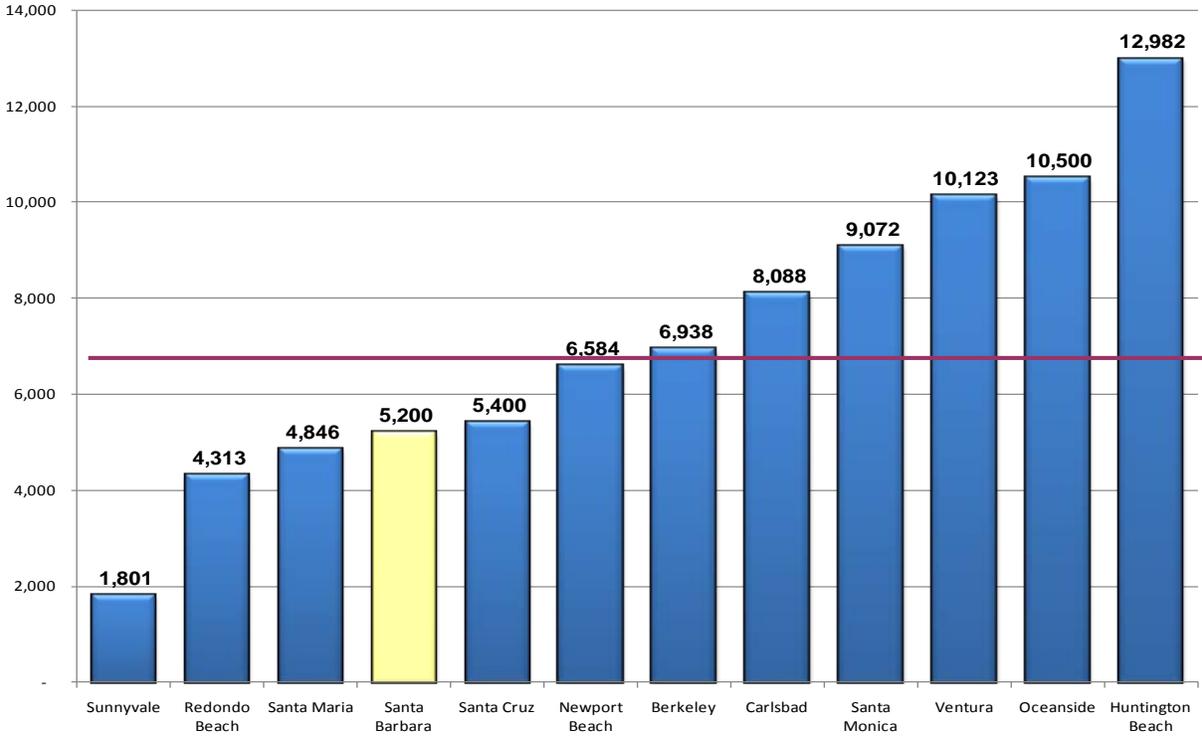


\*Santa Barbara and Santa Maria Airport Firestation Excluded

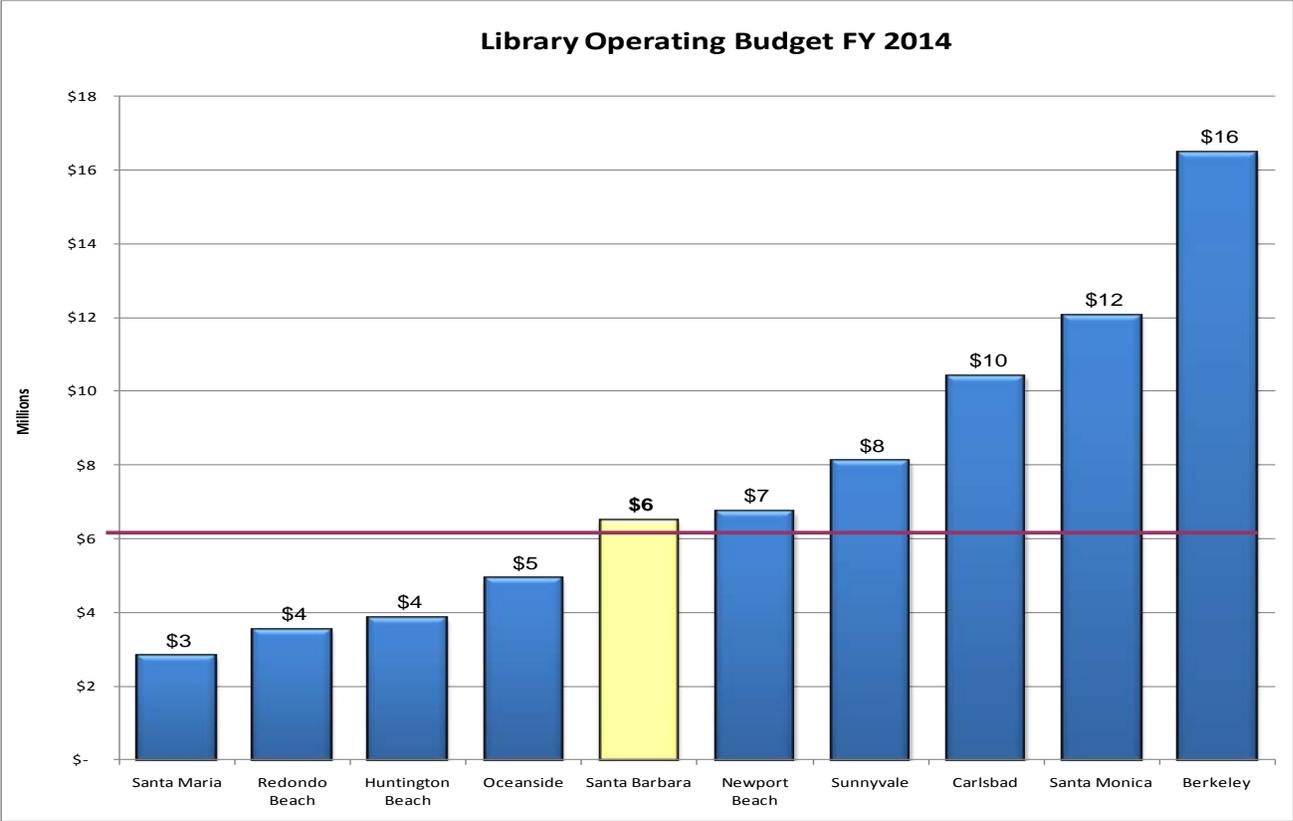
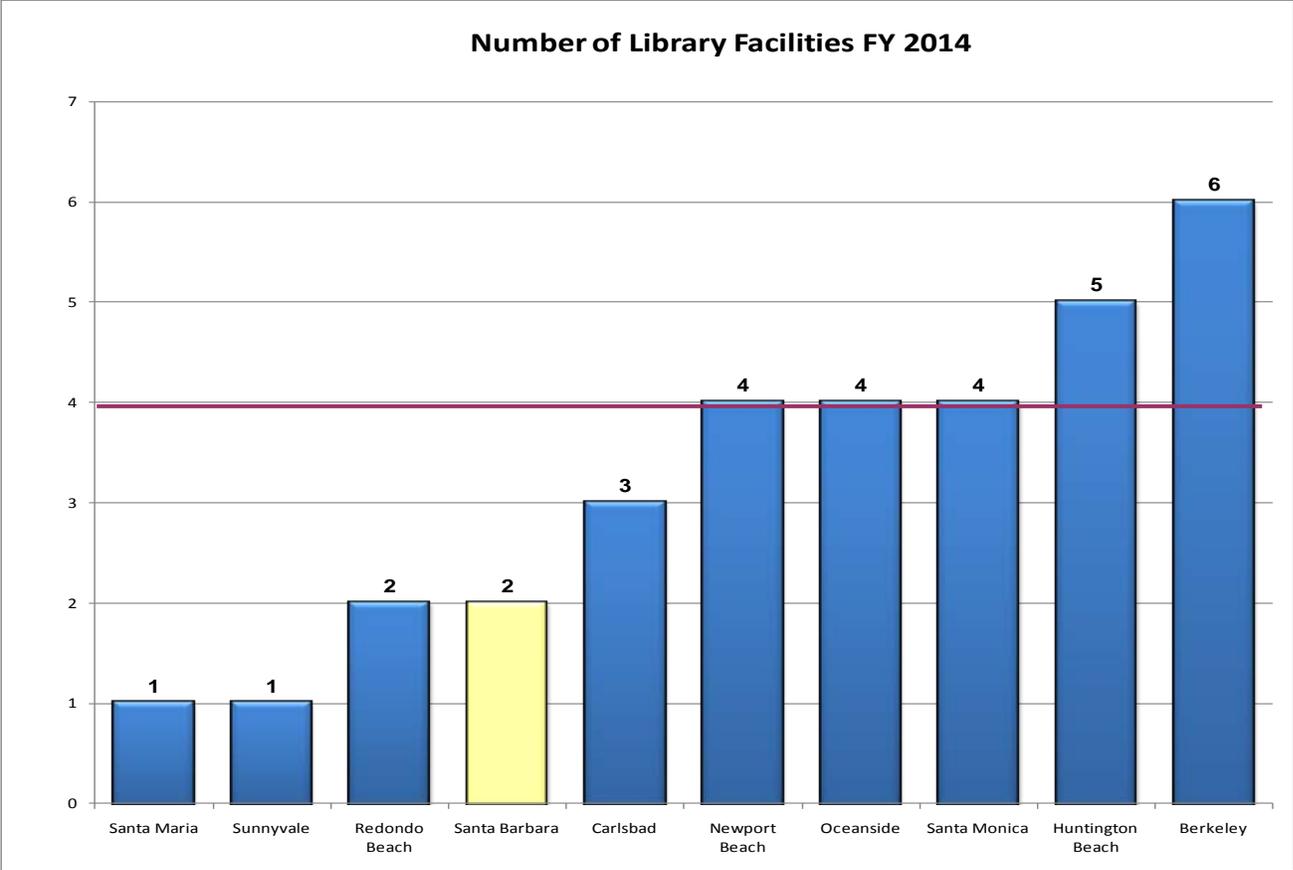
### Fire Emergency Responses FY 2013

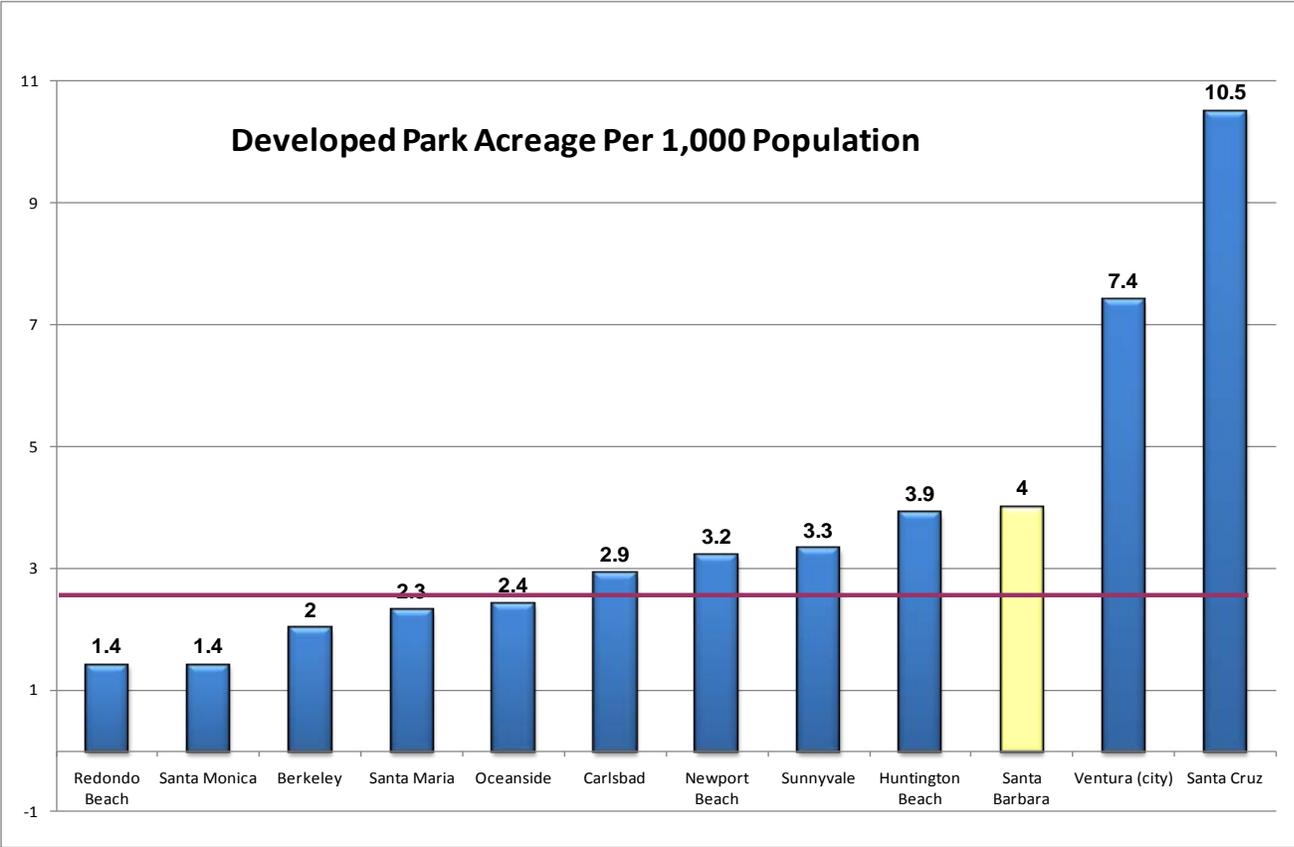
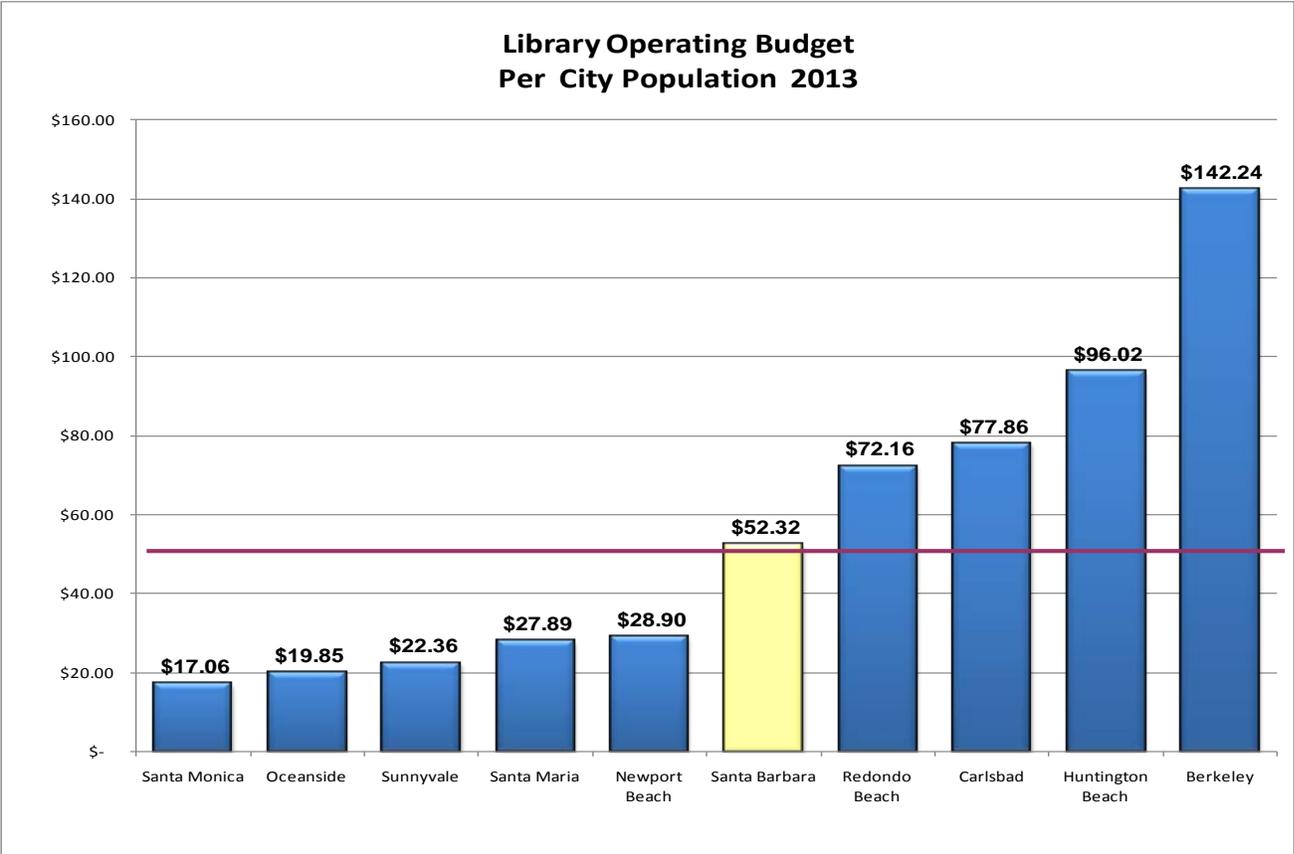


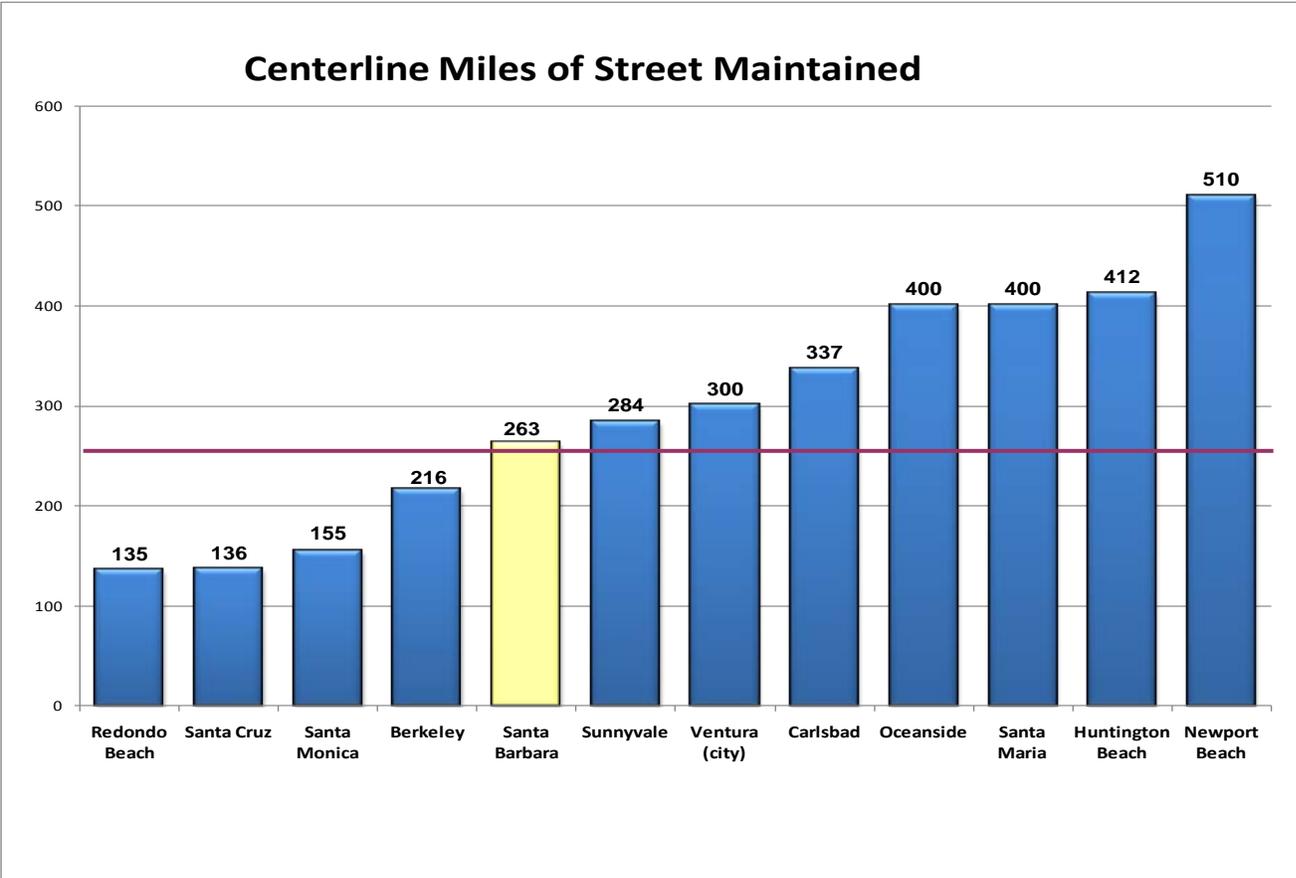
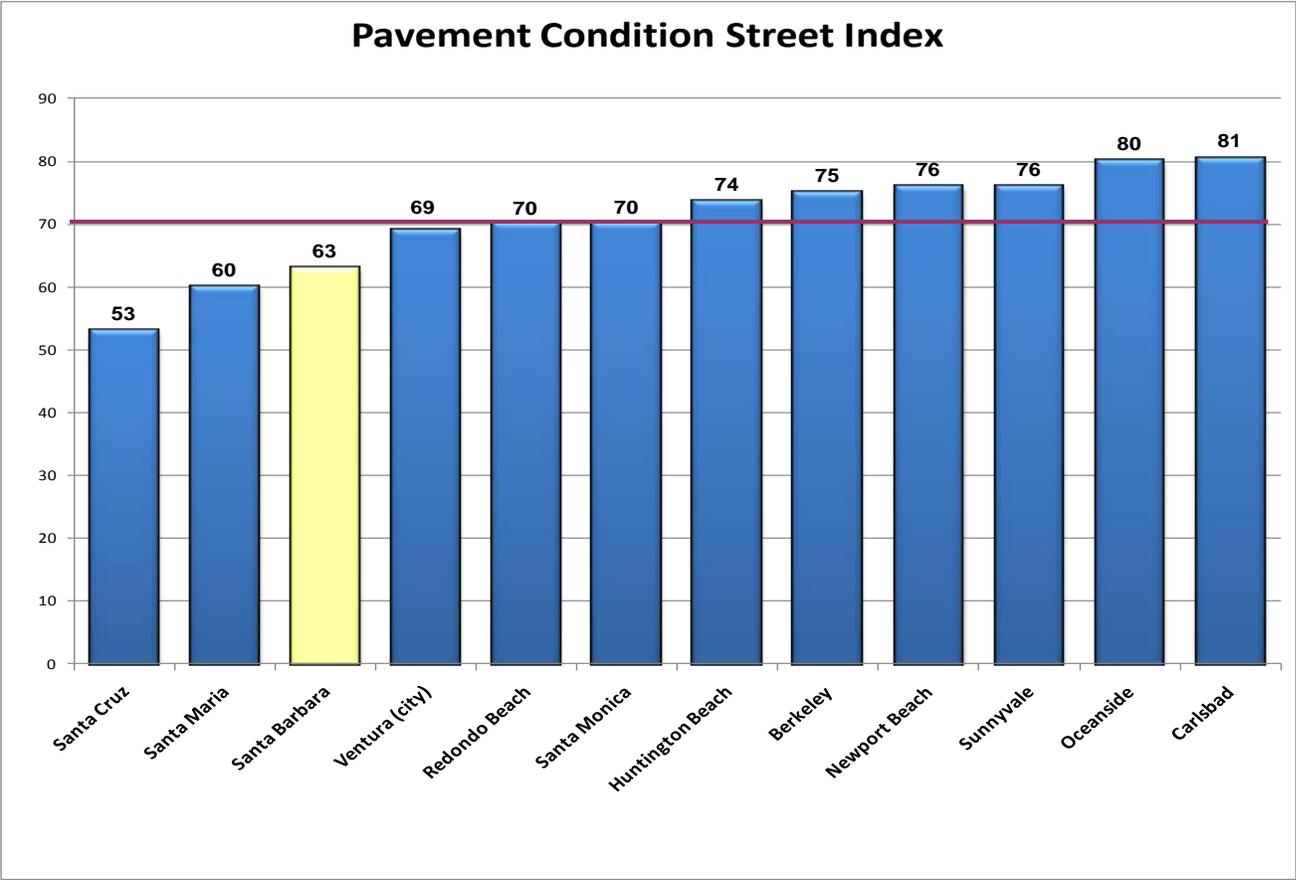
### Medical Emergency Responses FY 2013



General Services









# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** City Clerk's Office, Administrative Services Department

**SUBJECT:** Interviews For City Advisory Groups

**RECOMMENDATION:** That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 12, 2013, and November 19, 2013.

### **DISCUSSION:**

Interviews of applicants for various positions on City Advisory Groups are to be held on October 29, 2013, at an estimated time of 4:00 p.m. Applicants will also have the option to be interviewed on November 12, 2013, at an estimated time of 4:00 p.m. and November 19, 2013, at 6:00 p.m.

For the current vacancies, 109 applications were received. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation, in response to a set of questions specific to the group for which they are applying. Applicants applying to more than one advisory group may have up to 5 minutes for their presentation.

Applicants for the Santa Barbara Youth Council have been notified that they must also appear for an interview before the Youth Council. They will have the option to appear on Monday, October 21, 2013, at 4:30 p.m. or Monday, November 4, at 6:00 p.m.

Appointments are scheduled to take place on December 10, 2013.

**ATTACHMENT:** List of Applicants

**PREPARED BY:** Deborah L. Applegate, Deputy City Clerk

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

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

**ACCESS ADVISORY COMMITTEE**

- Four vacancies.
- Terms expire December 31, 2014 (Architectural/Engineering/Building Community)  
December 31, 2016 (Public at Large)
- Residents of the City or a full-time employee of an entity doing business within the City who demonstrates an interest, experience, and commitment to issues pertaining to disability and access.
  - One representative from the Architectural/Engineering/Building Community.
  - Three representatives from the Public at Large.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Architectural/ Engineering/Building Community (1)</i></b>	None			
<b><i>Public at Large (3)</i></b>	Mary Ellen Bangs			
	Karen L. Johnson	12/16/2008, 12/07/2010 (5 years)		
	Adelaida Ortega	12/16/2008, 12/07/2010 (5 years)		
	Barbara Silver			

## AIRPORT COMMISSION

- Two vacancies.
- Terms expire December 31, 2017.
- Appointee must be a qualified elector of the City and one City or County resident.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (1 or 2)</i></b>	Laura McIver			
	Mark A. Rincon-Ibarra		1. Airport Commission 2. Harbor Commission 3. Civil Service Commission	
	James R. Wilson			
<b><i>County (0 or 1)</i></b>	Paul Bowen			
	Jeff Clark			
	Carl L. Hopkins			

## ARCHITECTURAL BOARD OF REVIEW

- One vacancy.
- Term expires December 31, 2017.
- Qualified Elector of the City or the County of Santa Barbara and have professional experience in related fields.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Elector of the City or County (1)</i>	Courtney Jane Miller (Licensed Landscape Architect)			

## ARTS ADVISORY COMMITTEE

- Four vacancies.
- Terms expire December 31, 2017.
- Two members must be residents and qualified electors of the City. Two members shall reside in the South Coast area of Santa Barbara County, bounded by the Gaviota tunnel on the north and the Santa Barbara County line on the south.
- Members should be persons with acknowledged accomplishments in the arts and persons who demonstrate an interest in and commitment to cultural and arts activities.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors of the City (2)</i></b>	Robert F. Adams	12/07/2010 (3 years)		
	Tom Brooks Burgher II			
	Jim Laponis		1. Arts Advisory Committee 2. Fire & Police Commission	
	Sally Sheridan			
	Marylove Thralls			
	Valerie Velazquez			
	Margie Yahyavi			
<b><i>South Coast Area (2)</i></b>	Katrina Carl			
	Nina L. Dunbar			
	Elizabeth Owen			

## BUILDING AND FIRE CODE BOARD OF APPEALS

- Two vacancies.
- Open terms.
- Residents of the City or adjoining unincorporated areas of Santa Barbara County.
- Appointees shall demonstrate knowledge and expertise in specialty areas governed by the construction and fire codes of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Resident of the City or unincorporated area of Santa Barbara County (2)</i>	None			

## CIVIL SERVICE COMMISSION

- Two vacancies.
- One term expires December 31, 2017.  
One term expires December 31, 2016.
- Must be a qualified elector of the City.
- May not hold any full-time paid office or employment in City government, and for one year after ceasing to be a member, shall not be eligible for any salaried office or employment with the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors of the City (2)</i></b>	Richard C. Banks			
	Kathryn D. McKee	12/13/2005, 12/15/2009 (8 years) <small>*Applying for third term</small>		
	Bernard Melekian		1. Fire & Police Commission 2. Civil Service Commission	
	Desmond O'Neill			
	Mark A. Rincon-Ibarra		1. Airport Commission 2. Harbor Commission 3. Civil Service Commission	

## COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Four vacancies.
- Two terms expires December 31, 2017 (Housing Interests, Business, Community/Economic Development, and African American Community).  
One term expires December 31, 2016 (Housing Authority)
- Must be residents or employees of the designated organizations, but need not be qualified electors of the City, and must represent one of the specified categories or organizations. One representative from each:
  - Housing Authority of the City of Santa Barbara
  - Business Community/Economic Development
  - African American Community
  - Housing Interests
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Housing Authority of the City of Santa Barbara (1)</i></b>	Alice Villarreal Redit			
<b><i>Business Community/Economic Development (1)</i></b>	Laura Knight	7/11/2006, 12/15/2009 (7 years, 5 months)		
	Katherine Zeiss			
<b><i>African American Community (1)</i></b>	None			
<b><i>Housing Interests (1)</i></b>	Stephen Faulstich	6/26/2011 (1 year, 6 months)		

**COMMUNITY EVENTS & FESTIVALS COMMITTEE**

- One vacancy.
- Term expires December 31, 2015.
- Member must be a representative of the Business/Lodging/Retail Industry.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Business/Lodging/ Retail Industry (1)</i></b>	Katrina Carl			
	Barbara Kaplan		1. Community Events & Festivals 2. Neighborhood Advisory Group 3. Rental Housing Mediation	
	Christina Markos			
	Roman Orestano			

## CREEKS ADVISORY COMMITTEE

- One vacancy.
- Term expires December 31, 2015.
- Member must be a resident of the City. Member shall have some experience in ocean use, business, environmental issues and/or provide community-at-large representation.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Elector of the City (1)</i>	James Hawkins			

## DOWNTOWN PARKING COMMITTEE

- Three vacancies.
- One term expires December 31, 2016. One term expires December 31, 2017.
- Appointees shall demonstrate an interest and knowledge of downtown parking issues.
- Two members must be residents of the City and one member may be a resident of the City or County.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Electors of the City (2 or 3)</i>	Dr. Michael Cooper			
	William E. Pinner III (Trey)	6/28/2011 (2 years, 6 months)		
	Sean Pratt			
	Kathryn A. Schwab			
	Ethan Shenkman			
<i>Resident of the County (0 or 1)</i>				

## FIRE AND POLICE COMMISSION

- Two vacancies.
- One term expires December 31, 2017. One term expires December 31, 2014.
- Two qualified electors of the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors of the City (2)</i></b>	Matthew Hunter Kramer			
	Jim Laponis		1. Arts Advisory Committee 2. Fire & Police Commission	
	Bernard Melekian		1. Fire & Police Commission 2. Civil Service Commission	*Retired Chief of Police - Pasadena
	Judith Parris Stevens			
	Eugene F. Zannon (Gene)			

## FIRE AND POLICE PENSION COMMISSION

- Two vacancies.
- One term expires December 31, 2017 (Active/Retired Police Officer). One term expired December 31, 2016 (Qualified Elector).
- One active retired police officer who need not be a resident of the City.
- One Qualified Elector of the City who is not an active firefighter or police officer for the City of Santa Barbara.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Active/Retired Police Officer (1)</i>	None			
<i>Qualified Electors (1)</i>	None			.

## HARBOR COMMISSION

- Three vacancies.
- Three terms expire December 31, 2017.
- Two or Three Qualified Electors of the City.
- One member of the Harbor Commission who need not be a Qualified Elector of the City so long as he or she is, at time of appointment, a Qualified Elector of Santa Barbara County and remains so qualified while a Commissioner.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (2 or 3)</i></b>	Cory Bantilan	6/29/2010 (3 years, 6 months)		
	Dennis M. Power			
	Thomas E. Isaacson			
	Mark A. Rincon-Ibarra		1. Airport Commission 2. Harbor Commission 3. Civil Service Commission	
	Virginia Rubsam			
<b><i>Qualified Elector of the County (0 or 1)</i></b>	Jim Sloan	12/15/2009 (4 years)		

## HISTORIC LANDMARKS COMMISSION

- Two vacancies.
- Two terms expire December 31, 2017.
- One Qualified Elector of the City – Public at Large.
- One Qualified Elector of the City and a Licensed Landscape Architect.
- Appointees must demonstrate knowledge of the history and architecture of the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Elector of the City – Public at Large (1)</i>	William Mahan			
<i>Qualified Elector of the City – Landscape Architect (1)</i>	Philip Suding	12/15/2009 (4 years) (Prior Service 2001-2006)		

## HOUSING AUTHORITY COMMISSION

- One vacancy.
- Term expires February 15, 2016.
- Member must be a Qualified Elector of the City, a tenant who is receiving housing assistance from the City Housing Authority and must be 62 years of age or older.
- Member should have some interest and background in housing development, management or other comparable experience.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Elector of the City / Senior Tenant (1)</i>	Victor Suhr	12/13/2011 (2 years)		

## LIBRARY BOARD

- One vacancy.
- Term expires December 31, 2017.
- Qualified Electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Elector (1)</i>	Milton Hess			

## LIVING WAGE ADVISORY COMMITTEE

- Four vacancies.
- One term expires June 30, 2015 (Owner/Manager of a Service Contractor). Two terms expire June 30, 2016 (Nominee of the Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization and Employee of Local Non-Profit Entity). One term expires June 30, 2017 (Nominee of a Local Living Wage Advocacy Organization).
- One representative from each:
  - Employee of a local Santa Barbara area nonprofit entity;
  - Nominee of a Local Living Wage Advocacy Organization;
  - Owner/Manager of a service contractor subject to the City's Living Wage Ordinance; and
  - Nominee of the Santa Barbara Downtown Organization or Santa Barbara Chamber of Commerce
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Employee of Nonprofit Entity (1)</i>	Lety Garcia			
<i>Nominee of a Local Living Wage Advocacy Organization (1)</i>	None			
<i>Owner/Manager of a service contractor subject to the City's Living Wage Ordinance (1)</i>	None			
<i>Nominee of the Santa Barbara Downtown Organization <u>or</u> Santa Barbara Chamber of Commerce Nominee (1)</i>	Kenneth Oplinger			

## MEASURE P COMMITTEE

- Seven vacancies.
- Two terms expire December 31, 2017 (Medical Professional and Medical Marijuana Patient) Two terms expire December 31, 2016 (Criminal Defense Attorney and Civil Liberties Advocate). One term expires December 31, 2015 (Resident of the City). Two terms expire December 31, 2014 (Counselor, Resident of the City).
- Two residents of the City; and one representative from each:
  - Civil Liberties Advocate
  - Drug abuse, treatment & prevention counselor
  - Criminal Defense Attorney
  - Medical Professional
  - Medical Marijuana Patient
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Residents of the City (2)</i></b>	Robert Mercado		1. Neighborhood Advisory 2. Measure P	
<b><i>Civil Liberties Advocate (1)</i></b>	Stephen Pratt			
<b><i>Criminal Defense Attorney (1)</i></b>	Patric H. R. Weddle			
<b><i>Drug abuse, treatment &amp; prevention counselor (1)</i></b>	None			
<b><i>Medical Professional (1)</i></b>	None			
<b><i>Medical Marijuana Patient (1)</i></b>	Brandon Morse			

**MOSQUITO AND VECTOR MANAGEMENT DISTRICT BOARD**

- One vacancy.
- Term expires January 7, 2015.
- Registered voter of the City of Santa Barbara.
- Appointee may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<i>Registered Voter of the City of Santa Barbara (1)</i>	Gail-Jean (GJ) Padilla			

## NEIGHBORHOOD ADVISORY COUNCIL

- Five vacancies.
- Three terms expire December 31, 2017 (Public at Large, Neighborhood Representatives). One term expires December 31, 2015 (Public at Large). One term expires December 31, 2016 (Public at Large).
- Three residents of the City who represent the Public at Large.
- Two neighborhood representatives from any of the following neighborhoods:
  - West Downtown                      ➤ Eastside                                      ➤ Lower Eastside
  - Laguna                                      ➤ Westside                                      ➤ Lower Westside
- Residents of the City need not be qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government

**Note:** Of the thirteen members, the City Council may, but is not required to, appoint up to three (3) youth that are the ages of 16 or 17. Priority may be given to youth from the six specified neighborhoods.

**NOTE:** Applicants under the Neighborhood Representative category are also eligible for appointment to the Public at Large category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Neighborhood Representative (2)</i></b>	Sebastian Aldana Jr.	3/01/2011 (2 years)		Eastside
<b><i>Public at Large (3)</i></b>	Abbey Fragosa			Lower Eastside
	Christy Haynes			Eastside

(Cont'd)

**NEIGHBORHOOD ADVISORY COUNCIL (CONT'D)**

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Neighborhood Representative (2) Public at Large (3)</i></b>	Barbara Kaplan		1. Community Events & Festivals 2. Rental Housing Mediation 3. Neighborhood Advisory	Eastside
	Susan Lafond			Westside
	Gary Lytle			Lower Westside
	Beth McDonald			Eastside
	Robert Mercado		1. Neighborhood Advisory 2. Measure P	Downtown
	Ana D. Soto	(Public at Large) 3/01/2011 (2 years)		
<b><i>Youth Applicants</i></b>	Alejandro Martinez			Student, Alta Vista (Blank Application Submitted)
	Roberto Fuentes			Student, La Cuesta

## PARKS AND RECREATION COMMISSION

- Five vacancies.
- Three terms expire December 31, 2017. One term expires December 31, 2016. One term expires December 31, 2015.
- Qualified electors of the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors of the City (5)</i></b>	Margery Baragona		1. Rental Housing Mediation 2. Parks & Recreation Commission	
	Carolyn Brown			
	Chris Casebeer	12/15/2009 (4 years)		
	Nichol Clark			
	Bob Cunningham			
	Nicolas Ferrara	6/29/2010 (3 years)		
	Jim Heaton			
	Michael J. Nelson			
	David Victor Vasquez			
	Lesley Wiscomb	12/15/2009 (4 years)		
	Olivia Uribe			

## PLANNING COMMISSION

- Two vacancies.
- Two terms expire December 31, 2017.
- Qualified Electors of the City
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors of the City (2)</i></b>	Michael Jordan	12/15/2009 (4 years)		
	Deborah L. Schwartz	12/15/2009 (4 years)		
	Amy Beth Katz			

## RENTAL HOUSING MEDIATION TASK FORCE

- Five vacancies.
- Three terms expire December 31, 2017. One term expires December 31, 2016. One term expires December 31, 2014.
- Residents of the City or the County of Santa Barbara:
  - One homeowner (City)
  - One landlord (City)
  - One tenant (City)
  - Two tenants (City or County)

**Note:** Non-resident members must be owners of residential rental property within the City limits or affiliated with organizations concerned with landlord-tenant issues within the City limits.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Homeowner -City (1)</b>	Margery Baragona		1. Rental Housing Mediation 2. Parks & Recreation	
	Jeana L. Dressel			*Both Homeowner/Landlord
	Daniel R. Herlinger	6/28/2005, 12/13/2005 12/15/2009 (8 years, 6 months) *Applying for third term		
<b>Landlord - City (1)</b>	Jeana L. Dressel			*Both Homeowner/Landlord
<b>Tenant – City (1)</b>	Lynn E. Goebel	6/30/2009 12/15/2009 (4 years, 9 months)		
<b>Tenants – City or County (2)</b>				

## SANTA BARBARA YOUTH COUNCIL

- Six vacancies. Terms expire 6/30/2014. Members must be between the ages of 13 – 19 years
- Two members from local alternative, community, or continuation high school.
- One member from Santa Barbara High School.
- One member from Dos Pueblos High School.
- Two members from local private high school or independent studies and be a resident of the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Local Alternative, Community, or Continuation High School (2)</i></b>	Cynthia Barahona La Cuesta (City)			
	Jennifer Castro La Cuesta (City)			
	Chris Dominguez La Cuesta (City)			
	Maria Liliana Flores La Cuesta (City)			
	Caedon (Don) Hirrel La Cuesta (County)			
	Eric Parker La Cuesta (City)			
	Isaae Mendibles La Cuesta (City)			
<b><i>Local Private High School or Ind Studies (2)</i></b>	Michael Reyes (County)			
	Emily Velez			
<b><i>Santa Barbara High School (1)</i></b>	Estevan Arroyo			
	Madison C. Carlentine (City)			
	Rachaell Diaz (City)			
<b><i>Dos Pueblos High School (1)</i></b>	Shagun Sharma (County)			





# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** Risk Management Division, Finance Department

**SUBJECT:** Conference With Legal Counsel – Pending Litigation

**RECOMMENDATION:**

That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: ***Sheri Markley v. City of Santa Barbara, WCAB case number ADJ7009222.***

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

**PREPARED BY:** Mark W. Howard, Risk Manager

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 2013

**TO:** Mayor and Councilmembers

**FROM:** Risk Management Division, Finance Department

**SUBJECT:** Conference With Legal Counsel – Pending Litigation

**RECOMMENDATION:**

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

Pending litigation considered is: ***Alvin Jerome James v. City of Santa Barbara, WCAB case numbers ADJ7481425.***

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

**PREPARED BY:** Mark W. Howard, Risk Manager

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 29, 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