

# 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>

## NOVEMBER 12, 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
- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 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: Fiscal Year 2014 First Quarter Interim Financial Statements (120.03)**

Recommendation: That the Finance Committee recommend that Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the three months ended September 30, 2013;
- B. Accept the Fiscal Year 2014 Interim Financial Statements for the Three Months Ended September 30, 2013; and
- C. Approve the proposed first quarter adjustments to Fiscal Year 2014 appropriations and estimated revenues as detailed in the attached Schedule of Proposed First Quarter Adjustments.

(See Council Agenda Item No.10)

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

#### **Subject: Interim Air Quality Design Standards For Development Near Highway 101 (120.03)**

Recommendation that the Ordinance Committee:

- A. Consider a draft ordinance establishing interim air quality design standards for development near Highway 101, to implement Policy ER7 of the 2011 General Plan; and
- B. Forward the draft ordinance for Planning Commission review and subsequent City Council adoption.

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

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **CEREMONIAL ITEMS**

**1. Subject: Employee Recognition - Service Award Pins (120.04)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through November 30, 2013.

### **CHANGES TO THE AGENDA**

### **PUBLIC COMMENT**

### **CONSENT CALENDAR**

**2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of October 22 and 29, 2013 and the regular meeting of November 5, 2013 (cancelled).

**3. Subject: Appropriation Of Miscellaneous Grants Funds For Scheduling Software Upgrade (170.04)**

Recommendation: That Council:

- A. Appropriate \$20,000 in the Fiscal Year 2014 Police Department Miscellaneous Grants Fund from available reserves for the purchase of an upgrade and service package for the InTime Scheduling software; and
- B. Find it in the City's best interest to waive the bidding process as provided in Municipal Code 4.52.070(k) and authorize the General Services Manager to issue a purchase order in the amount of \$20,000 to InTime for a software upgrade and annual maintenance for the following four fiscal years, in accordance with approved budgets.

## CONSENT CALENDAR (CONT'D)

### 4. **Subject: Appropriation Of Asset Forfeiture Funds For The Purchase Of A System Upgrade And Digital Forensic Equipment (520.04)**

Recommendation: That Council:

- A. Appropriate \$8,668 in the Fiscal Year 2014 Police Department Police Asset Forfeiture Fund from available reserves for the purchase of an upgrade for the NEC fingerprint workstation;
- B. Appropriate \$8,632 in the Fiscal Year 2014 Police Department Police Asset Forfeiture Fund from available reserves for the purchase of a Micro Systemation XRY software for the forensic analysis of mobile device digital data evidence;
- C. Find it in the City's best interest to waive the formal bid process as authorized in Municipal Code Section 4.52.080(k) and authorize the City's General Services Manager to issue a sole source purchase order to NEC for an upgrade to the fingerprint workstation; and
- D. Find it in the City's best interest to waive the formal bid process as authorized in Municipal Code Section 4.52.080(k) and authorize the City's General Services Manager to issue a sole source purchase order to Micro Systemation for the XRY software application used to perform secure forensic extraction of digital data.

### 5. **Subject: Request To Restate And Amend Covenant On Property Located At 203, 215, And 221 Hitchcock Way ("Rancho Franciscan Apartments") (330.01)**

Recommendation: That Council approve a Restated and Amended Declaration of Covenants, Conditions, and Restrictions Imposed on Real Property ("Covenant") to Comply with Housing and Urban Development (HUD) Requirements Concerning Age Discrimination and Subordination of the Covenant to a New HUD Insured Loan During the Term of the Loan and Authorize the Community Development Director to Execute Such Agreements and Related Documents, Subject to Approval as to Form by the City Attorney, as Necessary.

### 6. **Subject: Avigation And Noise Easement For 7000 Hollister Avenue, Goleta (560.14)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to execute and record a grant deed of avigation and noise easement and agreement imposing conditions on real property by and between Goleta Hollister, LLC and the City of Santa Barbara; and

(Cont'd)

**6. (Cont'd)**

- B. Adopt, by reading of title only, A Resolution of the Council of the City Of Santa Barbara Accepting an Avigation and Noise Easement Imposing Conditions on Real Property known as Assessor's Parcel Numbers 073-030-020 and 073-030-021.

**7. Subject: Cancellation Of Certain Council Meetings In 2014 (120.02)**

Recommendation: That Council cancel the regular Council Meetings on the following dates: January 21, February 18, April 1, May 27, July 8, August 19, August 26, September 2, December 2, December 23, December 30, 2014.

**8. Subject: Adoption 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 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.

NOTICES

9. The City Clerk has on Thursday, November 7, 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.

**This concludes the Consent Calendar.**

**REPORT FROM THE FINANCE COMMITTEE**

**REPORT FROM THE ORDINANCE COMMITTEE**

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

### FINANCE DEPARTMENT

#### **10. Subject: Fiscal Year 2014 First Quarter Interim Financial Statements (120.03)**

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the three months ended September 30, 2013;
- B. Accept the fiscal year 2014 Interim Financial Statements for the Three Months Ended September 30, 2013; and
- C. Approve the proposed first quarter adjustments to Fiscal Year 2014 appropriations and estimated revenues as detailed in the attached Schedule of Proposed First Quarter Adjustments.

### COMMUNITY DEVELOPMENT DEPARTMENT

#### **11. Subject: Emergency Shelter Zoning Discussion (640.09)**

Recommendation: That Council provide direction to Community Development staff related to the implementation of Senate Bill 2 (SB2), (as enacted in 2007 as Government Code Section 65583), requiring that every municipality identify zoning intended to encourage and facilitate "emergency shelters".

### **PUBLIC HEARINGS**

#### **12. Subject: General Plan Safety Element Update (610.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the 2013 Safety Element Update to the General Plan and Making Environmental Findings Pursuant to the California Environmental Quality Act.

### **MAYOR AND COUNCIL REPORTS**

#### **13. 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 19, 2013.  
(Estimated Time: 4:00 p.m.)

## COUNCIL AND STAFF COMMUNICATIONS

### COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

#### CLOSED SESSIONS

**14. 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 *Donald Sipple, and New Cingular Wireless PSC LLC, et al., v. The City of Alameda, California, et al.*, LASC Case No. BC432270

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

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

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

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

#### ADJOURNMENT

CITY OF SANTA BARBARA

**FINANCE COMMITTEE**

MEETING AGENDA

DATE: November 12, 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: Fiscal Year 2014 First Quarter Interim Financial Statements**

Recommendation: That the Finance Committee recommend that Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the three months ended September 30, 2013;
- B. Accept the Fiscal Year 2014 Interim Financial Statements for the Three Months Ended September 30, 2013; and
- C. Approve the proposed first quarter adjustments to Fiscal Year 2014 appropriations and estimated revenues as detailed in the attached Schedule of Proposed First Quarter Adjustments.

(See Council Agenda Item No. 10)

CITY OF SANTA BARBARA

**ORDINANCE COMMITTEE MEETING**

MEETING AGENDA

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

Grant House, Chair  
Frank Hotchkiss  
Randy Rowse

Office of the City  
Administrator

Office of the City  
Attorney

Nina Johnson  
Assistant To City Administrator

Stephen P. Wiley  
City Attorney

Kate Whan  
Administrative Analyst

**ITEM FOR CONSIDERATION**

**Subject: Interim Air Quality Design Standards For Development Near Highway 101**

Recommendation: That the Ordinance Committee:

- A. Consider a draft ordinance establishing interim air quality design standards for development near Highway 101, to implement Policy ER7 of the 2011 General Plan; and
- B. Forward the draft ordinance for Planning Commission review and subsequent City Council adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013  
**TO:** Ordinance Committee members  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Interim Air Quality Design Standards For Development Near Highway 101

**RECOMMENDATION:** That the Ordinance Committee:

- A. Consider a draft ordinance establishing interim air quality design standards for development near Highway 101, to implement Policy ER7 of the 2011 General Plan; and
- B. Forward the draft ordinance for Planning Commission review and subsequent City Council adoption.

### **DISCUSSION:**

The proposed ordinance (Attachment 1) would establish interim project review criteria and design standards for applicable new development within 250 feet of Highway 101.

### **Background**

The California Air Resources Board and Santa Barbara County Air Pollution Control District recommend that local agencies limit development of sensitive land uses in close proximity to highways (e.g., residences, schools), in order to reduce potential health hazards associated with vehicle exhaust, including diesel particulates.

The Program Environmental Impact Report (EIR) for the 2011 General Plan update evaluated this issue. The EIR analysis concluded that an interim policy for limiting new development of sensitive land uses within 250 feet of Highway 101 would mitigate the citywide air quality impact of future development to a less than significant level until air pollution and diesel particulate levels were reduced through planned State regulations or other means.

Interim Policy ER7 for limiting new development near Highway 101 was carefully considered by the Planning Commission and City Council with input from agencies, property owners, and the general public, and was adopted as part of the 2011 General Plan Update (Attachment 2). Implementation Measure ER7.1 directs that the City establish project review criteria for new development to implement this policy.

On February 14, 2012, City Council adopted Resolution 12-013 establishing applicable types of new development for implementing Policy ER7 (Attachment 3). Council also directed staff to meet with the Ordinance Committee to consider project review criteria, and return to Council for their adoption.

### **Summary of Draft Ordinance Components**

Purpose and Intent. The intent of temporary design standards limiting development close to Highway 101 is to protect the public health, safety, and welfare. The regulations would limit the number of additional people potentially receiving extensive exposure to air pollution from highway vehicle exhaust, including diesel particulates, and reduce the exposure level from residents and occupants of new development.

Definitions. *Sensitive Individuals* are identified as persons most susceptible to adverse effects from poor air quality, including children, the elderly, and people who are ill or have serious chronic medical conditions. *Extensive Occupancy or Exposure* means daily occupancy or frequent lengthy visits of many hours occurring repeatedly over many years. *Sensitive Land Uses* are land uses that typically involve extensive occupancy or exposure periods by sensitive individuals, including residences, retirement and nursing homes, schools, and large family day care facilities.

Applicability. The interim regulations would apply to new development on properties located (in whole or in part) within 250 feet of Highway 101, as measured from the outer edge of the nearest travel lane (not including highway on- and off-ramps).

*New Development* includes: (a) The development of two or more residential units on a vacant lot; (b) The addition of one or more new residential unit(s) to a lot with existing development; (c) A substantial addition (greater than 50% of floor area existing as of December 2011); (d) A new building for sensitive land uses (schools, large family day care, community care facilities); (e) Demolition and replacement with structures for residential or other sensitive land uses; (f) A change of use of an existing building is not considered new development, unless the use is changed to a sensitive land use.

Exemptions. Projects exempt from these regulations include: (1) Site locations where Highway 101 has a State highway roadside sound wall between the highway and project; and (2) Project applications submitted or approved prior to December 1, 2011 when Policy ER7 was adopted. Minor additions and remodels, and structures for non-residential land uses are also exempt.

### Development Standards.

(A) *Proximity to Highway 101 and Project Design Features:* New development within 250 feet of Highway 101 shall be prohibited unless the City determines that project design features satisfactorily address air quality, with consideration of identified design guidelines. The design guidelines address building distance from the highway, Location of outdoor living space locations, vegetative screening and physical barriers, and air filtration.

(B) *Ventilation*: New development located within 250 feet shall incorporate a central ventilation system rated at Minimum Efficiency Reporting Value of MERV-13 or better, and owner shall provide lessees with filter operations manual.

### **Ordinance Implementation**

Ordinance provisions would be applied by staff and implemented through: the Public Information Counter and City web site; the Pre-Application Review Team (PRT); the Development Application Review Team (DART); preliminary plan checks for Design Review projects; and plan checks for Building Permit projects.

### **Tracking State Regulations and Air Quality Changes**

Policy ER7 is identified as an interim policy until such time as diesel particulate levels and hazards are reduced through further planned California Air Resources Board (CARB) regulations or other means. The policy provides that the City will track CARB regulatory efforts and progress on air quality improvements.

Staff is in communication with Santa Barbara County Air Pollution Control District staff, who are assisting the City in monitoring State activities. The next phase of diesel particulate regulations (heavy truck retrofits), which had been put on hold following the State's economic downturn, is underway. Scientific studies<sup>1</sup> have estimated that diesel particulate levels statewide were substantially reduced in the years 1990-2010 due to in place State regulations.

Updated measurement or modeling of air quality conditions along Highway 101 within the City would be conducted periodically as part of the General Plan Adaptive Management Program, after which the interim ordinance provisions will be reassessed.

<sup>1</sup> UCSD, *Black Carbon and the Regional Climate of California*, April 2013

### **Review and Adoption Process**

Consideration of Air Quality Policy ER7 during the 2011 General Plan update included notification of property owners, Environmental Impact Report, public workshops, and hearings at the Planning Commission, Council Subcommittee, and City Council.

Environmental review of the proposed implementing ordinance under the California Environmental Quality Act (CEQA) is provided by the Program EIR for the 2011 General Plan. Section 15183 of the State CEQA Guidelines mandates that projects that are consistent with General Plan policies for which an EIR was certified shall not require additional environmental review.

Staff recommends that the Ordinance Committee consider the Draft Ordinance for implementing General Plan Air Quality Policy ER7, and forward it for Planning Commission review and subsequent City Council adoption.

**ATTACHMENT(S):**

1. Draft Ordinance: Interim Design Standards for Development near Highway 101
2. 2011 General Plan Policy ER7.
3. City Council Resolution 12-013 implementing ER7
4. Map of 250-foot Buffer Area and Sound Walls along Highway 101

**PREPARED BY:** Barbara R. Shelton, Project Planner/ Environmental Analyst

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

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE BY ADDING CHAPTER 22.65 ESTABLISHING DESIGN STANDARDS FOR NEW DEVELOPMENT NEAR HIGHWAY 101 TO IMPLEMENT POLICY ER7 OF THE 2011 GENERAL PLAN.

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

**SECTION ONE:** The City Council adopts the ordinance codified in Chapter 22.65 of the Santa Barbara Municipal Code based on the following findings:

- A. The California Air Resources Board and the Santa Barbara County Air Pollution Control District have recommended reducing potential health hazards associated with vehicle exhaust, including diesel particulates, by limiting development of new residences and other sensitive land uses in close proximity to highways.
- B. A Program Environmental Impact Report (EIR) certified for the City of Santa Barbara 2011 General Plan update evaluated air quality effects associated with new development in close proximity to Highway 101 during the General Plan time horizon. The EIR identified an interim policy for limiting new development of sensitive land uses within 250 feet of Highway 101. The EIR analysis concluded that the interim policy would mitigate the potential air quality impact associated with future development within the City near Highway 101 to a less than significant level until such time as statewide diesel particulate levels and associated health hazards are reduced by planned State regulations or other means.
- C. Interim policy ER7 adopted as part of the City of Santa Barbara 2011 General Plan directs that the development of new sensitive land uses within 250 feet of Highway 101 be limited unless the City determines that diesel emission risks or exposures are satisfactorily addressed. Implementation Measure ER7.1 directs that the City establish development standards for new development to implement the policy, and track State regulations and progress on reducing highway diesel particulates pollution to determine when the interim policy is to be retired.

**SECTION TWO:** Title 22 of the Santa Barbara Municipal Code is amended by adding Chapter 22.65 titled “Design Standards for Development Near Highway 101” to read as follows:

**22.65.010 Purpose and Intent.**

It is the purpose of this section to limit and regulate development within close proximity to Highway 101 in a manner that promotes the health, safety, and welfare of the residents of the City of Santa Barbara.

Pursuant to 2011 General Plan Policy ER7, the design standards in this Chapter are intended to limit the number of people, including Sensitive Individuals, who receive Extensive Exposure to potential air pollution hazards from highway vehicle exhaust including diesel particulates, until such time as statewide diesel particulate levels are reduced by planned State regulations or other means.

**22.65.020 Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

- A. Extensive Occupancy or Exposure.** Substantial time periods involving daily occupancy or frequent lengthy visits of many hours occurring repeatedly over many years, such as typically experienced with residential land uses and schools.
- B. Sensitive Individuals.** Segments of the population most susceptible to adverse affects from poor air quality (including from diesel particulates) including children, the elderly, and people who are ill or have serious chronic respiratory, heart, or other medical conditions that are exacerbated by air pollution.
- C. Sensitive Land Uses.** Land uses that typically involve Extensive Occupancy or Exposure by Sensitive Individuals, including residences; nursing homes, retirement homes, and other community care facilities; schools; and large family day care facilities. Land uses not considered sensitive include retail, commercial services, and offices.
- D. State Highway Roadside Sound Wall.** A roadside sound wall constructed by the California Department of Transportation.

**22.65.030 Applicability and Exemptions.**

**A. Applicability.**

- 1. Location.** Any property that is located in whole or part within 250 feet of Highway 101 as measured from the outer edge of the nearest highway travel lane (excluding highway on- and off-ramps) is subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030.
- 2. Types of Development.** The following types of development are subject to the requirements of this Chapter, unless identified as exempt in Subsection B of this Section 22.65.030:
  - a. The development of two or more new residential units on a vacant lot.
  - b. The addition of one or more new residential units to a lot on which development existed as of December 1, 2011.
  - c. An addition to an existing residential unit that increases the net floor area of the residential unit by more than 50% of the net floor area that existed within the residential unit as of December 1, 2011. If multiple additions are made to a residential unit during the time this Chapter is in effect, the amount of the additional floor area shall be measured in the aggregate.
  - d. The development of a new building for the following Sensitive Land Uses: schools; large family day care facilities; and nursing homes, retirement homes, and other community care facilities.
  - e. The demolition of an existing building and its replacement with a building for intended for residential use or other Sensitive Land Uses.

- f. A change of use of an existing building from a use not defined as a Sensitive Land Use to a Sensitive Land Use.

**B. Exemptions.** The following projects are exempt from this Chapter:

1. Projects on sites where a State Highway Roadside Sound Wall is located between the highway and project site.
2. Projects with applications submitted to the City before December 1, 2011 for development permits including a Master Application, building permit plan check, or for other development approval, where the application has not expired.
3. Projects that received a final approval from the City prior to December 1, 2011 where the approval remains valid.
4. Projects where the developer can demonstrate to the satisfaction of the Community Development Director or the Director's designee that site-specific climatic or topographic conditions avoid or address the air quality risks from Highway 101 on the site.

Nothing in this Subsection B prevents an applicant from incorporating the design standards specified in Section 22.65.040 to exempt projects on a voluntary basis.

**22.65.040 Design Standards for Air Quality.**

The following design standards apply to development to which this Chapter applies:

**A. Proximity to Highway 101 and Project Design Features.** New development for Sensitive Land Uses shall be prohibited from locating within 250 feet of Highway 101 unless the City Community Development Director or designee determines that project design features satisfactorily address air quality risks. The Director's determination shall take into consideration the following guidelines that identify methods of reducing exposure to diesel particulates and other air pollutants:

1. **Distance from Highway 101.** Structures and outdoor living areas for Sensitive Land Uses should be located as far from Highway 101 as feasible. For mixed-use projects, buildings and areas expected to have Extensive Occupancy or Exposure by Sensitive Individuals should be located furthest from the highway, while facilities for non-sensitive populations and/or involving short-term use (such as parking facilities) should be placed closer to the highway.
2. **Building Orientation and Outdoor Living Areas.** Buildings involving Sensitive Land Uses should be oriented with doors and outdoor living areas on the side of the building away from the highway in order to provide physical screening by the building.
3. **Vegetative Screening and Physical Barriers.** Development involving Sensitive Land Uses should incorporate dense, tiered vegetative plantings between the highway and the project, which helps to remove air pollutants and reduce diesel particulate concentrations. Vegetation should largely entail trees with complex foliage (leafy vegetation or with needles) that allow substantial in-canopy airflow; preferably in multiple rows, using tree plantings of tall and uniform height that retain foliage year-round and have a long life span. Inclusion of physical barriers such as walls and fences between the highway and the project also help to reduce air pollutant exposure levels.

- 4. Air Infiltration.** In addition to a filtration system as required in Section 22.65.040 B, projects should locate air intake vents on the side of building away from the highway and use double-paned windows throughout.
  - 5. Other Measures.** The developer of a Sensitive Land Use that will be located within 250 feet of Highway 101 may propose other measures that have a demonstrated ability to reduce highway air pollution exposure.
- B. Interior Air Filtration System.** New development located within 250 feet of Highway 101 which is not exempt pursuant to Section 22.65.030.B shall incorporate a central ventilation system with air filtration rated at Minimum Efficiency Reporting Value of “MERV13” or better for enhanced particulate removal efficiency. The owner of any development subject to this requirement shall attach a copy of the operator’s manual for the central ventilation and filtration system as an exhibit to every lease of the building or any portion of the building.

**22.65.050 Maintenance of Design Features.**

Design features incorporated into an approved project design pursuant to Section 22.65.040 shall be maintained as long as this Chapter remains in effect.

**SECTION THREE.** This Ordinance shall be repealed when the City Council determines that the health risk posed from toxic air contaminants due to Extensive Occupancy in proximity to Highway 101 falls below a cancer health risk of 10 cases per one million persons.

Council Ordinance Committee  
Interim Development Standards for Development near Highway 101  
November 12, 2013

## **City of Santa Barbara 2011 General Plan, Environmental Resources Element AIR QUALITY POLICY ER 7**

### ER 7 Highway 101 Set Back

New development of residential or other sensitive receptors (excluding minor additions or remodels of existing homes or one unit on vacant property) on lots of record within 250 feet of U.S. Hwy 101 will be prohibited in the interim period until California Air Resources Board (CARB) phased diesel emissions regulations are implemented and/or until the City determines that diesel emission risks can be satisfactorily reduced or that a project's particulate exposure level is sufficiently reduced. The City will monitor the progress of CARB efforts and progress on other potential efforts or measures to address diesel emissions risks.

#### *Possible Implementation Actions to be Considered*

ER 7.1 Review Criteria. Prepare project review criteria for the set-back area.

ER 7.2 Barriers and Sound Walls. Pursue funding and installation of sound walls, trees and shrubs along unprotected areas of U.S. Hwy 101 to create a barrier to reduce particulate transmissions. Barriers and sound walls to be consistent with the Highway Santa Barbara Coastal Parkway Design Guidelines.

## RESOLUTION NO. 12-013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA REGARDING THE IMPLEMENTATION  
OF THE GENERAL PLAN INTERIM POLICY REGARDING  
AIR QUALITY ISSUES

WHEREAS, the City undertook an update of the General Plan in a process known as *Plan Santa Barbara (PlanSB)*;

WHEREAS, an Environmental Impact Report was prepared, considered, and certified, and which informed the decision-making process in *PlanSB*;

WHEREAS, potential effects associated with air pollution including diesel particulates is a concern such that both the California Air Resources Board and the Santa Barbara County Air Pollution Control District recommended guidelines for reducing health hazards by limiting development of new residences and other sensitive receptor uses involving extensive exposure periods in close proximity to the highway;

WHEREAS, during the public process for *PlanSB*, the Planning Commission and City Council carefully considered the input from other agencies, property owners, and the general public;

WHEREAS, the air quality policy under consideration is intended to reduce exposure of more people to potential hazards by limiting new development of sensitive receptors close to Highway 101 for an interim period of time while the regulations requiring cleaner burning fuels and engines are being adopted and implemented to reduce the hazard;

WHEREAS, on December 1, 2011, the Council adopted the General Plan with a new Environmental Resources Element Policy Air Quality 7, along with implementation actions including direction to establish interim criteria for review of development, and to monitor associated regulations and levels of diesel particulate pollution to determine when the interim policy should be retired; and

WHEREAS, it is customarily the policy of the Council to consider applying new policies and standards to new development applications while exempting pending projects that began the City review process before the new policy was adopted.

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

SECTION 1. The following projects are exempt from the application of Policy ER7:

- a. Projects submitted to the City before December 1, 2011 for development permits including submittal of a Master Application, submittal for building permit plan check, or submittal of an application for other development approval.
- b. Projects that received an approval from the City prior to December 1, 2011 where the approval is still valid.

SECTION 2. For purposes of implementing Policy ER7, the term "New development" includes the following:

- a. The addition of two or more new residential units to a vacant lot.
- b. The addition of one or more new residential units to a lot with existing development.
- c. The development of a new building on any lot that will include a use that involves numerous visits, or extended periods of occupancy, by persons who are considered sensitive receptors. A change of use of an existing building is not considered new development.

SECTION 3. For purposes of implementing Policy ER7, the term "Minor Addition" is defined as follows: An addition of floor area to an existing residential unit that does not exceed 50% of the floor area that existed as of December 1, 2011. The amount of the additional floor area shall be measured in the aggregate during the time when the policy is in effect.

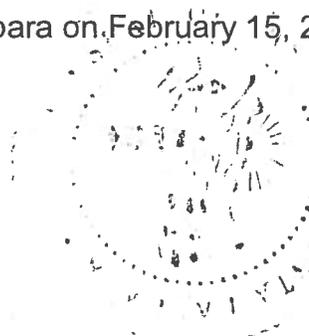
**RESOLUTION NO. 12-013**

STATE OF CALIFORNIA                    )  
   )  
 COUNTY OF SANTA BARBARA         ) ss.  
   )  
 CITY OF SANTA BARBARA            )

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on February 14, 2012, by the following roll call vote:

- AYES:                    Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider
- NOES:                   None
- ABSENT:                None
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on February 15, 2012.



*Cynthia M. Rodriguez*  
 Cynthia M. Rodriguez, CMC  
 City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on February 15, 2012.

*Helene Schneider*  
 Helene Schneider  
 Mayor

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[Faint, illegible text, possibly a signature or stamp.]

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# Highway 101 250 Foot Setback and Soundwall Locations

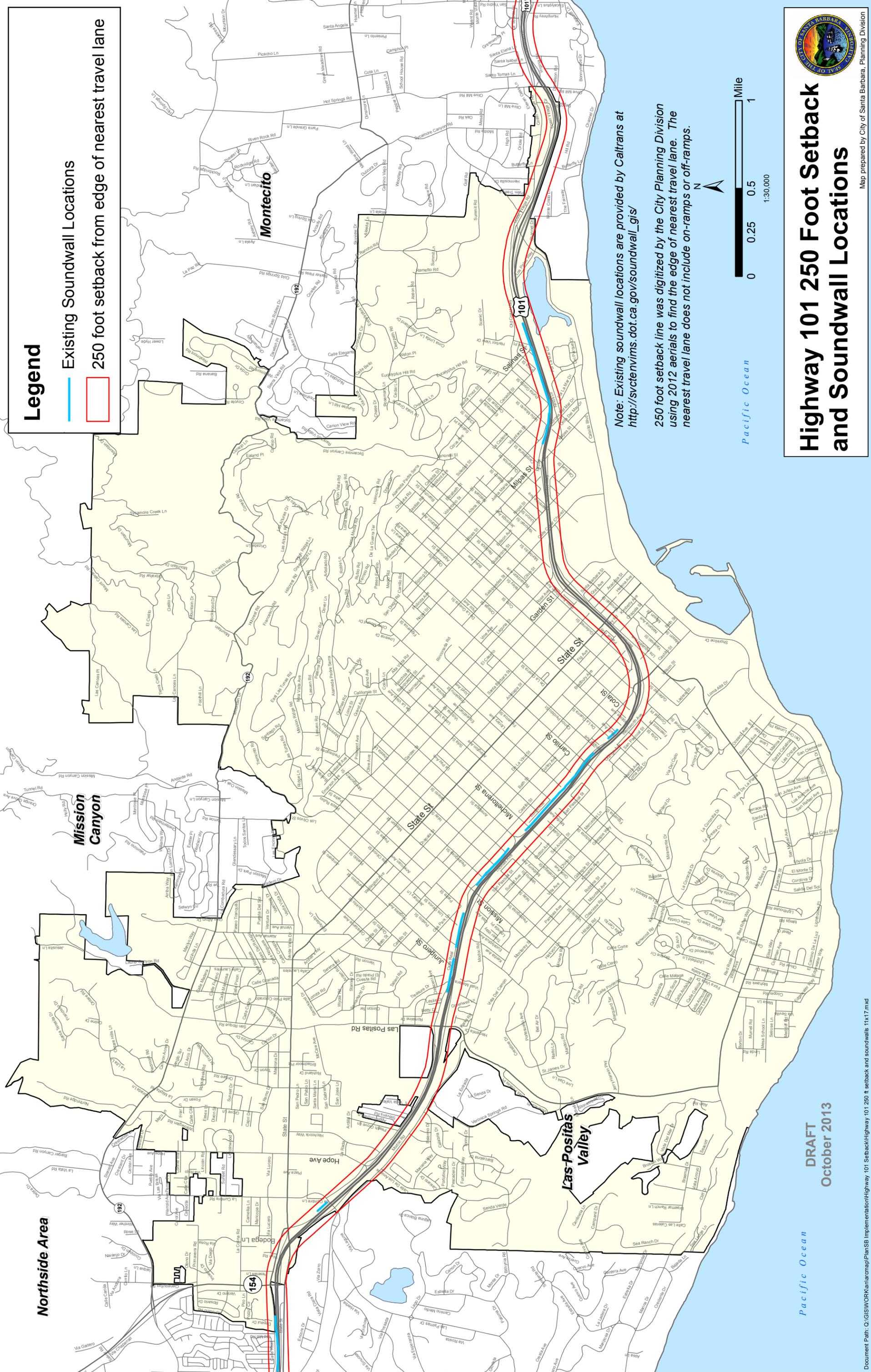
Pacific Ocean

DRAFT  
October 2013



Note: Existing soundwall locations are provided by Caltrans at [http://svctenvims.dot.ca.gov/soundwall\\_gis/](http://svctenvims.dot.ca.gov/soundwall_gis/)

250 foot setback line was digitized by the City Planning Division using 2012 aerials to find the edge of nearest travel lane. The nearest travel lane does not include on-ramps or off-ramps.



## Legend

Existing Soundwall Locations



250 foot setback from edge of nearest travel lane



Northside Area

Mission Canyon

Montecito

Las Positas Valley



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Employee Recognition – Service Award Pins

### **RECOMMENDATION:**

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through November 30, 2013.

### **DISCUSSION:**

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through November 30, 2013.

**ATTACHMENT:** November 2013 Service Awards

**PREPARED BY:** Myndi Hegeman, Administrative Specialist

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

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

**NOVEMBER 2013 SERVICE AWARDS**

November 12, 2013 Council Meeting

**5 YEARS**

Michael Pease, Budget Manager, Finance Department  
Sue Sadler, Code Enforcement Officer, Environmental Services Department  
Paul Diaz, Water Distribution Operator II, Public Works Department  
Jason Remotti, Water Treatment Plant Operator, Public Works Department  
Evan Ellison, Airport Patrol Officer II, Airport Department

**15 YEARS**

Melissa Velasco, Public Safety Dispatcher, Police Department  
Florencio Herrera, Streets Maintenance Worker I, Public Works Department

**25 YEARS**

Gilbert Cash, Fire Captain, Fire Department  
Sheri Markley, Police Records Specialist, Fire Department  
Fernando Arroyo, Senior Custodian, Public Works Department  
Jose Guerrero, Senior Custodian, Public Works Department

**30 YEARS**

William Rodoracio, Fire Captain, Fire Department



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING October 22, 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 Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date).

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco (arrived at 2:01 p.m.), 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, City Clerk Services Manager Gwen Peirce.

### CEREMONIAL ITEMS

- Subject: Proclamation Declaring October 20-25, As National Friends Of Libraries Week (120.04)**

Action: Proclamation presented to Michele Allyn, President of Friends of the Santa Barbara Public Library.

### PUBLIC COMMENT

Speakers: Steven Sharpe, Director, Opera SB; Jessica Julian, Soprano, Opera SB; Robert Watson, Tenor, Opera SB; Natasha Kislenko, Pianist, Opera SB; Sherrie Fischer, Santa Barbara Metropolitan Transit District; Steve Reynolds; Nancy Tunnell; Ethan Shenkman; Cruzito Herrera Cruz; Jenny Castro; Melissa Wilkins; Judith Smith; David Diaz; Matthew Kramer; Robert Johns.

## **CONSENT CALENDAR (Item Nos. 2 – 10)**

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

Motion:

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

Vote:

Unanimous roll call vote.

### **2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of October 8, 2013.

Action: Approved the recommendation.

### **3. Subject: Junior High Afterschool Sports Program (570.06)**

Recommendation: That Council authorize the Parks and Recreation Director to enter into an agreement with the Santa Barbara Unified School District (SBUSD) to conduct the Junior High Afterschool Sport League.

Action: Approved the recommendation; Agreement No. 24,643 (October 22, 2013, report from the Parks and Recreation Director).

### **4. Subject: Contract For Drafting Services For The Fiscal Year 2014 Water Main Replacement Project (540.06)**

Recommendation: That Council authorize the Public Works Director to execute a standard City Professional Services contract with O'Brien & Wall in the amount of \$47,970 for drafting services for the Fiscal Year 2014 Water Main Replacement Project, in a form of agreement acceptable to the City Attorney, and authorize the Public Works Director to approve expenditures of up to \$5,000 for extra services of O'Brien & Wall that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,644 (October 22, 2013, report from the Public Works Director).

**5. Subject: Approval Of Map And Execution Of Agreements For 1712 Anacapa Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,788 for a subdivision at 1712 Anacapa Street (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision; and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 24,645 – 24,647 (October 22, 2013, report from the Public Works Director).

**6. Subject: Introduction Of Ordinance For 2013 Fire Code Adoption (520.03)**

Recommendation: That Council introduce, and subsequently 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.

Action: Approved the recommendation (October 22, 2013, report from the Fire Chief; proposed ordinance).

**7. Subject: Local Amendments To California Building Codes (640.04)**

Recommendation: That Council introduce, and subsequently 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.

Action: Approved the recommendation (October 22, 2013, report from the Assistant City Administrator/Community Development Director; proposed ordinance).

**NOTICES**

8. The City Clerk has on Thursday, October 17, 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.
9. A City Council site visit is scheduled for Monday, October 28, 2013, at 1:30 p.m. to the property located at 1330 Chapala Street, which is the subject of an appeal hearing set for October 29, 2013, at 2:00 p.m.

10. Receipt of communication advising of vacancy created on the Creeks Advisory Committee with the resignation of Stephen Macintosh; the vacancy will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to hear a Staff report regarding the final results of operations, including final reserve balances, for the General Fund for Fiscal Year Ended June 30, 2013. The Committee approved the Proposed Budget Adjustments for Fiscal Year 2013, which will be considered by the full Council as Agenda Item No. 14.

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

### PUBLIC WORKS DEPARTMENT

#### **11. Subject: State Water Project Contract Extension (540.08)**

Recommendation: That Council receive a presentation on the role of State Water in Santa Barbara's water supply, on the State Water Project contract extension, and on the Bay Delta Conservation Plan.

Documents:

- October 22, 2013, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork.
- Central Coast Water Authority: Executive Director Ray Stokes.

Councilmember Francisco left the meeting at 3:05 p.m. and returned at 3:15 p.m.

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

### COMMUNITY DEVELOPMENT DEPARTMENT

#### **12. Subject: Casa Esperanza Programmatic Changes (230.06)**

Recommendation: That Council:

- A. Amend the City's Program Year 2013-14 Annual Action Plan;
- B. Approve a Revision to Casa Esperanza's Community Development Block Grant Agreement for Day Center Services #24,420; and

(Cont'd)

**12. (Cont'd)**

- C. Authorize the Assistant City Administrator to execute an Agreement with Casa Esperanza for the operation of the Winter Shelter from December 1, 2013 through March 31, 2014, subject to City Attorney approval as to form.

Documents:

- October 22, 2013, report from the Assistant City Administrator/Community Development Director.

Speakers:

- Staff: Community Development Business Manager Sue Gray.
- Casa Esperanza: Board of Directors President Reverend Mark Asman, Executive Director Michael Foley.
- Members of the Public: Jose Arturo Ortiz de Martinez-Gallegos, June Sochel, Ethan Shenkman, Robert Burke.

Motion:

Councilmembers Murillo/White to approve the recommendations; Agreement Nos. 24,420.1 and 24,648.

Vote:

Unanimous voice vote.

**13. Subject: Review Of Fiscal Year 2015 Human Services And Community Development Block Grant Funding Priorities, Application Release And Funding Process (610.05)**

Recommendation: That Council:

- A. Review and provide input and direction to the Community Development and Human Services Committee (CDHSC) on proposed funding priorities and preferences for the Fiscal Year 2015 Human Services and Community Development Block Grant allocation process;
- B. Authorize staff to release the Fiscal Year 2015 funding application along with the committee application review process, criteria and schedule; and
- C. Establish a funding commitment from the Fiscal Year 2015 General Fund in the amount of \$640,821 for the Human Services Program.

Documents:

- October 22, 2013, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Community Development Business Manager Sue Gray, Community Development Programs Specialist Liz Stotts.

(Cont'd)

**13. (Cont'd)**

Motion:

Councilmembers House/Murillo to approve the recommendations.

Vote:

Unanimous voice vote.

**FINANCE DEPARTMENT**

**14. Subject: Fiscal Year 2013 Year-End Results For The General Fund (230.05)**

Recommendation: That Council:

- A. Hear a report from staff regarding the final results of operations, including final reserve balances, for the General Fund for Fiscal Year Ended June 30, 2013; and
- B. Approve the proposed adjustments to Fiscal Year 2013 estimated revenues and appropriations as detailed in the schedule of Proposed Budget Adjustments.

Documents:

- October 22, 2013, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Finance Director Robert Samario.

Motion:

Councilmembers Francisco/Hotchkiss to approve Recommendation B.

Vote:

Unanimous voice vote.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Murillo reported her attendance at 1) a recent Youth Council meeting where community service projects were discussed and 2) South Coast Task Force on Youth Gangs, where programming for girls was discussed.
- Councilmember Rowse reported on his participation in judging the Dream Against the Influence Art Competition.
- Councilmember White reported on the Unity Shoppe Open House that he had attended.
- Councilmember Hotchkiss spoke regarding the Riviera Association's 100<sup>th</sup> Anniversary celebration that he attended.
- Mayor Schneider spoke regarding the New Noise Music Festival that she attended.

## RECESS

Mayor Schneider recessed the meeting at 4:39 p.m. in order for the Council to reconvene in closed session for Agenda Items No. 15 and 16. She stated no reportable action is anticipated.

## CLOSED SESSIONS

### 16. Subject: Conference with Legal Counsel - Potential Litigation (160.03)

Recommendation: That Council hold a closed session to consider possible litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed. (one potential case)

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

October 8, 2013, report from the City Attorney.

Time:

4:40 p.m. – 6:06 p.m.

No report made.

### 15. Subject: Conference With Labor Negotiator (440.05)

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

October 8, 2013, report from the Assistant City Administrator.

Time:

6:07 p.m. – 6:18 p.m.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:18 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
GWEN PEIRCE  
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
November 5, 2013  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on November 5, 2013, was cancelled by the Council on July 30, 2013.

The next regular meeting of the City Council is scheduled for November 12, 2013, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
GWEN PEIRCE, CMC  
CITY CLERK SERVICES MANAGER



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING October 29, 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 Finance Committee met at 12:30 p.m. and the Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, 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

None.

### PUBLIC COMMENT

Speakers: Steve Reynolds; Scott Wenz, Cars are Basic; Robin Elander, Cars Are Basic; Ethan Shenkman; Melissa Peters, Dos Pueblos Little League "Challengers"; Dr. Robert Johns.

## **CONSENT CALENDAR (Item Nos. 1-11)**

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

Motion:

Councilmembers House/Hotchkiss 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 15, 2013.

Action: Approved the recommendation.

### **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.

Action: Approved the recommendation; Ordinance No. 5638.

### **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.

Action: Approved the recommendation; Ordinance No. 5639.

(Cont'd)

**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.

Action: Approved the recommendation. (October 29, 2013, report from the Finance Director).

**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.

Action: Approved the recommendation. (October 29, 2013, report from the Community Development Director).

**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.

Action: Approved the recommendation. (October 29, 2013, report from the Waterfront Director; proposed ordinance).

**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.

Action: Approved the recommendation. (October 29, 2013, report from the Public Works Director).

**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.

Action: Approved the recommendation; Agreement No. 24,514.3 (October 29, 2013, report from the Public Works Director).

**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.

Action: Approved the recommendation; Resolution No. 13-088 (October 29, 2013, report from the Finance Director).

**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 concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported the Finance Committee met to review third quarter Investment and Fiscal Agent Reports, which were approved by Council as part of this agenda's Consent Calendar (Item No. 4).

## 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.

Documents:

- October 29, 2013 report from the Parks and Recreation Director.

Speaker:

- Staff: Neighborhood and Outreach Services Supervisor Susan Young.
- Applicant: Andrew Rodriguez.

Motion:

Councilmembers Hotchkiss/Rowse to approve the recommendation.

Vote:

Unanimous voice vote.

### **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.

Documents:

- October 29, 2013, report from Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened:

4:06 p.m.

(Cont'd)

### 13. (Cont'd)

#### Speakers

- Staff: Project Planner Allison De Busk; Supervising Transportation Planner Steve Foley; City Planner Bettie Weiss.
- Historic Landmarks Commission: Commissioners William LaVoie and Craig Shallenberger.
- Appellant: Margaret Cafarelli.
- Applicant: Steven Amerikaner, Esq. representing Metropolitan Theatres Corporation; Bruce Corwin, CEO of Metropolitan Theatres.
- Members of the Public: William LaVoie, Michael Nissenson, Dave Lombardi, Jeff DeVine, Dawn Mitcham, Michael S. Rassler, Jewish Federation of Greater Santa Barbara, Jeremy Thomas, Richard Yates; Hal Conklin; Marshall Rose, Scott Wenz, Cars Are Basic; Larry Barels; Nelson; Kellam de Forest.

Public Comment Closed:

4:37 p.m.

#### Motion:

Councilmembers House/White to deny the appeal, thereby upholding the Historic Landmarks Commission's Project Design Approval, and requesting that the Historic Landmarks Commission work with the Applicant on the following project elements: 1) the exit at Sola Street, particularly the grade with regard to vehicles going in and out, 2) the location of the residential trash enclosure, 3) the Paseo connection from Alma del Pueblo to Sola Street, and 4) ensuring that the commercial units are designed for commercial use.

#### Vote:

Unanimous voice vote.

### **RECESS**

Mayor Schneider recessed the meeting at 5:24 p.m. – 5:36 p.m.

Mayor Schneider left the meeting at 5:24 p.m.

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

### Item Removed from Agenda

City Administrator Armstrong stated that the following item was being removed from the Agenda:

**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.

Documents:

- October 29, 2013, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

The following applicants were interviewed:

Airport Commission:

Paul Bowen

Architectural Board of Review:

Courtney Jane Miller

Arts Advisory Committee:

Margie Yahyavi

Civil Service Commission:

Richard Banks

Community Development And Human Services Committee:

Alice Villarreal Redit

Stephen Faulstich

Laura Knight

Downtown Parking Committee:

William E. (Trey) Pinner

Sean Pratt

(Cont'd)

## 15. (Cont'd)

### Speakers (Cont'd)

Fire and Police Commission:

Eugene (Gene) Zannon

Harbor Commission:

Virginia Rubsam

Dennis M. Power

Historic Landmarks Commission:

William (Bill) Mahan

Housing Authority Commission:

Victor Suhr

Measure P Committee

Brandon Morse

Neighborhood Advisory Council:

Alejandro Martinez, Youth Applicant

Roberto Funes, Youth Applicant

Gail-Jean Padilla

Parks and Recreation Commission:

Lesley Wiscomb

Nicolas Ferrara

Nichol Clark

Rental Housing Mediation Task Force

Lynn E. Goebel

Daniel Herlinger

By consensus, the Council continued the interviews to November 12, 2013, at 4:00 p.m. (estimated time).

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

There were no reports.

### **RECESS**

Mayor Pro Tempore Rowse recessed the meeting at 6:51 p.m. in order for the Council to reconvene in closed session for Item Nos. 16, 17 and 18.

## 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

Documents:

October 29, 2013, report from the Finance Director.

Time:

6:51 p.m. – 6:53 p.m. Mayor Schneider was absent.

No report made.

### 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

Documents:

October 29, 2013, report from the Finance Director.

Time:

6:53 p.m. – 6:55 p.m. Mayor Schneider was absent.

No report made.

**CLOSED SESSIONS (CONT'D)**

**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

Documents:

October 29, 2013, report from the City Attorney.

Time:

6:55 p.m. – 7:03 p.m. Mayor Schneider was absent.

No report made.

**ADJOURNMENT**

Mayor Pro Tempore Rowse adjourned the meeting at 6:51 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

\_\_\_\_\_  
RANDY ROWSE  
MAYOR PRO TEMPORE

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

**FROM:** Chief's Staff, Police Department

**SUBJECT:** Appropriation Of Miscellaneous Grants Funds For Scheduling Software Upgrade

**RECOMMENDATION:** That Council:

- A. Appropriate \$20,000 in the Fiscal Year 2014 Police Department Miscellaneous Grants Fund from available reserves for the purchase of an upgrade and service package for the InTime Scheduling software; and
- B. Find it in the City's best interest to waive the bidding process as provided in Municipal Code 4.52.080(k) and authorize the General Services Manager to issue a purchase order in the amount of \$20,000 to InTime for a software upgrade and annual maintenance for the following four fiscal years, in accordance with approved budgets.

**DISCUSSION:**

The current Police Department scheduling system (InTime) was purchased in 1998 and is now 15 years old. While the program initially met the needs of the department, software upgrades were delayed over the years and the 1998 version no longer functions properly. Since 1998, many advances have been made to scheduling software and the newer versions allow staff to check schedules remotely and manage overtime requests, and specific public safety needs have been addressed. Some of the current challenges that staff faces are: single user access, with only one person at a time able to see the schedule, no reporting capabilities, no employee access, and unstable operation in Windows 7 platform.

Over the last year, staff has explored various public safety scheduling software options. While there are many scheduling software programs available, public safety scheduling presents unique challenges with overtime, vacation, 24/7 operation, as well as emergency situations. Staff explored using the scheduling component of the current records management software (Versadex) but found the system to be awkward and cumbersome and didn't meet the department's scheduling needs. Additionally, contact was made with a Northern California law enforcement agency that uses the Versadex

scheduling software and the feedback they provided was that the product was hard to use and didn't work with Public Safety scheduling needs. Because of their challenges, they recommended using scheduling software specifically designed for public safety. Staff also looked at Telestaff by Kronos. It was found the Kronos based system focuses on a broadly based clientele of private sector and government entities and does not provide the functions and flexibility necessary for tracking key elements of law enforcement scheduling. Thus, it is not conducive to the department's needs.

Staff then visited Ventura Police Department and viewed the latest version of the InTime software. The Ventura Police Department has used the software for the last seven years and is very pleased with the product. They have been able to efficiently and economically provide broad based scheduling for their employees.

The new scheduling software will create scheduling efficiencies department-wide by allowing the department to enter and track all of the shifts of various program personnel and reduce the amount of time spent by staff manually tracking this information. In an emergency, staff will also be able to enhance the ability to recall police personnel efficiently in a short period of time.

**BUDGET/FINANCIAL INFORMATION:**

There are reserve funds available in the Miscellaneous Grants Fund Traffic Offender Program for the purchase of the upgrade and annual maintenance costs for the next four consecutive fiscal years.

The Traffic Offender Funds come from a fee paid by registered owners who retrieve impounded vehicles stemming from those driving motor vehicles with a suspended driving privilege or who did not possess a license to drive. The fee originated from an Office of Traffic Safety grant awarded in 1997 and that grant required the collection of a fee in order to maintain purchases of equipment and staffing following the sunset of the grant. The intent of the ongoing fees was to improve departmental efficiency and traffic safety. The funds have been primarily used for overtime related to directed patrols, DUI checkpoints and saturation patrols, as well as equipment purchases.

**PREPARED BY:** David Whitham, Captain

**SUBMITTED BY:** Camerino Sanchez, Chief

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

**FROM:** Investigative Division, Police Department

**SUBJECT:** Appropriation Of Asset Forfeiture Funds For The Purchase Of A System Upgrade And Digital Forensic Equipment

**RECOMMENDATION:** That Council:

- A. Appropriate \$8,668 in the Fiscal Year 2014 Police Department Police Asset Forfeiture Fund from available reserves for the purchase of an upgrade for the NEC fingerprint workstation;
- B. Appropriate \$8,632 in the Fiscal Year 2014 Police Department Police Asset Forfeiture Fund from available reserves for the purchase of a Micro Systemation XRY software for the forensic analysis of mobile device digital data evidence;
- C. Find it in the City's best interest to waive the formal bid process as authorized in Municipal Code Section 4.52.080(k) and authorize the City's General Services Manager to issue a sole source purchase order to NEC for an upgrade to the fingerprint workstation; and
- D. Find it in the City's best interest to waive the formal bid process as authorized in Municipal Code Section 4.52.080(k) and authorize the City's General Services Manager to issue a sole source purchase order to Micro Systemation for the XRY software application used to perform secure forensic extraction of digital data.

### **DISCUSSION:**

In 1998 the County of Santa Barbara adopted Resolution 98-184 pursuant to California SB 720, which authorized the collection of a \$1.00 vehicle registration fee for vehicles registered to an address within Santa Barbara County. These funds are used for programs that enhance the ability of local law enforcement agencies to secure fingerprint identification of individuals who may have been involved in a motor vehicle incident while driving under the influence, vehicular manslaughter, or other crimes while operating a motor vehicle.

In May 2000 the Police Department purchased an NEC Tenprint Latent Workstation with these funds. This hardware provided a direct link to the State AFIS System/Cal-ID. This system is used as a tool to identify unknown fingerprints on evidence and at crime scenes. The software system was last upgraded in 2004. The current software

upgrade offered by NEC makes the identification system compatible with search capabilities in the nationwide FBI fingerprint database. This upgrade also includes a new computer, high definition monitor, scanner, and printer.

Additionally, there are funds available in the Police Asset Forfeiture Fund that may be used to purchase and upgrade forensic analysis equipment. Currently, the Crime Lab has one digital device analysis workstation that is capable of processing one device (i.e. cellphone) at a time. As such, there has been a backlog of cases requiring this type of analysis. In order to improve efficiency of digital data evidence forensic analysis the Department is recommending the purchase of the Micro Systemation XRY Complete workstation. This system was selected because it is the only system available that can perform three simultaneous examinations, resulting in improved response time during crucial investigations.

**BUDGET/FINANCIAL INFORMATION:**

The purchase of the equipment will be funded from available reserves generated from revenues received from the State pursuant to SB 720.

**PREPARED BY:** Alex Altavilla, Captain

**SUBMITTED BY:** Camerino Sanchez, Chief of Police

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

**FROM:** Administration, Housing and Human Services, Community Development

**SUBJECT:** Request To Restate And Amend Covenant On Property Located At 203, 215, And 221 Hitchcock Way ("Rancho Franciscan Apartments")

### **RECOMMENDATION:**

That Council approve a Restated and Amended Declaration of Covenants, Conditions, and Restrictions Imposed on Real Property ("Covenant") to Comply with Housing and Urban Development (HUD) Requirements Concerning Age Discrimination and Subordination of the Covenant to a New HUD Insured Loan During the Term of the Loan and Authorize the Community Development Director to Execute Such Agreements and Related Documents, Subject to Approval as to Form by the City Attorney, as Necessary.

### **DISCUSSION:**

In 1988, the owner of the property located at 203, 215 and 221 Hitchcock Way sought discretionary development approval for a 111 unit senior housing development. The proposal sought approval for a higher density and substantially less parking than permitted by the City's Zoning Ordinance. Approval of the project was granted conditioned upon the recordation of a restrictive Covenant on the Property which would insure that elderly households would occupy the units for the life of the units with monthly rents tied to the Area Median Income for a period of thirty (30) years.

The current owner of the Rancho Franciscan Apartments, Rancho Franciscan, L.P., is proposing to refinance an existing Wells Fargo loan with a new thirty-five (35) year HUD-insured loan. Under HUD's policies related to seniors and age-restricted multifamily housing, each unit must be occupied by a "head of household" who is 62 years of age or older and may also be occupied by others not restricted by age.

The 1988 Covenant contains restrictions inconsistent with HUD's current policies. HUD is therefore requiring that, for the term of the HUD insured loan, the Covenant be amended to comply with HUD's policy. The Restated and Amended Covenant will incorporate the terms required by the HUD Security Instrument and HUD Regulatory

Agreement that result in the subordination of the Covenant to the new HUD-insured loan.

The Restated and Amended Covenant will have no impact on any current resident of the Property and the Owner will revise its standard lease to notice any future residents of the HUD occupancy requirement.

**ATTACHMENT(S):** 1. September 18, 2013 letter from The Towbes Group, Inc.  
2. HUD Memorandum, re: Age Restrictions in FHA Insured Housing

**PREPARED BY:** Deirdre Randolph, Community Development Programs Supervisor

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

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

ASSET MANAGEMENT  
CONSTRUCTION

September 18, 2013

Ms. Deidre Randolph  
Community Development Program Supervisor  
City of Santa Barbara  
PO Box 1991  
Santa Barbara, CA 93102



RE: Rancho Franciscan Apartments

Dear Ms. Randolph:

Rancho Franciscan, L.P. owns the Rancho Franciscan Apartments, a 111 unit senior apartment community located at 203, 215 and 221 Hitchcock Way. When the project was originally built, the owners entered into certain CC&R's, a copy of which is enclosed. Section A defines a "Qualifying Resident" and a "Qualified Permanent Resident". It goes on to state in Section C.3 that when the 62 years old or older Qualified Resident no longer resides on the premises, the remaining Qualified Permanent Resident of 45 years or older is entitled to continue his or her occupancy.

We are in the process of refinancing the property with an FHA 223(f) loan. Under HUD's FHA/MAP policies, all heads of households are to be 62 years or older, but we cannot discriminate against non-elderly family members, including children. A copy of the HUD Memorandum regarding age restrictions in FHA insured housing is enclosed. You'll note on the second page of the Memorandum that affordable properties are defined in the third bullet under #2, and since Rancho Franciscan does not qualify in that category, the policy to which Rancho Franciscan will be subject is that for market rate properties. In addition, the current CC&R's age restriction does not comply with federal law. HUD is therefore requiring that the CC&R's be amended to comply with the requirements with respect to occupancy. The new standards are in Section (g) of the draft Amendment which I have enclosed.

Per Section G.5 of the existing CC&R's, since the current covenant cannot be amended without City approval, we respectfully request that the City consent to this Amendment.

We can certify that this change will have no impact on any current resident of Rancho Franciscan Apartments, and we will revise Section 5 of our lease per the enclosed draft so that any future residents are put on notice that they must meet this HUD requirement.

Please give me a call so we can discuss this matter.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Michael Towbes'.

MICHAEL TOWBES

cc: Sarah Knecht, City Attorney's Office  
Rob Pearson, Executive Director/CEO City Housing Authority



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-8000

OFFICE OF HOUSING

MEMORANDUM FOR: All Multifamily Hub Directors  
All Multifamily Program Center Directors  
All Multifamily Operations Officers

FROM: Theodore Toon, Director, Multifamily Development, HUD

SUBJECT: Age Restrictions in FHA Insured Housing

**Purpose:**

There are inconsistencies and conflicts between various programs, policies, controlling authority, and in HUD's implementation of issues related to seniors and age-restricted multifamily housing. These issues have been raised by lenders, owners, HFAs, members of Congress, and HUD staff around the country. A Mortgagee Letter and companion Housing Notice are currently in clearance to clarify FHA and MAP Guide policy on these issues. Until the guidance is issued, however, we can effectuate the planned policy through the use of MAP Guide waivers, where appropriate. This memorandum outlines the policy positions, and provides the basis for waiver requests to be made to Headquarters.

The objective is consistent and coherent policy that adheres to the applicable laws and regulations, fully complies with the Fair Housing Act, is fair and reasonable to implement for stakeholders, promotes affordability, and that Multifamily can effectively administer. After publication of the Mortgagee Letter and Housing Notice, these policies will be incorporated in the next version of the MAP Guide, and into Asset Management guidance.

**Background:**

**Age Restrictions and Occupancy requirements:** HUD policy regarding age restrictions has been driven by the various statutory, regulatory, and administrative references, which generally fall into the following categories:

- Elderly projects which require all Head of Households to be 62 years or older, but cannot discriminate against non-elderly family members, including children. [*Most common FHA program standard.*]
- Elderly projects which require all residents to be 62 or older.
- Elderly and disabled projects [*Section 231 new construction / substantial rehabilitation program, which require not less than 50% elderly and/or disabled.*]
- Assisted projects developed prior to 1992 which allow both Elderly and Handicapped.
- Tax Credit and Tax Exempt Bond programs generally use the 55+ (80% of residents) standard and may be able to transition to FHA standards over time, assuming local zoning is permissive. In some cases these projects have been combined with Section 8 contracts or other HUD assistance, but may or may conform to the FHA definition.
- Risk Share programs. Regulations give flexibility as to which Fair Housing exemption (55+ or other) to use in age restricted projects, but the Handbook goes to the FHA definition.

**FHA/MAP Guide Policy on Age Restrictions:**

1. **Market-rate properties.** FHA Multifamily Insurance will continue its longstanding policy of insuring age-restricted properties only if they are serving head of household 62 years or older, and which do not discriminate against nonelderly family members including children. This policy will apply to all market rate properties.
2. **Affordable Properties.** For affordable properties, FHA will exercise greater flexibility:
  - FHA will grandfather affordable properties with current age restrictions and allow age-restriction regimes that may not be conforming to the otherwise applicable FHA policy, whether the age restrictions are imposed by HUD, LIHTC, state, local, zoning, or affordable programs, as long as these properties meet both the relevant elderly use restrictions imposed by the applicable program, and comply with the Fair Housing Act. Properties may conform with the Fair Housing Act by not discriminating based on any protected class (including race, color, religion, national origin, familial status, disability, or sex), or if they exclude families with children under 18, by meeting a housing for older persons exemption to the Fair Housing Act (such as the 55+ exemption).
  - Assisted, age-restricted properties that serve a mix of elderly and non-elderly disabled residents pursuant to a HUD regulatory agreement or other HUD requirement will be permitted to continue to serve their targeted populations, regardless of the type of mortgage insurance or direct loan or grant financing previously used.
  - Affordable properties are defined as projects with Project based Section 8, LIHTC (new, or existing with at least 15 year remaining on the affordability use agreement), Section 202 refinancings, or “older assisted” FHA mortgage insurance programs such as Section 236 or 221(d)(3) BMIR.

**Waivers:**

Waiver requests on a HUD-2 must be submitted to Headquarters for approval. Please send to Tom Goade ([Thomas.L.Goade@hud.gov](mailto:Thomas.L.Goade@hud.gov)) and David Wilderman ([David.B.Wilderman@hud.gov](mailto:David.B.Wilderman@hud.gov)) in the Development - Technical Support Division. The waiver request must include:

- Description of project affordability (how does it qualify as affordable?)
- Description of Age restriction currently in place, including:
  - Duration of the affordability restriction
  - Age limitation on the current restrictions
- The Borrowers certification that the project is in compliance with the application age restriction exemption under Fair Housing Law.
- The Field Office’s recommendation.

Please contact me (Ted Toon) at (202) 402-8386 if you have any questions about this memorandum.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

**FROM:** Facilities Planning and Development, Airport Department

**SUBJECT:** Avigation And Noise Easement For 7000 Hollister Avenue, Goleta

**RECOMMENDATION:** That Council:

- A. Approve and authorize the City Administrator to execute and record a grant deed of avigation and noise easement and agreement imposing conditions on real property by and between Goleta Hollister, LLC and the City of Santa Barbara; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City Of Santa Barbara Accepting an Avigation and Noise Easement Imposing Conditions on Real Property known as Assessor's Parcel Numbers 073-030-020 and 073-030-021.

**DISCUSSION:**

On October 2, 2012, the Planning Commission of the City of Goleta approved construction of a new 22 acre mixed-use development at 7000 Hollister Avenue (APN 073-030-020 and 073-030-021), which is bisected by the boundary of the Santa Barbara County Airport Land Use Plan's "Safety Area 2 – Approach Zone" for Runway 7. The City of Goleta imposed a condition of approval on the project requiring the property owner, Goleta Hollister, LLC, to grant the City of Santa Barbara an avigation and noise easement. The avigation and noise easement will provide notice to current and future property owners of the effects of airport operations and will establish provisions allowing aircraft using the Airport to have the free and unobstructed right of flight in the airspace above the parcel.

**ATTACHMENT:** Grant Deed of Avigation and Noise Easement

**PREPARED BY:** Andrew Bermond, AICP, Project Planner

**SUBMITTED BY:** Karen Ramsdell, Airport Director

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

**Recorded for the Benefit of:**

City of Santa Barbara

**Recording requested by and when recorded  
mail to:**

Santa Barbara Airport  
601 Firestone Road  
Santa Barbara, CA 93117

and

Goleta Hollister, LLC  
c/o Westar Associates  
2925 Bristol Street  
Costa Mesa, CA 92626

THE ABOVE SPACE RESERVED FOR RECORDER USE ONLY

**GRANT DEED OF AVIGATION AND NOISE EASEMENT AND AGREEMENT  
IMPOSING CONDITIONS ON REAL PROPERTY**

APN No.: 073-030-21 and 073-030-20

**RECITALS**

WHEREAS, Goleta Hollister, LLC, a Delaware limited liability company (herein the "**Grantor**") is the owner in fee simple of that certain parcel of land situated in the County of Santa Barbara commonly known as 7000 Hollister Avenue, Goleta, California and more particularly described in Exhibit A and attached hereto and made a part hereof (herein the "**Grantor's property**") ; and,

WHEREAS, City of Santa Barbara, a municipal corporation (herein the "**Grantee**") is the owner of certain properties within the County of Santa Barbara which are described in a Deed from the United States of America to Grantee dated February 24, 1949, which was recorded in Book 861 at Page 33 of the official records of the County of Santa Barbara, State of California (herein the "**Dominant Parcel**") ; and,

WHEREAS, the Santa Barbara Municipal Airport, (herein the "**Airport**") is operated on the Dominant Parcel which is in close proximity to Grantor's property; and,

WHEREAS, on October 2, 2012, Grantor received approval from the City of Goleta for construction of a 22.32 acre mixed use development project on Grantor's property consisting of multi-family residential apartment units, a community shopping center, and related improvements, a portion of which (herein the "**Servient Parcel**") is located within the Santa Barbara County Airport Land Use Plan's Safety Area 2-Approach Zone, with said approvals being conditioned upon Grantor providing Grantee with an avigation easement over the Servient Parcel; and,

WHEREAS, the Servient Parcel is more particularly described in Exhibit B attached hereto and made a part hereof: and

WHEREAS, Grantor and Grantee wish to establish provisions so that aircraft using Airport shall have the right of flight and the right to cause noise, light, and other effects associated with the operation of aircraft in the airspace over and above the Servient Parcel.

NOW, THEREFORE, Grantor, for consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to Grantee a perpetual public-use aviation and noise easement in, through, across and over the airspace of the Servient Parcel subject to termination as expressly provided herein and right-of-way for the free and unobstructed flight of aircraft, of any and all kinds now known or hereafter invented, used or designed for navigation or flight in the air, of the class, size and category permitted by law to operate at Airport, as more particularly described below.

1. Grantor, understands and acknowledges that the rights herein granted shall include, but not be limited to, the right in such airspace to allow, make and emit such noise, light, vibrations, fumes, exhaust, smoke, air currents, dust fuel particles, radio, television, and other electromagnetic interferences, and all other effects as may be inherent to the operation of aircraft for navigation flight in the air.

2. Grantor hereby fully waives, remises and releases any right or cause of action that it may now have or that it may have in the future against Grantee, its successors, and assigns, and covenants not to sue due to such noise, light, vibrations, fumes, exhaust, smoke, air currents, dust fuel particles, radio, television, and other electromagnetic interferences, and all other similar or related effects that may be caused or may have been caused by the operation of aircraft landing at, taking off from, or operating at Airport as permitted under this easement (collectively the "effects"). Said release and covenant shall include, but not limited to, claims, known or unknown, for damages for physical or emotional injuries, discomfort, inconvenience, property damage, death, interference with use and enjoyment of property, diminution of property values, nuisance, or inverse condemnation or injunctive or other extraordinary or equitable relief arising out of the effects.

3. It is further agreed that Grantee as owner and operator of Airport shall have no duty to avoid or mitigate such damages by, without limitation, setting aside or condemning buffer lands, rerouting air traffic, erecting sound or other barriers, or establishing curfews, noise or other regulations, except to the extent, if any, that such actions are validly required by government authority. Grantor reserves such use, rights and privileges in the Servient Parcel as may be exercised and enjoyed without interference with or abridgment of the rights hereby granted.

4. This grant of an aviation and noise easement shall not operate to deprive Grantor and its successors or assigns of any rights that it may have from time to time against any other individual aircraft operator for the negligent or unlawful operation of an aircraft.

5. For and on behalf of itself and its successors and assigns, Grantor hereby covenants with Grantee for the direct benefit of the real property constituting Airport that neither Grantor nor its successors in interest or assigns shall hereafter construct or permit the construction or growth of any structure, tree or other object within the Servient Parcel that penetrates an approved approach, transitional, horizontal, or control surface, or that constitutes an obstruction to air navigation, or that obstructs or interferes with the use of the flight easements and rights of way herein granted, or that creates electrical interference with radio communication between any installation upon Airport and aircraft, or that makes it difficult for pilots to distinguish between airport lights and other lights, or that impairs visibility in the vicinity of Airport, or that otherwise endangers the landing, take-off or maneuvering of aircraft. Grantee reserves the

right, upon reasonable notice to Grantor, to mark and light as obstructions to air navigation any such building, structure, tree or other object now upon, or that in the future may be upon, the Servient Parcel, together with the right of ingress to, egress from, and passage over the Servient Parcel for the above purpose, which shall be accomplished at Grantee's expense.

The foregoing notwithstanding, Grantor and Grantee acknowledge, accept and agree that the Servient Parcel may be improved pursuant to the approvals described in the Recitals and that such improvements shall not be deemed in violation or breach of the terms and conditions set forth in this Grant.

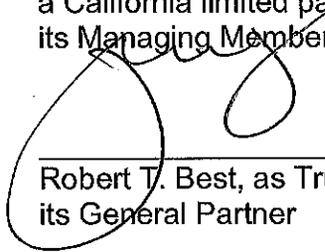
6. All promises, covenants, conditions and reservations contained in this easement are made and entered into for the benefit of Grantee. These promises covenants, conditions, and reservations, shall run with the Servient Parcel, described and identified on Exhibit B attached hereto, shall bind Grantor's heirs, administrators, executor, successors and assigns to the maximum extent now or hereafter permitted by statute or case law, and are intended by the parties to comply with California Civil Code Section 1468. "Successors and assigns" as used in this paragraph includes, without limitation, invitees, licensees, permittees, tenants, and lessees.

7. The aviation and noise easement, covenants, and agreements described herein shall continue in effect until the Airport shall be abandoned and shall cease to be used for public airport purposes.

IN WITNESS WHEREOF, Grantor and Grantee have caused this grant of easement to be executed on \_\_\_\_\_, 2013.

**GRANTOR:**  
GOLETA HOLLISTER, LLC,  
a Delaware limited liability company

By: THE BEST GROUP, L.P.,  
a California limited partnership,  
its Managing Member

By:   
Robert T. Best, as Trustee of the Best Family Trust u/d/t October 2, 2001  
its General Partner

**GRANTEE:**  
CITY OF SANTA BARBARA  
Municipal Corporation

\_\_\_\_\_  
City Administrator

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

**APPROVED AS TO CONSENT:**

By: \_\_\_\_\_  
Airport Director

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Assistant City Attorney

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ORANGE )

On OCTOBER 23, 2013, before me, KAREN BUNCH, Notary Public, personally appeared ROBERT T. BEST, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Karen Bunch (SEAL)  
Notary Public

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2013, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (SEAL)  
Notary Public

## EXHIBIT A

Real property in the City of GOLETA, County of SANTA BARBARA, State of California, described as follows:

PARCEL 1: (APN NO.: 073-030-21)

PARCEL "A" OF PARCEL MAP NO. 11,218, IN THE CITY OF GOLETA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 7, PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING ALL URANIUM, THORIUM AND OTHER FISSIONABLE MATERIALS, ALL OIL, GAS PETROLEUM, ASPHALTUM AND OTHER HYDROCARBON SUBSTANCES AND OTHER MINERALS AND MINERAL ORES OF EVERY KIND AND CHARACTER WHETHER SIMILAR TO THOSE HEREIN SPECIFIED OR NOT, WITHIN OR UNDERLYING, OR WHICH MAY BE PRODUCED FROM THAT PORTION OF THE HEREINBEFORE DESCRIBED LAND WHICH LIES BELOW A PLANE PARALLEL TO AND FIVE HUNDRED (500) FEET BELOW THE PRESENT SURFACE OF SAID LAND, OR TO USE SAID LAND OR ANY PORTION THEREOF TO SAID DEPTH OF FIVE HUNDRED (500) FEET, FOR ANY PURPOSE WHATSOEVER, AS RESERVED BY MONO POWER COMPANY, IN THAT DEED RECORDED JULY 3, 1970 AS INSTRUMENT NO. 17511, BOOK 2313, PAGE 944 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, CALIFORNIA.

PARCEL 2: (APN NO.: 073-030-20)

PARCEL B OF PARCEL MAP NO. 11218, IN THE CITY OF GOLETA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 7, PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2A:

A NON-EXCLUSIVE RIGHT OF WAY 3 FEET WIDE FOR A WATER PIPE LINE OVER, UNDER AND ACROSS THAT PORTION OF TRACT NO. 1, AS SHOWN ON THE MAP OF SUBDIVISION OF THE WEST DIVISION OF TRACT "B" OF THE HOLLISTER RANCHO, IN RANCHO LOS DOS PUEBLOS, AS PER MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA, AND DESIGNATED AS MAP NO. 5, IN RACK NO. 3, SAID RIGHT OF WAY BEING DESCRIBED AS LYING ADJACENT TO AND EXTENDING 3 FEET WIDE ALONG THE SOUTHERLY AND EASTERLY BOUNDARY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY, BEGINNING AT A POINT IN THE WESTERLY LINE OF PARCEL NO. 19, AS SHOWN ON THE MAP OF SURVEY OF THE "GILBERT AND WATKINS TRACTS OF THE RANCHO LOS DOS PUEBLOS", FILED IN THE BOOK 22, PAGE 26 OF RECORD OF SURVEYS OF SAID COUNTY; THENCE FOLLOWING THE SOUTHERLY AND EASTERLY BOUNDARY LINE OF SAID RAILROAD RIGHT OF WAY ACROSS SAID PARCEL NO. 19 TO THE EASTERLY LINE OF SAID PARCEL NO. 19; THENCE STILL EXTENDING 3 FEET WIDE ALONG THE BOUNDARY LINE OF SAID RAILROAD RIGHT OF WAY ACROSS PARCELS NO. 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, AND 8, AS SHOWN ON THE MAP OF SAID RECORD OF SURVEYS, TO THE EAST BOUNDARY LINE OF SAID PARCEL NO. 8.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING AN AVIGATION AND NOISE EASEMENT IMPOSING CONDITIONS ON REAL PROPERTY KNOWN AS ASSESSOR'S PARCEL NUMBERS 073-030-020 AND 073-030-021

WHEREAS, on October 2, 2012 the City of Goleta approved the development of the property at 7000 Hollister Avenue on the condition that the owner enter into an avigation and noise easement with the City of Santa Barbara,

WHEREAS, the Santa Barbara County Airport Land-Use Plan identifies the property at 7000 Hollister Avenue (Assessor's Parcel Numbers 073-030-020 and 073-030-021) as partially within "Safety Area 2 – Approach Zone" for Santa Barbara Airport Runway 7, and

WHEREAS, the Federal Aviation Administration encourages Airport Sponsors to accept avigation easements as a means to minimize hazards to aviation;

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

SECTION 1. The City of Santa Barbara hereby accepts the interest in real property known as Assessor's Parcel Numbers 073-030-020 and 073-030-021, conveyed by the Grant Deed of Avigation and Noise Easement and Agreement Imposing Conditions on Real Property dated October 23, 2013, from Goleta Hollister, LLC to the City of Santa Barbara, a municipal corporation.

SECTION 2. The City of Santa Barbara hereby consents to the recordation by the City Clerk of said easement.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Cancellation Of Certain Council Meetings In 2014

### RECOMMENDATION:

That Council cancel the regular Council Meetings on the following dates: January 21, February 18, April 1, May 27, July 8, August 19, August 26, September 2, December 2, December 23, December 30, 2014.

### DISCUSSION:

Each year we review the calendar for the regular City Council Meeting dates.

The Council meeting schedule has been established based on cancelling the Council meetings on the Tuesdays following a holiday, and providing for a summer and December holiday break. Council canceled these same Council meetings in 2013.

We are now proposing the cancellation of meetings for the next year.

Using this criteria, the following meetings would be cancelled:

- Tuesday, January 21, 2014 (Tuesday after Martin Luther King, Jr. Holiday);
- Tuesday, February 18, 2014 (Tuesday after Presidents Day Holiday);
- Tuesday, April 1, 2014 (Tuesday after Cesar Chavez Day Holiday);
- Tuesday, May 27, 2014 (Tuesday after Memorial Day Holiday);
- Tuesday, July 8, 2014 (Tuesday after 4<sup>th</sup> of July Holiday);
- Tuesday, August 19, 2014 (Summer Break);
- Tuesday, August 26, 2014 (Summer Break);
- Tuesday, September 2, 2014 (Tuesday after Labor Day Holiday);
- Tuesday, December 2, 2014 (Tuesday after Thanksgiving Holiday);
- Tuesday, December 23, 2014 (Holiday Break); and
- Tuesday, December 30, 2014 (Tuesday after Christmas Day Holiday)

**PREPARED BY:** Jennifer Jennings, Administrator's Office Supervisor

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

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

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:** November 12, 2013  
**TO:** Mayor and Councilmembers  
**FROM:** Accounting Division, Finance Department  
**SUBJECT:** Fiscal Year 2014 First Quarter Interim Financial Statements

**RECOMMENDATION:** That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the three months ended September 30, 2013;
- B. Accept the Fiscal Year 2014 Interim Financial Statements for the Three Months Ended September 30, 2013; and
- C. Approve the proposed first quarter adjustments to Fiscal Year 2014 appropriations and estimated revenues as detailed in the attached Schedule of Proposed First Quarter Adjustments.

**DISCUSSION:**

Each month, staff presents the interim financial statements (Attachment 1) showing the status of revenues and expenditures in relation to budget for each of the City's Funds. Each quarter, the interim financial statements are expanded to include a detailed narrative analysis of the General Fund and Enterprise Funds. This narrative analysis is included in Attachment 2.

This report covers the first three months of the fiscal year; however, it is premature to make any solid projections for the year. Revenues were budgeted conservatively and, at this time, it appears that revenues will meet budget by fiscal year-end. Expenditures appear to be within expectations at September 30 and any significant variances are discussed in Attachment 2.

In addition to the analysis of revenues and expenditures, staff brings forward recommended adjustments for City Council approval. These adjustments are the result of new information and/or unanticipated events that occurred since the adoption of the budget in June 2013. A listing and description of each proposed adjustment to the current year budget is provided in Attachment 3.

- ATTACHMENTS:**
1. Summary by Fund Statement of Revenues and Expenditures for the Three Months Ended September 30, 2013
  2. Interim Financial Statements for the Three Months Ended September 30, 2013 (Narrative Analysis)
  3. Schedule of Proposed First Quarter Adjustments

**PREPARED BY:** Julie Nemes, Accounting Manager

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

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

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenditures**  
**Summary by Fund**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
<b>GENERAL FUND</b>					
Revenue	111,373,351	21,600,282	-	89,773,069	19.4%
Expenditures	111,659,671	29,981,185	1,606,526	80,071,961	28.3%
<i>Addition to / (use of) reserves</i>	<u>(286,320)</u>	<u>(8,380,903)</u>	<u>(1,606,526)</u>		
<b>SOLID WASTE FUND</b>					
Revenue	19,927,443	5,180,362	-	14,747,081	26.0%
Expenditures	20,097,345	4,662,188	429,047	15,006,109	25.3%
<i>Addition to / (use of) reserves</i>	<u>(169,902)</u>	<u>518,174</u>	<u>(429,047)</u>		
<b>WATER OPERATING FUND</b>					
Revenue	36,524,435	10,572,165	-	25,952,270	28.9%
Expenditures	46,173,840	8,509,699	2,494,691	35,169,451	23.8%
<i>Addition to / (use of) reserves</i>	<u>(9,649,405)</u>	<u>2,062,466</u>	<u>(2,494,691)</u>		
<b>WASTEWATER OPERATING FUND</b>					
Revenue	17,907,479	4,809,209	-	13,098,270	26.9%
Expenditures	19,274,955	3,622,224	1,898,742	13,753,989	28.6%
<i>Addition to / (use of) reserves</i>	<u>(1,367,476)</u>	<u>1,186,985</u>	<u>(1,898,742)</u>		
<b>DOWNTOWN PARKING</b>					
Revenue	7,420,709	1,920,304	-	5,500,405	25.9%
Expenditures	8,595,305	2,015,121	649,374	5,930,810	31.0%
<i>Addition to / (use of) reserves</i>	<u>(1,174,596)</u>	<u>(94,817)</u>	<u>(649,374)</u>		
<b>AIRPORT OPERATING FUND</b>					
Revenue	15,751,093	3,753,655	-	11,997,438	23.8%
Expenditures	16,455,374	3,339,464	850,618	12,265,293	25.5%
<i>Addition to / (use of) reserves</i>	<u>(704,281)</u>	<u>414,191</u>	<u>(850,618)</u>		
<b>GOLF COURSE FUND</b>					
Revenue	2,081,059	582,088	-	1,498,971	28.0%
Expenditures	2,049,523	636,769	-	1,412,754	31.1%
<i>Addition to / (use of) reserves</i>	<u>31,536</u>	<u>(54,681)</u>	<u>-</u>		
<b>INTRA-CITY SERVICE FUND</b>					
Revenue	5,192,663	1,171,194	-	4,021,469	22.6%
Expenditures	5,851,413	1,370,102	878,773	3,602,539	38.4%
<i>Addition to / (use of) reserves</i>	<u>(658,750)</u>	<u>(198,908)</u>	<u>(878,773)</u>		

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenditures**  
**Summary by Fund**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
<b>FLEET REPLACEMENT FUND</b>					
Revenue	2,758,201	672,830	-	2,085,371	24.4%
Expenditures	5,198,010	311,366	725,318	4,161,326	19.9%
<i>Addition to / (use of) reserves</i>	<u>(2,439,809)</u>	<u>361,464</u>	<u>(725,318)</u>		
<b>FLEET MAINTENANCE FUND</b>					
Revenue	2,576,502	645,061	-	1,931,441	25.0%
Expenditures	2,651,053	596,131	221,587	1,833,336	30.8%
<i>Addition to / (use of) reserves</i>	<u>(74,551)</u>	<u>48,930</u>	<u>(221,587)</u>		
<b>SELF INSURANCE TRUST FUND</b>					
Revenue	5,960,947	1,490,149	-	4,470,798	25.0%
Expenditures	6,022,747	1,576,714	357,349	4,088,684	32.1%
<i>Addition to / (use of) reserves</i>	<u>(61,800)</u>	<u>(86,565)</u>	<u>(357,349)</u>		
<b>INFORMATION SYSTEMS ICS FUND</b>					
Revenue	2,514,997	628,749	-	1,886,248	25.0%
Expenditures	2,976,306	823,950	155,752	1,996,605	32.9%
<i>Addition to / (use of) reserves</i>	<u>(461,309)</u>	<u>(195,201)</u>	<u>(155,752)</u>		
<b>WATERFRONT FUND</b>					
Revenue	12,445,067	3,762,625	-	8,682,442	30.2%
Expenditures	13,578,796	3,109,225	787,783	9,681,788	28.7%
<i>Addition to / (use of) reserves</i>	<u>(1,133,729)</u>	<u>653,399</u>	<u>(787,783)</u>		
<b>TOTAL FOR ALL FUNDS</b>					
Revenue	242,433,946	56,788,672	-	185,645,274	23.4%
Expenditures	260,584,339	60,554,137	11,055,559	188,974,643	27.5%
<i>Addition to / (use of) reserves</i>	<u>(18,150,393)</u>	<u>(3,765,465)</u>	<u>(11,055,559)</u>		

*\*\* It is City policy to adopt a balanced budget. In most cases, encumbrance balances exist at year-end. These encumbrance balances are obligations of each fund and must be reported at the beginning of each fiscal year. In addition, a corresponding appropriations entry must be made in order to accommodate the 'carried-over' encumbrance amount. Most differences between budgeted annual revenues and expenses are due to these encumbrance carryovers.*

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Budgeted and Actual Revenues**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	Annual Budget	YTD Actual	Remaining Balance	Percent Received	Previous YTD
<b>TAXES</b>					
Sales and Use	21,084,894	3,875,853	17,209,041	18.4%	3,939,426
Property Taxes	25,475,500	-	25,475,500	0.0%	301,863
Utility Users Tax	6,975,300	1,772,035	5,203,265	25.4%	1,743,350
Transient Occupancy Tax	16,202,000	5,688,255	10,513,745	35.1%	5,063,819
Business License	2,415,000	471,541	1,943,459	19.5%	449,073
Real Property Transfer Tax	537,900	188,687	349,213	35.1%	172,225
<i>Total</i>	<u>72,690,594</u>	<u>11,996,371</u>	<u>60,694,223</u>	16.5%	<u>11,669,756</u>
<b>LICENSES &amp; PERMITS</b>					
Licenses & Permits	219,180	40,461	178,719	18.5%	38,308
<i>Total</i>	<u>219,180</u>	<u>40,461</u>	<u>178,719</u>	18.5%	<u>38,308</u>
<b>FINES &amp; FORFEITURES</b>					
Parking Violations	2,628,967	673,008	1,955,959	25.6%	693,946
Library Fines	135,000	33,775	101,225	25.0%	26,294
Municipal Court Fines	120,000	28,117	91,883	23.4%	26,755
Other Fines & Forfeitures	250,000	89,066	160,934	35.6%	53,818
<i>Total</i>	<u>3,133,967</u>	<u>823,967</u>	<u>2,310,000</u>	26.3%	<u>800,813</u>
<b>USE OF MONEY &amp; PROPERTY</b>					
Investment Income	676,267	153,567	522,700	22.7%	275,168
Rents & Concessions	396,322	98,420	297,902	24.8%	92,921
<i>Total</i>	<u>1,072,589</u>	<u>251,987</u>	<u>820,602</u>	23.5%	<u>368,089</u>
<b>INTERGOVERNMENTAL</b>					
Grants	608,750	213,385	395,365	35.1%	81,181
Vehicle License Fees	-	39,945	(39,945)	100.0%	48,265
Reimbursements	14,320	-	14,320	0.0%	292
<i>Total</i>	<u>623,070</u>	<u>253,330</u>	<u>369,740</u>	40.7%	<u>129,738</u>
<b>FEES &amp; SERVICE CHARGES</b>					
Finance	926,598	225,842	700,756	24.4%	213,759
Community Development	4,632,942	1,082,907	3,550,035	23.4%	1,040,697
Recreation	2,890,383	834,946	2,055,437	28.9%	817,321
Public Safety	617,033	130,325	486,709	21.1%	144,467
Public Works	5,584,761	1,461,565	4,123,196	26.2%	1,387,506
Library	753,839	12,222	741,617	1.6%	8,126
Reimbursements	4,293,383	1,107,179	3,186,204	25.8%	1,075,062
<i>Total</i>	<u>19,698,939</u>	<u>4,854,985</u>	<u>14,843,954</u>	24.6%	<u>4,686,938</u>
<b>OTHER REVENUES</b>					
Miscellaneous	1,616,251	563,481	1,052,770	34.9%	583,621
Franchise Fees	3,660,300	896,493	2,763,807	24.5%	864,653
Indirect Allocations	6,292,740	1,573,185	4,719,555	25.0%	1,460,463
Operating Transfers-In	2,365,721	346,022	2,019,699	14.6%	421,586
<i>Total</i>	<u>13,935,012</u>	<u>3,379,181</u>	<u>10,555,831</u>	24.2%	<u>3,330,323</u>
<b>TOTAL REVENUES</b>	<u>111,373,351</u>	<u>21,600,282</u>	<u>89,773,069</u>	19.4%	<u>21,023,965</u>

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Appropriations, Expenditures and Encumbrances**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
<b>GENERAL GOVERNMENT</b>						
<u>Mayor &amp; City Council</u>						
MAYOR	741,223	184,518	306	556,399	24.9%	
<i>Total</i>	741,223	184,518	306	556,399	24.9%	191,742
<u>City Attorney</u>						
CITY ATTORNEY	2,104,254	561,787	8,325	1,534,142	27.1%	
<i>Total</i>	2,104,254	561,787	8,325	1,534,142	27.1%	597,059
<u>Administration</u>						
CITY ADMINISTRATOR	1,587,391	478,430	306	1,108,655	30.2%	
CITY TV	528,124	126,784	46,335	355,005	32.8%	
<i>Total</i>	2,115,515	605,214	46,641	1,463,660	30.8%	500,062
<u>Administrative Services</u>						
CITY CLERK	475,090	125,262	20,285	329,543	30.6%	
ADMIN SVCS-ELECTIONS	300,000	24,926	170,290	104,783	65.1%	
HUMAN RESOURCES	1,412,691	303,998	26,767	1,081,926	23.4%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	14,447	2,500	-	11,947	17.3%	
<i>Total</i>	2,202,228	456,686	217,343	1,528,199	30.6%	408,969
<u>Finance</u>						
ADMINISTRATION	221,336	60,420	12,720	148,196	33.0%	
TREASURY	510,731	113,731	14,600	382,400	25.1%	
CASHIERING & COLLECTION	458,460	121,938	-	336,522	26.6%	
LICENSES & PERMITS	469,695	133,453	23,993	312,249	33.5%	
BUDGET MANAGEMENT	430,198	111,593	-	318,605	25.9%	
ACCOUNTING	621,961	131,690	22,110	468,161	24.7%	
PAYROLL	293,974	82,515	-	211,459	28.1%	
ACCOUNTS PAYABLE	226,149	58,833	-	167,316	26.0%	
CITY BILLING & CUSTOMER SERVICE	684,788	107,465	211,557	365,767	46.6%	
PURCHASING	639,289	154,355	979	483,955	24.3%	
CENTRAL STORES	170,978	42,606	439	127,933	25.2%	
MAIL SERVICES	109,740	29,140	440	80,160	27.0%	
<i>Total</i>	4,837,299	1,147,739	286,838	3,402,722	29.7%	1,140,800
<b>TOTAL GENERAL GOVERNMENT</b>	<b>12,000,519</b>	<b>2,955,944</b>	<b>559,453</b>	<b>8,485,122</b>	<b>29.3%</b>	<b>2,838,633</b>
<b>PUBLIC SAFETY</b>						
<u>Police</u>						
CHIEF'S STAFF	1,035,400	277,114	-	758,286	26.8%	
SUPPORT SERVICES	690,977	171,269	3,114	516,594	25.2%	
RECORDS	1,293,046	313,572	28,171	951,303	26.4%	
COMMUNITY SVCS	1,035,807	267,356	8,947	759,503	26.7%	
PROPERTY ROOM	213,001	49,759	594	162,648	23.6%	
TRNG/RECRUITMENT	483,113	128,541	2,114	352,457	27.0%	

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Appropriations, Expenditures and Encumbrances**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
<b>PUBLIC SAFETY</b>						
<u>Police</u>						
RANGE	1,268,968	312,332	57,817	898,819	29.2%	
BEAT COORDINATORS	858,553	235,334	-	623,219	27.4%	
INFORMATION TECHNOLOGY	1,193,300	464,495	12,470	716,335	40.0%	
INVESTIGATIVE DIVISION	4,945,232	1,463,284	-	3,481,948	29.6%	
CRIME LAB	155,092	44,209	-	110,883	28.5%	
PATROL DIVISION	15,849,640	4,168,605	188,181	11,492,854	27.5%	
TRAFFIC	1,415,405	353,975	559	1,060,871	25.0%	
SPECIAL EVENTS	831,095	439,204	-	391,891	52.8%	
TACTICAL PATROL FORCE	1,423,691	348,949	-	1,074,742	24.5%	
STREET SWEEPING ENFORCEMENT	340,916	88,770	-	252,146	26.0%	
NIGHT LIFE ENFORCEMENT	301,944	87,948	-	213,996	29.1%	
PARKING ENFORCEMENT	989,866	253,785	27,800	708,281	28.4%	
CCC	2,462,970	599,877	-	1,863,093	24.4%	
ANIMAL CONTROL	661,248	86,837	-	574,411	13.1%	
<i>Total</i>	<u>37,449,263</u>	<u>10,155,216</u>	<u>329,768</u>	<u>26,964,280</u>	28.0%	<u>9,580,313</u>
<u>Fire</u>						
ADMINISTRATION	816,274	208,157	5,499	602,618	26.2%	
EMERGENCY SERVICES AND PUBLIC ED	294,891	77,002	-	217,889	26.1%	
PREVENTION	1,118,386	331,650	-	786,736	29.7%	
WILDLAND FIRE MITIGATION PROGRAM	199,013	47,489	5,195	146,329	26.5%	
OPERATIONS	18,030,248	5,196,998	68,022	12,765,228	29.2%	
ARFF	1,860,354	519,430	-	1,340,924	27.9%	
<i>Total</i>	<u>22,319,166</u>	<u>6,380,726</u>	<u>78,716</u>	<u>15,859,725</u>	28.9%	<u>6,243,278</u>
<b>TOTAL PUBLIC SAFETY</b>	<u>59,768,430</u>	<u>16,535,942</u>	<u>408,483</u>	<u>42,824,005</u>	28.4%	<u>15,823,591</u>
<b>PUBLIC WORKS</b>						
<u>Public Works</u>						
ADMINISTRATION	1,049,511	254,619	11,179	783,714	25.3%	
ENGINEERING SVCS	4,871,823	1,266,061	5,433	3,600,330	26.1%	
PUBLIC RT OF WAY MGMT	1,042,862	269,602	843	772,417	25.9%	
ENVIRONMENTAL PROGRAMS	507,253	45,035	276,053	186,165	63.3%	
<i>Total</i>	<u>7,471,449</u>	<u>1,835,317</u>	<u>293,507</u>	<u>5,342,625</u>	28.5%	<u>1,735,413</u>
<b>TOTAL PUBLIC WORKS</b>	<u>7,471,449</u>	<u>1,835,317</u>	<u>293,507</u>	<u>5,342,625</u>	28.5%	<u>1,735,413</u>
<b>COMMUNITY SERVICES</b>						
<u>Parks &amp; Recreation</u>						
PRGM MGMT & BUS SVCS	699,131	192,374	3,911	502,845	28.1%	
FACILITIES	778,579	189,169	17,938	571,472	26.6%	
YOUTH ACTIVITIES	954,403	468,347	13,030	473,026	50.4%	
SR CITIZENS	696,667	195,734	3,124	497,810	28.5%	

**CITY OF SANTA BARBARA**  
**General Fund**  
**Interim Statement of Appropriations, Expenditures and Encumbrances**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
<b>COMMUNITY SERVICES</b>						
<u>Parks &amp; Recreation</u>						
AQUATICS	1,251,951	520,644	44,476	686,830	45.1%	
SPORTS	537,090	133,234	17,888	385,968	28.1%	
TENNIS	274,749	85,874	-	188,875	31.3%	
NEIGHBORHOOD & OUTREACH SERV	1,018,681	309,039	-	709,642	30.3%	
ADMINISTRATION	627,767	158,976	2,476	466,314	25.7%	
PROJECT MANAGEMENT TEAM	376,272	78,396	76	297,800	20.9%	
BUSINESS SERVICES	6,082	3,886	-	2,196	63.9%	
FACILITY & PROJECT MGT	968,835	339,399	2,295	627,141	35.3%	
GROUNDS MANAGEMENT	4,688,543	1,070,197	72,915	3,545,432	24.4%	
FORESTRY	1,225,648	266,256	91,522	867,870	29.2%	
BEACH MAINTENANCE	157,332	31,407	-	125,925	20.0%	
<i>Total</i>	<u>14,261,731</u>	<u>4,042,933</u>	<u>269,651</u>	<u>9,949,147</u>	30.2%	<u>3,827,421</u>
<u>Library</u>						
ADMINISTRATION	460,433	116,159	-	344,274	25.2%	
PUBLIC SERVICES	2,607,620	625,024	-	1,982,597	24.0%	
SUPPORT SERVICES	1,557,846	409,540	18,481	1,129,825	27.5%	
<i>Total</i>	<u>4,625,899</u>	<u>1,150,722</u>	<u>18,481</u>	<u>3,456,696</u>	25.3%	<u>1,036,271</u>
<b>TOTAL COMMUNITY SERVICES</b>	<u>18,887,630</u>	<u>5,193,655</u>	<u>288,132</u>	<u>13,405,842</u>	29.0%	<u>4,863,692</u>
<b>COMMUNITY DEVELOPMENT</b>						
<u>Community Development</u>						
ADMINISTRATION	551,107	162,502	1,084	387,521	29.7%	
ECON DEV	48,420	11,078	-	37,342	22.9%	
CITY ARTS ADVISORY PROGRAM	437,260	-	-	437,260	0.0%	
RENTAL HSG MEDIATION	184,566	51,463	-	133,103	27.9%	
HUMAN SVCS	821,025	10,617	-	810,408	1.3%	
RDA HSG DEV	25,386	6,102	23,590	(4,306)	117.0%	
LR PLANNING/STUDIES	875,269	227,343	616	647,310	26.0%	
DEV & DESIGN REVIEW	1,350,777	339,034	13,333	998,410	26.1%	
ZONING	1,264,867	314,731	1,986	948,150	25.0%	
DESIGN REV & HIST PRESERVATN	1,100,803	268,522	6,676	825,605	25.0%	
BLDG PERMITS	1,147,440	289,107	608	857,725	25.2%	
RECORDS & ARCHIVES	563,562	133,793	8,415	421,354	25.2%	
PLAN CK & COUNTER SRV	1,302,478	374,640	642	927,196	28.8%	
<i>Total</i>	<u>9,672,960</u>	<u>2,188,932</u>	<u>56,950</u>	<u>7,427,078</u>	23.2%	<u>2,476,889</u>
<b>TOTAL COMMUNITY DEVELOPMENT</b>	<u>9,672,960</u>	<u>2,188,932</u>	<u>56,950</u>	<u>7,427,078</u>	23.2%	<u>2,476,889</u>
<b>NON-DEPARTMENTAL</b>						
<u>Non-Departmental</u>						
DUES, MEMBERSHIPS, & LICENSES	22,272	1,676	-	20,596	7.5%	

**CITY OF SANTA BARBARA  
General Fund  
Interim Statement of Appropriations, Expenditures and Encumbrances  
For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>** Remaining Balance</u>	<u>YTD Expended and Encumbered</u>	<u>Previous YTD</u>
<b>NON-DEPARTMENTAL</b>						
<u>Non-Departmental</u>						
TRANSFERS OUT	43,500	10,875	-	32,625	25.0%	
DEBT SERVICE TRANSFERS	350,746	307,680	-	43,066	87.7%	
CAPITAL OUTLAY TRANSFER	1,000,000	250,000	-	750,000	25.0%	
APPROP. RESERVE	414,158	-	-	414,158	0.0%	
NON-DEPT - COMM PROM	2,028,008	701,164	-	1,326,844	34.6%	
<i>Total</i>	<u>3,858,684</u>	<u>1,271,395</u>	<u>-</u>	<u>2,587,289</u>	32.9%	<u>1,015,622</u>
<b>TOTAL NON-DEPARTMENTAL</b>	<u>3,858,684</u>	<u>1,271,395</u>	<u>-</u>	<u>2,587,289</u>	32.9%	<u>1,015,622</u>
 <b>TOTAL EXPENDITURES</b>	 <u>111,659,671</u>	 <u>29,981,185</u>	 <u>1,606,526</u>	 <u>80,071,961</u>	 28.3%	 <u>28,753,840</u>

*\*\* The legal level of budgetary control is at the department level for the General Fund. Therefore, as long as the department as a whole is within budget, budgetary compliance has been achieved. The City actively monitors the budget status of each department and takes measures to address potential over budget situations before they occur.*

*For Enterprise and Internal Service Funds, the legal level of budgetary control is at the fund level. The City also monitors and addresses these fund types for potential over budget situations.*

**CITY OF SANTA BARBARA**  
**Special Revenue Funds**  
**Interim Statement of Revenues and Expenditures**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
<b>TRAFFIC SAFETY FUND</b>					
Revenue	506,204	179,148	-	327,056	35.4%
Expenditures	506,204	176,803	-	329,401	34.9%
<i>Revenue Less Expenditures</i>	-	2,345	-	(2,345)	
<b>CREEK RESTORATION/WATER QUALITY IMPRVMT</b>					
Revenue	3,367,572	1,165,281	-	2,202,291	34.6%
Expenditures	4,391,406	872,353	615,847	2,903,206	33.9%
<i>Revenue Less Expenditures</i>	(1,023,834)	292,927	(615,847)	(700,915)	
<b>COMM.DEVELOPMENT BLOCK GRANT</b>					
Revenue	1,187,989	89,589	-	1,098,400	7.5%
Expenditures	2,246,824	79,119	-	2,167,705	3.5%
<i>Revenue Less Expenditures</i>	(1,058,835)	10,471	-	(1,069,305)	
<b>COUNTY LIBRARY</b>					
Revenue	1,938,012	151,267	-	1,786,745	7.8%
Expenditures	2,150,436	460,844	2,060	1,687,531	21.5%
<i>Revenue Less Expenditures</i>	(212,424)	(309,577)	(2,060)	99,213	
<b>STREETS FUND</b>					
Revenue	10,449,852	2,322,312	-	8,127,540	22.2%
Expenditures	15,036,134	2,362,317	1,648,332	11,025,485	26.7%
<i>Revenue Less Expenditures</i>	(4,586,282)	(40,005)	(1,648,332)	(2,897,945)	
<b>MEASURE A</b>					
Revenue	3,411,416	546,175	-	2,865,241	16.0%
Expenditures	5,031,537	693,022	1,725,487	2,613,028	48.1%
<i>Revenue Less Expenditures</i>	(1,620,121)	(146,847)	(1,725,487)	252,213	

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**SOLID WASTE FUND**

	<b>Annual Budget</b>	<b>YTD Actual</b>	<b>Encum- brances</b>	<b>Remaining Balance</b>	<b>Percent of Budget</b>	<b>Previous YTD</b>
<b>REVENUES</b>						
Service charges	19,199,527	4,959,047	-	14,240,480	25.8%	4,536,162
Other Fees & Charges	474,816	-	-	474,816	0.0%	-
Grants	20,000	-	-	20,000	0.0%	-
Miscellaneous	233,100	221,315	-	11,785	94.9%	43,671
<b>TOTAL REVENUES</b>	<b>19,927,443</b>	<b>5,180,362</b>	<b>-</b>	<b>14,747,081</b>	<b>26.0%</b>	<b>4,579,833</b>
<b>EXPENSES</b>						
Salaries & Benefits	979,288	230,962	-	748,326	23.6%	218,958
Materials, Supplies & Services	18,258,021	4,409,658	426,852	13,421,510	26.5%	4,127,470
Special Projects	599,100	4,679	2,195	592,226	1.1%	-
Transfers-Out	50,000	12,500	-	37,500	25.0%	12,500
Capital Outlay Transfers	17,556	4,389	-	13,167	25.0%	2,918
Equipment	13,709	-	-	13,709	0.0%	641
Capitalized Fixed Assets	46,565	-	-	46,565	0.0%	-
Other	100,000	-	-	100,000	0.0%	-
Appropriated Reserve	33,106	-	-	33,106	0.0%	-
<b>TOTAL EXPENSES</b>	<b>20,097,345</b>	<b>4,662,188</b>	<b>429,047</b>	<b>15,006,109</b>	<b>25.3%</b>	<b>4,362,487</b>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**WATER OPERATING FUND**

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
<b>REVENUES</b>						
Water Sales - Metered	32,300,000	9,764,521	-	22,535,479	30.2%	9,466,123
Service Charges	506,500	165,586	-	340,914	32.7%	123,320
Cater JPA Treatment Charges	2,467,510	491,989	-	1,975,521	19.9%	636,610
Investment Income	534,400	128,127	-	406,273	24.0%	154,997
Rents & Concessions	22,872	5,718	-	17,154	25.0%	-
Reimbursements	673,153	7,011	-	666,142	1.0%	420,074
Miscellaneous	20,000	9,213	-	10,787	46.1%	18,659
<b>TOTAL REVENUES</b>	<b>36,524,435</b>	<b>10,572,165</b>	<b>-</b>	<b>25,952,270</b>	<b>28.9%</b>	<b>10,819,783</b>
<b>EXPENSES</b>						
Salaries & Benefits	8,333,163	2,090,954	-	6,242,209	25.1%	2,009,771
Materials, Supplies & Services	10,412,848	1,767,835	2,085,255	6,559,758	37.0%	1,602,878
Special Projects	2,189,649	85,832	195,807	1,908,009	12.9%	80,097
Water Purchases	8,016,230	1,733,024	155,436	6,127,770	23.6%	1,993,841
Debt Service	5,566,589	16,338	-	5,550,251	0.3%	1,546,892
Capital Outlay Transfers	11,189,231	2,797,308	-	8,391,923	25.0%	856,662
Equipment	134,673	9,281	24,248	101,144	24.9%	8,336
Capitalized Fixed Assets	148,683	7,571	33,945	107,167	27.9%	7,541
Other	32,775	1,555	-	31,220	4.7%	4,578
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
<b>TOTAL EXPENSES</b>	<b>46,173,840</b>	<b>8,509,699</b>	<b>2,494,691</b>	<b>35,169,451</b>	<b>23.8%</b>	<b>8,110,596</b>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**WASTEWATER OPERATING FUND**

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
<b>REVENUES</b>						
Service Charges	16,997,000	4,482,679	-	12,514,321	26.4%	4,293,953
Fees	692,579	281,360	-	411,219	40.6%	224,515
Investment Income	150,900	38,622	-	112,278	25.6%	45,003
Rents & Concessions	32,000	6,956	-	25,044	21.7%	-
Miscellaneous	35,000	(407)	-	35,407	-1.2%	4,500
<b>TOTAL REVENUES</b>	<b>17,907,479</b>	<b>4,809,209</b>	<b>-</b>	<b>13,098,270</b>	<b>26.9%</b>	<b>4,567,970</b>
<b>EXPENSES</b>						
Salaries & Benefits	5,722,999	1,380,816	-	4,342,183	24.1%	1,425,024
Materials, Supplies & Services	6,760,640	1,186,243	1,849,399	3,724,998	44.9%	1,208,403
Special Projects	686,172	11,691	45,245	629,236	8.3%	4,020
Debt Service	1,668,096	471	-	1,667,625	0.0%	-
Capital Outlay Transfers	4,154,727	1,038,682	-	3,116,045	25.0%	750,030
Equipment	97,044	2,835	-	94,209	2.9%	2,798
Capitalized Fixed Assets	32,277	486	4,098	27,693	14.2%	-
Other	3,000	1,000	-	2,000	33.3%	1,000
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
<b>TOTAL EXPENSES</b>	<b>19,274,955</b>	<b>3,622,224</b>	<b>1,898,742</b>	<b>13,753,989</b>	<b>28.6%</b>	<b>3,391,274</b>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**  
**DOWNTOWN PARKING**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
<b>REVENUES</b>						
Improvement Tax	875,000	240,273	-	634,727	27.5%	254,653
Parking Fees	6,313,084	1,619,531	-	4,693,553	25.7%	1,569,571
Other Fees & Charges	1,000	1,024	-	(24)	102.4%	-
Investment Income	98,200	25,699	-	72,501	26.2%	28,330
Rents & Concessions	88,925	22,231	-	66,694	25.0%	10,231
Miscellaneous	1,000	670	-	330	67.0%	(1,146)
Operating Transfers-In	43,500	10,875	-	32,625	25.0%	10,875
<b>TOTAL REVENUES</b>	<u>7,420,709</u>	<u>1,920,304</u>	<u>-</u>	<u>5,500,405</u>	<u>25.9%</u>	<u>1,872,514</u>
<b>EXPENSES</b>						
Salaries & Benefits	4,049,433	1,059,405	-	2,990,028	26.2%	1,023,121
Materials, Supplies & Services	2,108,134	439,410	228,750	1,439,974	31.7%	361,769
Special Projects	551,921	63,602	416,624	71,695	87.0%	75,825
Transfers-Out	303,064	75,766	-	227,298	25.0%	74,280
Capital Outlay Transfers	1,507,753	376,938	-	1,130,815	25.0%	277,986
Equipment	25,000	-	4,000	21,000	16.0%	1,137
Appropriated Reserve	50,000	-	-	50,000	0.0%	-
<b>TOTAL EXPENSES</b>	<u>8,595,305</u>	<u>2,015,121</u>	<u>649,374</u>	<u>5,930,810</u>	<u>31.0%</u>	<u>1,814,119</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**  
**AIRPORT OPERATING FUND**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
<b>REVENUES</b>						
Leases - Commercial / Industrial	4,472,500	1,085,275	-	3,387,225	24.3%	1,128,379
Leases - Terminal	5,189,964	1,195,161	-	3,994,803	23.0%	1,210,980
Leases - Non-Commerical Aviation	1,895,929	417,254	-	1,478,675	22.0%	392,439
Leases - Commerical Aviation	3,939,000	991,670	-	2,947,330	25.2%	876,656
Investment Income	111,100	30,800	-	80,300	27.7%	29,816
Miscellaneous	142,600	33,494	-	109,106	23.5%	1,077
<b>TOTAL REVENUES</b>	<b>15,751,093</b>	<b>3,753,655</b>	<b>-</b>	<b>11,997,438</b>	<b>23.8%</b>	<b>3,639,346</b>
<b>EXPENSES</b>						
Salaries & Benefits	5,522,998	1,331,595	-	4,191,403	24.1%	1,336,333
Materials, Supplies & Services	7,441,870	1,535,105	850,548	5,056,218	32.1%	1,447,726
Special Projects	1,004,175	57,038	-	947,138	5.7%	105,120
Transfers-Out	19,728	4,932	-	14,796	25.0%	4,574
Debt Service	1,817,106	-	-	1,817,106	0.0%	-
Capital Outlay Transfers	487,300	394,048	-	93,252	80.9%	36,174
Equipment	66,358	16,747	70	49,541	25.3%	3,225
Appropriated Reserve	95,839	-	-	95,839	0.0%	-
<b>TOTAL EXPENSES</b>	<b>16,455,374</b>	<b>3,339,464</b>	<b>850,618</b>	<b>12,265,293</b>	<b>25.5%</b>	<b>2,933,151</b>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**GOLF COURSE FUND**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
<b>REVENUES</b>						
Fees & Card Sales	1,739,239	478,200	-	1,261,039	27.5%	415,938
Investment Income	8,800	2,835	-	5,965	32.2%	2,720
Rents & Concessions	332,520	101,193	-	231,327	30.4%	64,853
Miscellaneous	500	(140)	-	640	-27.9%	(10)
<b>TOTAL REVENUES</b>	<u>2,081,059</u>	<u>582,088</u>	<u>-</u>	<u>1,498,971</u>	<u>28.0%</u>	<u>483,501</u>
<b>EXPENSES</b>						
Salaries & Benefits	1,022,332	267,338	-	754,994	26.1%	279,556
Materials, Supplies & Services	562,907	149,031	-	413,876	26.5%	133,699
Debt Service	245,698	165,865	-	79,833	67.5%	161,887
Capital Outlay Transfers	214,686	53,671	-	161,015	25.0%	39,593
Equipment	3,000	-	-	3,000	0.0%	18,422
Other	900	864	-	36	96.0%	513
<b>TOTAL EXPENSES</b>	<u>2,049,523</u>	<u>636,769</u>	<u>-</u>	<u>1,412,754</u>	<u>31.1%</u>	<u>633,671</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**INTRA-CITY SERVICE FUND**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
<b>REVENUES</b>						
Service charges	242,253	60,563	-	181,690	25.0%	24,896
Work Orders - Bldg Maint.	2,592,140	527,939	-	2,064,201	20.4%	801,650
Grants	-	-	-	-	100.0%	75,062
Service Charges	2,288,520	572,130	-	1,716,390	25.0%	514,283
Miscellaneous	69,750	10,561	-	59,189	15.1%	45,100
<b>TOTAL REVENUES</b>	<u>5,192,663</u>	<u>1,171,194</u>	<u>-</u>	<u>4,021,469</u>	<u>22.6%</u>	<u>1,460,992</u>
<b>EXPENSES</b>						
Salaries & Benefits	3,462,955	873,274	-	2,589,681	25.2%	906,477
Materials, Supplies & Services	1,414,823	330,983	222,137	861,703	39.1%	261,449
Special Projects	847,532	162,197	645,140	40,195	95.3%	137,973
Equipment	15,000	-	-	15,000	0.0%	-
Capitalized Fixed Assets	85,053	3,648	11,496	69,909	17.8%	185,662
Appropriated Reserve	26,050	-	-	26,050	0.0%	-
<b>TOTAL EXPENSES</b>	<u>5,851,413</u>	<u>1,370,102</u>	<u>878,773</u>	<u>3,602,539</u>	<u>38.4%</u>	<u>1,491,560</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**FLEET REPLACEMENT FUND**

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
<b>REVENUES</b>						
Vehicle Rental Charges	2,228,805	557,201	-	1,671,604	25.0%	536,554
Investment Income	122,300	31,191	-	91,109	25.5%	34,706
Rents & Concessions	233,978	58,495	-	175,483	25.0%	56,100
Miscellaneous	173,118	25,943	-	147,175	15.0%	15,410
<b>TOTAL REVENUES</b>	<b>2,758,201</b>	<b>672,830</b>	<b>-</b>	<b>2,085,371</b>	<b>24.4%</b>	<b>642,771</b>
<b>EXPENSES</b>						
Salaries & Benefits	193,629	49,938	-	143,691	25.8%	50,739
Materials, Supplies & Services	3,061	545	-	2,516	17.8%	427
Special Projects	1,161,400	5,528	40,467	1,115,405	4.0%	-
Capitalized Fixed Assets	3,839,920	255,354	684,851	2,899,715	24.5%	1,270
<b>TOTAL EXPENSES</b>	<b>5,198,010</b>	<b>311,366</b>	<b>725,318</b>	<b>4,161,326</b>	<b>19.9%</b>	<b>52,437</b>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**FLEET MAINTENANCE FUND**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
<b>REVENUES</b>						
Vehicle Maintenance Charges	2,463,432	615,858	-	1,847,574	25.0%	592,979
Reimbursements	10,000	2,500	-	7,500	25.0%	2,500
Miscellaneous	103,070	26,703	-	76,367	25.9%	20,872
<b>TOTAL REVENUES</b>	<u>2,576,502</u>	<u>645,061</u>	<u>-</u>	<u>1,931,441</u>	<u>25.0%</u>	<u>616,352</u>
<b>EXPENSES</b>						
Salaries & Benefits	1,280,067	325,488	-	954,579	25.4%	333,891
Materials, Supplies & Services	1,181,623	246,277	208,534	726,813	38.5%	226,010
Special Projects	113,600	3,610	13,053	96,938	14.7%	2,207
Debt Service	43,070	10,767	-	32,303	25.0%	-
Equipment	15,800	9,990	-	5,810	63.2%	190
Appropriated Reserve	16,893	-	-	16,893	0.0%	-
<b>TOTAL EXPENSES</b>	<u>2,651,053</u>	<u>596,131</u>	<u>221,587</u>	<u>1,833,336</u>	<u>30.8%</u>	<u>562,298</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**SELF INSURANCE TRUST FUND**

	<b>** Annual Budget</b>	<b>YTD Actual</b>	<b>Encum- brances</b>	<b>Remaining Balance</b>	<b>Percent of Budget</b>	<b>Previous YTD</b>
<b>REVENUES</b>						
Insurance Premiums	2,756,112	689,028	-	2,067,084	25.0%	649,506
Workers' Compensation Premiums	2,950,702	737,675	-	2,213,027	25.0%	650,000
OSH Charges	193,833	48,458	-	145,375	25.0%	-
Investment Income	60,300	11,415	-	48,885	18.9%	16,815
Miscellaneous	-	3,572	-	(3,572)	100.0%	322
Accel - Return of Premium	-	-	-	-	100.0%	600,000
<b>TOTAL REVENUES</b>	<b>5,960,947</b>	<b>1,490,149</b>	<b>-</b>	<b>4,470,798</b>	<b>25.0%</b>	<b>1,916,644</b>
<b>EXPENSES</b>						
Salaries & Benefits	538,662	134,117	-	404,545	24.9%	134,709
Materials, Supplies & Services	5,483,985	1,442,597	357,349	3,684,039	32.8%	1,178,409
Special Projects	100	-	-	100	0.0%	-
Transfers-Out	-	-	-	-	100.0%	89,002
<b>TOTAL EXPENSES</b>	<b>6,022,747</b>	<b>1,576,714</b>	<b>357,349</b>	<b>4,088,684</b>	<b>32.1%</b>	<b>1,402,120</b>

*\*\* The Self Insurance Trust Fund is an internal service fund of the City, which accounts for the cost of providing workers' compensation, property and liability insurance as well as unemployment insurance and certain self-insured employee benefits on a city-wide basis. Internal Service Funds charge other funds for the cost of providing their specific services.*

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**INFORMATION SYSTEMS ICS FUND**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
<b>REVENUES</b>						
Service charges	2,514,997	628,749	-	1,886,248	25.0%	589,519
Miscellaneous	-	-	-	-	100.0%	1,138
<b>TOTAL REVENUES</b>	<u>2,514,997</u>	<u>628,749</u>	<u>-</u>	<u>1,886,248</u>	<u>25.0%</u>	<u>590,657</u>
<b>EXPENSES</b>						
Salaries & Benefits	1,701,218	434,444	-	1,266,774	25.5%	424,671
Materials, Supplies & Services	874,806	215,143	126,700	532,964	39.1%	136,164
Special Projects	28,212	-	2,500	25,712	8.9%	914
Capital Outlay Transfers	212,000	53,000	-	159,000	25.0%	-
Equipment	23,484	18,615	8,180	(3,311)	114.1%	5,292
Capitalized Fixed Assets	124,000	102,748	18,372	2,880	97.7%	-
Appropriated Reserve	12,586	-	-	12,586	0.0%	-
<b>TOTAL EXPENSES</b>	<u>2,976,306</u>	<u>823,950</u>	<u>155,752</u>	<u>1,996,605</u>	<u>32.9%</u>	<u>567,040</u>

**CITY OF SANTA BARBARA**  
**Interim Statement of Revenues and Expenses**  
**For the Three Months Ended September 30, 2013 (25% of Fiscal Year)**

**WATERFRONT FUND**

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
<b>REVENUES</b>						
Leases - Commercial	1,373,772	444,753	-	929,019	32.4%	473,843
Leases - Food Service	2,641,800	870,937	-	1,770,863	33.0%	820,957
Slip Rental Fees	4,122,293	1,033,074	-	3,089,219	25.1%	1,016,513
Visitors Fees	450,000	115,520	-	334,480	25.7%	132,341
Slip Transfer Fees	525,000	141,950	-	383,050	27.0%	126,650
Parking Revenue	2,009,800	814,076	-	1,195,724	40.5%	709,460
Wharf Parking	250,000	76,465	-	173,535	30.6%	77,394
Other Fees & Charges	236,435	64,926	-	171,509	27.5%	60,450
Investment Income	137,700	55,026	-	82,674	40.0%	59,521
Rents & Concessions	306,267	94,512	-	211,755	30.9%	94,112
Miscellaneous	392,000	51,384	-	340,616	13.1%	77,188
<b>TOTAL REVENUES</b>	<u>12,445,067</u>	<u>3,762,625</u>	<u>-</u>	<u>8,682,442</u>	<u>30.2%</u>	<u>3,648,429</u>
<b>EXPENSES</b>						
Salaries & Benefits	5,866,308	1,530,184	-	4,336,124	26.1%	1,569,076
Materials, Supplies & Services	3,906,708	807,031	751,332	2,348,345	39.9%	801,900
Special Projects	170,245	21,861	2,995	145,389	14.6%	19,821
Debt Service	1,843,880	351,455	-	1,492,425	19.1%	290,462
Capital Outlay Transfers	1,544,155	386,039	-	1,158,116	25.0%	385,244
Equipment	107,500	5,682	429	101,389	5.7%	16,221
Capitalized Fixed Assets	40,000	6,973	33,027	-	100.0%	-
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
<b>TOTAL EXPENSES</b>	<u>13,578,796</u>	<u>3,109,225</u>	<u>787,783</u>	<u>9,681,788</u>	<u>28.7%</u>	<u>3,082,724</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

*Fiscal Year 2014 Interim Financial Statements  
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### General Fund Revenues

The table below summarizes General Fund revenues for the three months ended September 30, 2013. For interim financial statement purposes, revenues are reported on a cash basis (i.e. when the funds are received). The table below includes the budgeted totals as well as the year-to-date (YTD) budget, which for tax revenues and franchise fees have been seasonally adjusted based on a 3-year average of collections through the same period. Because tax revenues are not collected evenly throughout the year, adjusting the year-to-date budget to reflect the unique collection pattern for each type of tax allows for a more meaningful comparison to year-to-date results. For all other revenues, the Year-to-Date Budget column represents 25% (3 months out of the 12 elapsed) of the annual budget column. Unlike tax revenues, these revenues tend to be collected more evenly throughout the year.

Summary of Revenues For the Three Months Ended September 30, 2013 GENERAL FUND								
	Current Year Analysis					Prior Year Analysis		
	Annual Budget	YTD Budget *	YTD Actual	YTD Variance	YTD Percent Rec'd	3-Year Average Bench- mark	Prior Year YTD Actual	Variance Prior Yr To Current Yr
Sales & Use Tax	\$ 21,084,894	\$ 4,029,323	\$ 3,875,853	\$ (153,470)	18.38%	19.11%	\$ 3,939,426	-1.6%
Property Tax	25,475,500	91,712	-	(91,712)	0.00%	0.36%	301,863	-100.0%
UUT	6,975,300	1,797,535	1,772,035	(25,499)	25.40%	25.77%	1,743,350	1.6%
TOT	16,202,000	5,633,435	5,688,255	54,819	35.11%	34.77%	5,063,819	12.3%
Bus License	2,415,000	433,734	471,541	37,807	19.53%	17.96%	449,073	5.0%
Prop Trans Tax	537,900	136,465	188,687	52,221	35.08%	25.37%	172,225	9.6%
Total Taxes	72,690,594	12,122,204	11,996,371	(125,834)	16.50%	16.68%	11,669,756	2.8%
License & Permits	219,180	54,795	40,461	(14,334)	18.46%	25.00%	38,308	5.6%
Fines & Forfeitures	3,133,967	783,492	823,967	40,475	26.29%	25.00%	800,813	2.9%
Franchise Fee	3,660,300	880,302	896,493	16,191	24.49%	24.05%	864,653	3.7%
Use of Money & Property	1,072,589	268,147	251,987	(16,160)	23.49%	25.00%	368,089	-31.5%
Intergovernmental	623,070	155,768	253,330	97,562	40.66%	25.00%	129,738	95.3%
Fee & Charges	19,698,939	4,924,735	4,854,985	(69,749)	24.65%	25.00%	4,686,938	3.6%
Miscellaneous	9,074,712	2,268,678	2,482,688	214,010	27.36%	25.00%	2,465,670	0.7%
Total Other	37,482,757	9,335,916	9,603,911	267,995	25.62%	24.91%	9,354,209	2.7%
Total Before Budgeted Variances	110,173,351	21,458,121	21,600,282	142,161			21,023,965	
Anticipated Year-End Var	1,200,000	300,000	-	(300,000)	0.00%	25.00%	-	0.0%
<b>Total Revenues</b>	<b>\$111,373,351</b>	<b>\$ 21,758,121</b>	<b>\$ 21,600,282</b>	<b>\$ (157,839)</b>	19.39%	19.54%	<b>\$ 21,023,965</b>	

\* YTD Budget for Taxes is calculated based on a 3-year average of collections for each revenue source; for all other revenues, YTD Budget is calculated on a straight-line basis based on the number of months elapsed.

As seen in the table above, total revenues are approximately \$158,000 below the budget through September 30, 2013. Major revenues and significant variances are discussed below.

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**Sales Taxes**

Sales tax revenue through September 30, 2013 was \$153,470 below the YTD budget, though only \$63,000 below last year's returns through three months. While representing the first quarterly sales tax payments on a cash basis, the revenues received through September 30, 2013 provide information for the growth in sales tax revenues *earned* in the last quarter of fiscal year 2013. Sales taxes earned between July 1, 2013 and September 30, 2013 are received between October and December.

**Property Tax**

As of September 30, the City has yet to receive any property tax payments, since the first payment for property tax is received in October. In the prior year, the City received \$301,863 in one-time revenues for the City's share of property tax increment funds previously held by the former City Redevelopment Agency that were paid to the County and allocated to all taxing agencies within the City. Based on property tax estimates provided by the County, revenue growth for Fiscal Year 2014 is trending higher than expected based on information provided by the County of Santa Barbara relative to increases in assessed value.

**Transient Occupancy Tax**

TOT revenue was \$54,819 above the year-to-date budget at September 30, 2013 on a cash basis, as shown on the table on the previous page. A combination of warm, sunny weather and an increase in available beds have led to strong 12.3% growth in the first part of the year.

**Intergovernmental**

Intergovernmental revenue was approximately \$98,000 above the year-to-date budget. The largest component of intergovernmental revenue is mutual aid reimbursements received by the Fire Department for providing assistance to other agencies. The City is reimbursed for the actual costs of providing assistance plus an overhead factor. The Fire Department has received \$180,000 during the first three months of the year, over \$117,000 more than the first three months last year. In addition, the Library has brought in over \$32,000 in new grant revenue.

**Miscellaneous**

Miscellaneous revenue was \$214,010 above the year-to-date budget. This is largely attributed to both an increase in paid administrative citation payments and one-time revenues that occurred at the start of the year. The table below describes the largest components of miscellaneous revenue, which includes overhead cost recovery, transfers in, donations, administrative citations. Other revenue includes administrative citations, auction revenue, City TV revenue, sale of property, insurance rebates, refunds, and other miscellaneous revenue.

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Miscellaneous Revenue General Fund For the Three Months Ended September 30, 2013								
Type of Misc. Revenue	Annual Budget	YTD Budget	YTD Actual	Budget Variance	Percent Received YTD	Prior Year YTD	Prior Year Variance	Percent Variance
Overhead Allocation	6,292,740	\$ 1,573,185	1,573,185	\$ -	25.0%	1,460,463	\$ 112,722	7.7%
Transfers In	1,437,449	359,362	403,353	43,991	28.1%	306,906	96,448	31.4%
Donations	269,500	67,375	9,072	(58,303)	3.4%	16,123	(7,051)	-43.7%
Other Revenue	1,075,023	268,756	497,077	228,321	46.2%	682,178	(185,101)	-27.1%
<b>Total</b>	<b>\$ 9,074,712</b>	<b>\$ 2,268,678</b>	<b>\$ 2,482,688</b>	<b>\$ 214,010</b>	<b>27.4%</b>	<b>\$ 2,465,670</b>	<b>\$ 17,018</b>	<b>0.7%</b>

**Fees & Service Charges**

Overall, fees and service charges are about \$70,000 under the YTD budget. The table below provides more details on fees and service charges by department. The more significant 1<sup>st</sup> quarter variances are also discussed.

Fees and Service Charges General Fund For the Three Months Ended September 30, 2013								
Department	Annual Budget	YTD Budget	YTD Actual	Budget Variance	Percent Received YTD	Prior Year YTD	Prior Year Variance	Percent Variance
Finance	\$ 968,881	\$ 242,220	\$ 236,909	\$ (5,311)	24.5%	\$ 224,083	\$ 12,826	5.7%
Community Development	4,485,375	1,121,344	1,056,285	(65,059)	23.5%	1,020,092	36,193	3.5%
Parks & Recreation	4,186,203	1,046,551	1,143,765	97,215	27.3%	1,117,678	26,088	2.3%
Public Safety	1,155,049	288,762	239,367	(49,396)	20.7%	250,434	(11,068)	-4.4%
Public Works	841,426	210,357	251,464	41,107	29.9%	238,822	12,642	5.3%
Library	767,839	191,960	16,642	(175,318)	2.2%	11,454	5,188	45.3%
Inter-Fund Charges	7,292,738	1,823,185	1,910,128	86,944	26.2%	1,799,362	110,766	6.2%
Other Charges	1,428	357	425	68	29.8%	25,013	(24,588)	-98.3%
<b>Total</b>	<b>\$ 19,698,939</b>	<b>\$ 4,924,735</b>	<b>\$ 4,854,985</b>	<b>\$ (69,749)</b>	<b>24.6%</b>	<b>\$ 4,686,938</b>	<b>\$ 168,048</b>	<b>3.6%</b>

Parks & Recreation fees are approximately \$97,215 above the year-to-date budget. Although charges tend to be seasonal, as parks & recreation programs tend to get higher participation in the summer, revenues are performing well—over \$26,000 better off when compared to the first quarter last year.

Public Safety fees and charges are approximately \$49,000 under the year-to-date budget, and down approximately \$11,000 over the prior year. Several revenues are down slightly relative to the budget, including parking citation revenues and dismissal fees in the Police Department, largely as a result of decreased staffing in the parking citation section.

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Library fees and charges are approximately \$175,318 under the year-to-date budget. As expected, each year the County of Santa Barbara makes biannual payments for the operation of the county libraries, of which the City records an administrative fee. These payments do not typically occur until the 3<sup>rd</sup> or 4<sup>th</sup> quarters of the year.

Inter-Fund charges are \$86,944 above the budget. These charges represent reimbursements from other City funds to the General Fund for direct departmental services provided. One example is reimbursement revenue provided to the Fire Department from the Airport for required fire coverage at the Airport.

**Anticipated Year-End Variances and Budgeted Savings from Concessions**

It is important to note that the table on page 1 includes \$1,200,000 for anticipated year-end budget variances. The \$1.2 million is roughly equal to 1.1% of budgeted operating expenditures in the General Fund and, although budgeted as a revenue, represents staff's estimate of the favorable expenditure variances (i.e. expenditures *under* budget) for the year. As is the case each year, the Anticipated Year-End Variance budgeted will not reflect any actual revenues, but rather favorable variances in expenditures by year-end.

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**General Fund Expenditures**

The table below summarizes the General Fund budget and year-to-date expenditures through September 30, 2013. The “Adjusted Annual Budget” column represents the adopted budget, appropriation carryovers from the prior year, and any supplemental appropriations approved by Council in the current year.

SUMMARY OF EXPENDITURES GENERAL FUND For the Three Months Ended September 30, 2013							
Department	Adjusted Annual Budget	YTD Budget	YTD Actual	YTD Variance Without Encumbrance	Encum- brance	YTD Variance With Encumb Favorable (Unfavorable)	
						\$	%
Mayor & Council	\$ 741,223	\$ 193,533	\$ 184,518	\$ 9,015	\$ 306	\$ 8,709	1.2%
City Attorney	2,104,254	596,766	561,787	34,979	8,325	26,654	1.3%
City Administrator	2,115,515	566,112	605,214	(39,102)	46,641	(85,743)	-4.1%
Administrative Svcs.	2,202,228	536,463	456,686	79,777	217,343	(137,566)	-6.2%
Finance	4,837,299	1,228,190	1,147,739	80,451	286,838	(206,387)	-4.3%
Police	37,449,263	10,122,536	10,155,216	(32,680)	329,768	(362,448)	-1.0%
Fire	22,319,166	6,070,813	6,380,726	(309,913)	78,716	(388,629)	-1.7%
Public Works	7,471,449	1,910,450	1,835,317	75,133	293,507	(218,374)	-2.9%
Parks & Recreation	14,261,731	4,077,429	4,042,933	34,496	269,651	(235,155)	-1.6%
Library	4,625,899	1,119,468	1,150,722	(31,254)	18,481	(49,735)	-1.1%
Community Development	9,672,960	2,716,167	2,188,932	527,235	56,950	470,285	4.9%
Community Promotion	3,858,684	1,370,990	1,271,395	99,595	-	99,595	2.6%
Total	<u>\$ 111,659,671</u>	<u>\$ 30,508,917</u>	<u>\$ 29,981,185</u>	<u>\$ 527,732</u>	<u>\$ 1,606,526</u>	<u>\$ (1,078,794)</u>	-1.0%
<b>% of annual budget</b>		<b>27.3%</b>	<b>26.9%</b>	<b>0.5%</b>	<b>1.4%</b>	<b>-1.0%</b>	

As shown above, a year-to-date budget (labeled “YTD Budget”) column is included. This column has been developed based on a 3-year average of expenditures in order to adjust for the seasonal nature of certain expenditures, such as debt service and summer recreation programs. The table includes actual expenditures without encumbrances, and separate column for the variance after considering encumbrances. Inclusion of encumbrances can significantly distort the analysis of budgeted and actual expenditures during the year. Outstanding encumbrances include certain appropriations that were carried forward from prior year and contracts or blanket purchase orders that have been executed in the current year but are expected to be used throughout the year. The following discussion and analysis does not include the impact of encumbrances.

The year-to-date budget of \$30.5 million at September 30, compared to actual expenditures of \$30 million, resulted in a variance of approximately \$528,000. Significant variances in departments are discussed below.

**City Administrator** expenditures are slightly over the YTD budget by approximately \$39,000. This variance is due to 98% of the non-contractual services budget being expended by

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September 30 to fund the South Coast Task Force on Youth Gangs Memorandum of Understanding for Fiscal Year 2014.

**Fire Department** expenditures are above the YTD budget by approximately \$310,000. This variance is due to higher than anticipated mutual aid expenditures during the high fire season in July through September 2013. Mutual aid expenditures relate to the cost of providing assistance to other locations throughout the state. As of September 30, mutual aid expenditures amounted to \$529,000 in comparison to budgeted mutual aid expenditures of \$350,000. However, the Fire Department receives mutual aid reimbursement revenues, originally budgeted at \$400,000 and currently projected at \$703,000. Mutual aid revenues are projected to exceed expenditures by \$175,000 for all mutual aid activities through September 30, 2013. As there is the possibility of additional mutual aid activities by year-end, staff will be closely monitoring mutual aid revenues and expenditures and will request an adjustment at year-end to record the total revenues and appropriations for all fiscal year 2014 mutual aid activities.

**Community Development** expenditures are below YTD budget by approximately \$527,000. This variance is largely attributed to a timing difference in payments of over \$335,000 for the City Arts Advisory Program. In prior years, the first quarter payment for the Santa Barbara County Arts Commission was made in September; however, for Fiscal Year 2014, this payment was made in October 2013.

*Fiscal Year 2014 Interim Financial Statements  
For the Three Months Ended September 30, 2013 (25% of Year Elapsed)*

**Enterprise Fund Revenues and Expenses**

Unlike the General Fund, which relies primarily on taxes to subsidize programs and services, Enterprise Fund operations are financed primarily from user fees and other non-tax revenues. The table below summarizes Enterprise Fund revenues and expenses through September 30, 2013, with a comparison to the current year budget and prior year expenses through the first three months. Note that the "YTD Budget" column has been calculated based on a 3-year average collection rate through September 30<sup>th</sup>. This rate, which is shown as a percentage in the "3 Year Average" column, has been applied to the annual budget amount to arrive at the Year-to-Date Budget. This approach is used in recognition that enterprise fund revenues and certain expenses are seasonally affected and are not necessarily received or incurred evenly

SUMMARY OF REVENUES & EXPENSES For The Three Months Ended September 30, 2013 ENTERPRISE FUNDS								
	Current Year Analysis						Prior Year Analysis	
	Annual Budget	YTD Budget *	YTD Actual	YTD Variance	YTD Percent	3 Year Average	YTD Actual	% Variance
<b>Water Fund</b>								
Revenues	\$ 36,524,435	\$ 10,493,470	\$ 10,572,165	\$ 78,695	28.9%	28.7%	\$ 10,819,783	-2.3%
Expenses	46,175,840	12,541,358	8,509,699	4,031,659	18.4%	27.2%	8,110,596	4.9%
<b>Wastewater Fund</b>								
Revenues	17,907,479	4,770,552	4,809,209	38,657	26.9%	26.6%	4,567,970	5.3%
Expenses	19,274,955	4,250,128	3,622,224	627,904	18.8%	22.1%	3,391,274	6.8%
<b>Downtown Parking Fund</b>								
Revenues	7,420,709	1,773,549	1,920,304	146,755	25.9%	23.9%	1,872,514	2.6%
Expenses	8,595,305	2,059,435	2,015,121	44,314	23.4%	24.0%	1,814,119	11.1%
<b>Airport Fund</b>								
Revenues	15,751,093	3,797,589	3,753,655	(43,934)	23.8%	24.1%	3,639,346	3.1%
Expenses	16,455,374	3,323,986	3,339,464	(15,478)	20.3%	20.2%	2,933,151	13.9%
<b>Golf Fund</b>								
Revenues	2,081,059	573,540	582,088	8,548	28.0%	27.6%	483,501	20.4%
Expenses	2,049,523	656,257	636,769	19,488	31.1%	32.0%	633,671	0.5%
<b>Waterfront Fund</b>								
Revenues	12,445,067	3,553,067	3,762,265	209,198	30.2%	28.6%	3,648,429	3.1%
Expenses	13,578,796	3,203,238	3,109,225	94,013	22.9%	23.6%	3,082,724	0.9%
* The YTD Budget column has been calculated based on a 3-year average of collections for revenues, and of payments made for expenses through September 30, which has been applied to the annual budget.								

*Fiscal Year 2014 Interim Financial Statements  
For the Three Months Ended September 30, 2013 (25% of Year Elapsed)*

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throughout the year.

The expenses shown in the preceding table do not include outstanding encumbrances at September 30, 2013. Inclusion of encumbrances can significantly distort the analysis of budgeted and actual expenditures after nine months. Outstanding encumbrances include appropriations that were carried forward from prior year as part of the appropriation carryovers and contracts or blanket purchase orders that have been added in the current year but are expected to be spent over the coming months.

The following discussion highlights some of the more significant revenue and expense variances of the enterprise funds, in relation to budget or prior year.

**Water Fund**

Water Fund revenues are slightly above the year-to-date budget as of September 30. Expenses for the Water Fund are below the YTD budget by approximately \$4,031,000. The variance is largely due almost \$1 million in temporary appropriations carryovers that were subsequently reversed in October 2014 and a timing difference in debt service transfers in Fiscal Year 2014. In the prior year two years, approximately 80% of the debt service transfers occurred in the first quarter amounting to over \$1,400,000 of the \$1,800,000 budget each year. In Fiscal Year 2014, only 1% of the debt service transfers occurred in the first quarter amounting to only \$16,000 of the \$1,800,000 budget.

**Wastewater Fund**

Wastewater Fund revenues are slightly above the YTD budget at September 30. Wastewater Fund expenses are approximately \$628,000 below the YTD budget largely due to no principal and interest debt payments occurring in the first quarter.

**Airport Fund**

Airport Fund revenues are below the YTD budget at September 30 by approximately \$44,000 due to two property vacancies and reduced parking revenue resulting from decreased passenger traffic during the first quarter. Expenses for the Airport Fund are slightly above the YTD budget at September 30.

**City of Santa Barbara**  
**Interim Financial Statements for the Three Months Ended September 30, 2013**  
**Proposed Budget Adjustments**

	<u>Increase (Decrease) in Appropriations</u>	<u>Increase (Decrease) in Estimated Revenues</u>	<u>Addition to (Use of) Reserves</u>
<b>GENERAL FUND</b>			
<b>Library</b>			
Grant - Santa Barbara Foundation	\$ -	\$ 2,528	\$ 2,528
Scanning Equipment for Visually Impaired	2,528	-	(2,528)
Subsequent to the development of the current year budget, the Library Department received a grant in the amount of \$2,528 from the Santa Barbara Foundation to purchase equipment to enable those who are visually impaired to scan and read materials at the Central Library. These recommended entries increase estimated revenues and appropriations for the grant and purchase of equipment.			
<b>Total General Fund</b>	<u>\$ 2,528</u>	<u>\$ -</u>	<u>\$ (2,528)</u>
<b>CITY ALLOCATION FUND</b>			
Transfer Fund Balance to Facilities Capital Fund	280,449	-	(280,449)
The City Allocation Fund has been used to account for central costs, such as utilities and facilities maintenance, of departments in both City Hall and 630 Garden Street. Beginning with Fiscal Year 2014, Council approved the elimination of the use of this fund. Therefore, this recommended entry will transfer the remaining fund balance in the City Allocation Fund to the Facilities Capital Fund to be in line with the original purpose of the fund.			
<b>Total City Allocation Fund</b>	<u>\$ 280,449</u>	<u>\$ -</u>	<u>\$ (280,449)</u>
<b>SPECIAL REVENUE FUNDS</b>			
<b>County Library Fund (181)</b>			
City of Solvang Additional Funding	\$ -	\$ 14,000	\$ 14,000
Staffing - Solvang Library	14,000	-	(14,000)
In June 2013, the City of Solvang approved a contribution of \$88,000 to the Solvang Library for Fiscal Year 2014 rather than the \$74,000 budgeted. This additional City of Solvang funding will be used to increase hourly staffing at the Solvang Library. These recommended entries will increase estimated revenues and appropriations for the City of Solvang increased contribution and staffing costs.			
<b>Total County Library Fund</b>	<u>\$ 14,000</u>	<u>\$ 14,000</u>	<u>\$ -</u>
<b>Streets Fund (331)</b>			
Adjust Capital Project Budgets:			
Increase Revenues for Highway 225 (Cliff Drive) Project - Caltrans Contract	\$ -	\$ 819,000	\$ 819,000
Increase Appropriations for Highway 225 Project - Maintenance & Operation	819,000	-	(819,000)

The City of Santa Barbara entered into a contractual agreement with Caltrans for \$819,000 at the time of relinquishment of Highway 225 to the City of Santa Barbara. The funds will be used for various maintenance and operational needs on the former State Route 225, including drainage maintenance. These recommended entries increase estimated revenues and appropriations for the Caltrans contract and expenditures of the project.

<u>Increase (Decrease) in Appropriations</u>	<u>Increase (Decrease) in Estimated Revenues</u>	<u>Addition to (Use of) Reserves</u>
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**SPECIAL REVENUE FUNDS (cont.)**

**Streets Fund (331) - cont.**

Adjust Capital Project Budgets:

Transfer Available Appropriations from Drainage Improvement Project	(50,000)	-	50,000
Transfer Appropriations to Mission Creek Flood Control Project	50,000	-	(50,000)

Additional unanticipated costs of \$50,000 have been identified for the Mission Creek Flood Control Project. Appropriations are available in the Drainage Improvements project which is used for general drainage improvement project needs. Therefore, these recommended entries with transfer available appropriations from the Drainage Improvements project to the Mission Creek Flood Control project.

Adjust Capital Project Budgets:

Increase Appropriations for Chapala Bridge Replacement Project	150,000	-	(150,000)
Increase Appropriations for Mason Street Bridge Replacement Project	50,000	-	(50,000)
Increase Appropriations for Hayley/De La Vina at Mission Creek Project	107,427	-	(107,427)

During Fiscal Year 2013, the City of Santa Barbara sold property at 136 W. Haley Street for \$334,636. The proceeds from this sale were intended to be used to fund future projects for the Streets Fund and were placed in a special reserve. These recommended entries will use \$307,427 of the funds in the sale of surplus property reserve to cover the City's matching grant costs for these projects that are currently in various phases of design and construction.

**Total Streets Fund**

<u>\$ 1,126,427</u>	<u>\$ 819,000</u>	<u>\$ (307,427)</u>
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**Streets Grant Capital Fund (333)**

New Quinientos Street Bridge Replacement Project - Caltrans Grant	\$ 812,500	\$ 812,500	\$ -
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Subsequent to the adoption of the Fiscal Year 2014 budget, the Federal Highway Administration approved reimbursable design work for the Quinientos Street Bridge Replacement project. The participating costs for this project are reimbursable at 100%. These recommended entries increase estimated revenues and appropriations for this new project.

**Total Streets Grant Capital Fund**

<u>\$ 812,500</u>	<u>\$ 812,500</u>	<u>\$ -</u>
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**INTERNAL SERVICE FUNDS**

**Facilities Capital Fund (515)**

Transfer Fund Balance from City Hall Allocation Fund	\$ -	\$ 280,449	\$ 280,449
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The City Allocation Fund has been used to account for central costs, such as utilities and facilities maintenance, of departments in both City Hall and 630 Garden Street. Beginning with Fiscal Year 2014, Council approved the elimination of the use of this fund. Therefore, this recommended entry will transfer the remaining fund balance in the City Allocation Fund to the Facilities Capital Fund to be in line with the original purpose of the fund.

	<u>Increase (Decrease) in Appropriations</u>	<u>Increase (Decrease) in Estimated Revenues</u>	<u>Addition to (Use of) Reserves</u>
<b>INTERNAL SERVICE FUNDS (cont.)</b>			
<b>Facilities Capital Fund (515) - cont.</b>			
Adjust Capital Project Budgets:			
Decrease Appropriations for County Library Improvements Project	\$ (40,000)	\$ -	\$ 40,000
Decrease Appropriations for City Hall Improvements	(65,000)	-	65,000
Increase Appropriations for Community Development Carpet & Paint Project	171,000	-	(171,000)
Increase Appropriations for Miscellaneous Facilities Renewal Project	53,000	-	(53,000)
Increase Appropriations for Miscellaneous Staff Projects	43,000	-	(43,000)
Decrease Appropriations for Police Building Improvements Project	(149,000)	-	149,000
Decrease Appropriations for Repave Parking Lots Project	(13,000)	-	13,000
<p>Since Council's adoption of the detailed project plan for the Facilities Capital Fund in June 2013, staff has identified changes to various projects needs for Fiscal Year 2014. These recommended entries adjust appropriation budgets for seven identified projects for the following reasons:</p> <p>a) County Library Improvements decrease - The sliding door will be repaired rather than replaced</p> <p>b) City Hall Improvements decrease - Project to replace cast iron waste lines below second floor restrooms at City Hall will be delayed to address other project needs</p> <p>c) Community Development Carpet &amp; Paint increase - Project scope will include replacement of old modular furniture in poor condition. There are significant cost savings in replacing the furniture at the same time as replacing the carpeting</p> <p>d) Misc. Facilities Renewal increase - Provides more flexibility with small projects completed using contractors</p> <p>e) Misc. Staff Projects increase - Provides more flexibility with small projects completed by Facilities staff</p> <p>f) Police Building Improvements decrease - Project scope will include design of the replacement of all main HVAC systems; however, the replacement of the boiler system will be delayed until the larger HVAC construction project</p> <p>g) Repave Parking Lots decrease - Spot repairs to asphalt areas near the refueling station will be delayed until the refueling station relocation to the Annex Yard project</p>			
<b>Total Facilities Capital Fund</b>	<u>\$ -</u>	<u>\$ 280,449</u>	<u>\$ 280,449</u>



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Emergency Shelter Zoning Discussion

### **RECOMMENDATION:**

That Council provide direction to Community Development staff related to the implementation of Senate Bill 2 (SB2) (as enacted in 2007 as Government Code § 65583) requiring that every municipality identify zoning intended to encourage and facilitate “emergency shelters.”

### **EXECUTIVE SUMMARY:**

In 2007, the State Legislature enacted SB2 in an effort to strengthen the State Housing Element Law to require municipal zoning that encourages and facilitates emergency shelters, and limits the ability of a city or county to deny land use permits necessary to open an emergency shelter or a transitional and supportive housing project (see Attachment 1). To comply with this mandate, the City’s 2011 Housing Element includes an Implementation Action that the Council consider amending the City’s Commercial Manufacturing (C-M) zoning district to allow emergency shelters without a conditional use permit within one year of adoption of the Housing Element.

After reviewing the requirements of SB2 in more detail with the City Attorney’s office, Community Development Staff believes that the City’s Zoning Ordinance complies with SB2 because it provides multiple hotel zones where overnight shelter (with no or minimal “supportive services”) for the homeless could be developed without the need for a conditional use permit. As a result, Staff believes two options are available to the City Council:

1. Confirm to the State Housing and Community Development staff that emergency shelters (with minimal supportive services) can be developed by right within existing City hotel zones where overnight accommodations are currently allowed; or
2. Enact a new City ordinance to limit the development of emergency shelters (with minimal supportive services) by right to a specific zone or zones of the City.

## **DISCUSSION:**

SB2 (Govt. Code § 65583) was enacted in 2007, requiring all cities and counties in California to provide for at least one zoning district where emergency shelters are allowed by right, i.e., without a conditional use permit or other discretionary land use approval required. The jurisdiction's housing element must identify the zoning district and demonstrate that there is sufficient land capacity to accommodate the locality's need for emergency shelters and to allow for at least one year-round emergency shelter facility. SB2 also prohibits denial of emergency shelter, transitional housing, or supportive housing proposals if this type of housing is needed and consistent with local zoning and development standards.

SB2 defines Emergency Shelter as *“housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”*

To carry out the SB2 requirement of providing a zone for possible emergency shelters by right, SB2 allows cities and counties the following options:

- Amend an existing zoning district;
- Create a new zoning district;
- Establish an overlay zone for existing districts; or
- Explain how an existing zoning ordinance allows for the development of an emergency shelter without the need to obtain any discretionary land use permit.

Regardless of which option is selected, the zoning district must have sufficient opportunities for emergency shelters, and be compatible and suitable for that use. As such, consideration should be given to other uses that are permitted within the zone, and whether the zone is suitable for residential or emergency shelters. Once a zoning district is created with sufficient capacity to encourage and facilitate emergency shelters, local municipalities may then identify additional zones for the development of emergency shelters which require a conditional use permit.

Development and management standards for the operation of emergency shelters, (such as the number of beds, length of stay, parking, lighting, etc.), may be applied by such an ordinance; however, it must also be demonstrated that these standards (as well as any related permit processing procedure) facilitate the possible creation of emergency shelters. In other words, these standards must be designed to encourage and facilitate the development of emergency shelters, and not unduly impede shelter development or shelter operations.

- Development standards must be objective and must encourage and facilitate the approval of emergency shelters.
- The same development standards which apply to residential or commercial uses in the identified zone must also be applied to emergency shelters.

- Development standards must not render emergency shelters infeasible, and shall only address the use as an emergency shelter, not the perceived characteristics of potential occupants of the shelter.

Cities and counties without an existing zone which permits at least one year-round emergency shelter must include a program in their housing element to identify a zone or zones and amend their zoning code to allow emergency shelters as a permitted use and do so within one year of adoption of the jurisdiction's housing element. The only exceptions to this requirement are where it can be demonstrated that the homeless shelter needs (based on the housing element analysis) can be accommodated in existing shelters; or where the jurisdiction meets all of its shelter needs through a multi-jurisdictional emergency shelter agreement.

It should be noted that, if an adopted housing element included a program to address the requirements of SB2 for emergency shelters, and the required timeframe (one year from adoption of the housing element) has lapsed, the Department of Housing and Community Development (HCD) will not find future housing elements in compliance with the State Planning and Zoning Law until the required rezoning is complete and the element is duly amended to reflect that rezoning.

#### **Multi-Jurisdictional Agreements:**

SB2 allows jurisdictions to satisfy all or some of their homeless shelter needs by entering into an agreement with up to two other adjacent communities. The multi-jurisdictional agreement must obligate the participating jurisdictions to construct at least one year-round shelter within two years of the beginning of the planning period. The agreement must allocate a portion of the new shelter capacity to each jurisdiction as a credit toward their identified emergency shelter need of that community. Additionally, the housing element for each participating jurisdiction must describe the following:

- How the capacity of the emergency shelter was allocated;
- How the joint emergency shelter facility will address the jurisdiction's need;
- The contribution for both the development and operation and management of the shelter;
- The amount and source of funding to be contributed to the shelter; and
- How the aggregate capacity claimed by each participating jurisdiction in their housing element does not exceed the actual capacity of the shelter.

If a local government can demonstrate that their emergency shelter needs are being met through existing facilities, the jurisdiction is allowed to comply with SB2 by identifying a zone(s) where new emergency shelters are permitted with the granting of a conditional use permit.

### **Other Jurisdictions:**

As indicated above, cities and counties are allowed to pursue the following options: 1) amend an existing zoning district, 2) create a new zoning district, 3) establish an overlay zone for existing districts, or 4) enter into a multi-jurisdictional agreement in order to comply with the requirements of SB2. Staff research of other South Coast jurisdictions indicates that the majority of these localities propose to amend an existing zone or zones to comply with SB2. This includes the cities of Buellton, Carpinteria, Guadalupe, Santa Maria, and Solvang. The city of Lompoc will apply an overlay zone to several existing zones. The city of Goleta and county of Santa Barbara currently allow emergency shelters by right in at least one zone. None of the above listed cities elected to enter into a multi-jurisdictional agreement (see Attachment 2)

### **City's Existing Compliance with SB2:**

As required by State law, the City's 2011 Housing Element includes an analysis regarding the City's emergency shelter need for the homeless. The analysis concluded that, while the City currently has 1,050 shelter beds/rooms/units available during the months of December-March and 950 beds/rooms/units during April-November, this number does not completely meet the City's need for homeless shelter, which is estimated to be approximately 1,355 homeless individuals (see Attachment 3).

To comply with state Housing Element Law, the City's 2011 Housing Element identified the C-M zone as a potentially suitable zoning district to allow emergency shelters as an expressly permitted use without the need for a conditional use permit or other discretionary City action. Implementation Action H4.1 was included indicating that the Council would consider amending the C-M zone to allow emergency shelters as a permitted use within one year of adoption of the housing element (see Attachment 4).

The C-M zone was determined by City Staff to have sufficient capacity to support the development of at least one additional year-round emergency shelter within Santa Barbara. Approximately 123 vacant or underutilized parcels totaling 30 acres of available land zoned C-M were identified as part of the "Available Land Inventory Summary" of the Housing Element. The C-M zone allows the development of residential uses, including mixed use development and other related uses that encourage emergency shelters, making this zone potentially suitable and appropriate to meet the City's identified unmet need for emergency shelter beds.

However, under the City Zoning Ordinance, facilities that provide overnight shelter to the homeless are also considered short-term, transitional accommodations similar to a hotel use. As a result, staff, in consultation with the City Attorney's office, has determined that the City currently appears to meet the requirements of SB2 because multiple zones exist which allow the development of hotels that are, in effect, "overnight accommodation" uses similar to overnight emergency shelter for the homeless. In fact, a number of emergency shelter facilities are presently operating in City Hotel zones

without having obtained a conditional use permit. These facilities provide beds for individuals in need of shelter, including families with children.

The two primary emergency shelters in the City are Casa Esperanza Homeless Shelter (zoned M-1/C-2/S-D-3) and the Santa Barbara Rescue Mission (zoned OM-1/S-D-3). These facilities are currently permitted with a conditional use permit and located in the Coastal Zone. Because these shelters also provide multi-faceted programs and “supportive services” they are considered “quasi-public facilities”, therefore a conditional use permit was required pursuant to Municipal Code Section 28.94.030(W). It is staff’s position that Casa Esperanza and the Rescue Mission must continue to operate under a conditional use permit based on the broad scope of services and programs being offered in combination with their emergency shelter beds. In addition, while their respective zones allow the development of overnight shelter, the M-1 and OM-1 zones discourage residential uses and therefore could be considered inconsistent with the use absent the requirement of a CUP.

Staff recommends that the City Council consider the following options to satisfy the requirements of SB2 related to emergency shelter zoning:

**Option 1:** Advise the State Department of Housing and Community Development that emergency shelters (which only have minimal supportive services) are allowed within the City without a conditional use permit or other discretionary land use in all zones that currently permit overnight accommodations. Essentially, this would be a status quo option. These zones include the R-4 (Hotel-Motel-Multiple Residential), and commercial zones where hotel use is allowed, including HRC1 & HRC-2 (Hotel and Related Commerce), R-H (Resort-Residential Hotel), C-P (Restricted Commercial), C-L (Limited Commercial Zone), C-1 (Limited Commercial), C-2 (Commercial), C-M (Commercial Manufacturing), OC (Ocean-Oriented Commercial), M-1 (Light Manufacturing) and OM-1 (Ocean-Oriented Light Manufacturing) zones.

**Option 2:** Advise the State Department of Housing and Community Development that the City will consider a City zoning ordinance to limit the development of emergency shelters with minimal supportive services to one specific zone of the City. Staff believes that the C-M zone, which allows residential uses and has sufficient land capacity to accommodate the City’s need for emergency shelters including at least one year-round emergency shelter, is an appropriate and suitable zone if this option is pursued.

Regardless of which option Council determines is the most appropriate to carry out SB2, it may be advisable for the Zoning Ordinance to be amended to include the definition of “Emergency Shelters” as defined by the Health and Safety Code, as well as to clarify that emergency shelters with extended supportive services will not meet the City’s definition of an “overnight accommodation” or “hotel” type use. The Health and Safety Code Section 50801(e) defines emergency shelters as housing with minimal supportive services for the homeless.

**Next Steps:**

Following Council's direction regarding compliance with SB2, amendments to the Municipal Code will be prepared and presented to the Ordinance Committee for review and refinement. A subsequent public hearing at the Planning Commission for review of the zoning amendments and recommendations to Council will follow and, ultimately, the ordinance amendments will be forwarded to the City Council for possible introduction and adoption.

**BUDGET/FINANCIAL INFORMATION:**

The Zoning Ordinance Amendments to the Commercial Manufacturing (C-M) Zone identifying emergency shelters as a permitted use do not require allocation of funds.

**ATTACHMENT(S):**

1. HCD Briefing Paper Regarding SB2 (Excerpt)
2. Compliance with SB 2-South Coast Jurisdictions Table
3. Housing Element Regarding Homeless Need (Excerpt)
4. Housing Element Implementation Action H4.1 (Excerpt)

**PREPARED BY:** Irma Unzueta, Project Planner

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

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

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## Homeless Needs

Homelessness in California is a continuing and growing crisis. On any given day, there are at least 361,000 homeless individuals in California – or 1.1 percent of the State's total population. Of this number, two-thirds are estimated to be single adults, while the other third are families. Some 30 percent of California's homeless – 108,000 – are so-called "chronic" homeless who have been homeless for six months or more. This population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems and chronic physical health problems or disabilities that prevent them from working. Homeless individuals and families are without permanent housing largely because of a lack of affordable housing, often compounded by limited education or skills, mental illness and substance abuse issues, domestic violence and the lack of family or other support networks.<sup>1</sup>

California's homelessness crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness. Passage of SB 2 strengthened the law to increase its effectiveness in addressing the needs of California's homeless population. The upcoming housing element update presents an important opportunity to make ending homelessness a critical priority.

## Purpose and Objectives of SB 2

The framework of SB 2 resulted from a collaborative effort by key stakeholders including housing and homeless advocates and providers, local governments, planners, and the building industry. SB 2 strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing. SB 2 ensures zoning, development and management standards and permit procedures encourage emergency shelters while allowing flexibility for existing local strategies and cooperative efforts.

SB 2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the new statute requires that every local government zone for the development of emergency shelters, it does not restrict how local governments allocate resources to address local priority needs. For example, nothing in SB 2 prohibits communities from also adopting a "Housing First" strategy to provide homeless persons with housing immediately and then providing services as needed.

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<sup>1</sup> *Governor's Interagency Task Force on Homelessness, Progress Report and Work Plan for 2003.* Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

# Section 1

## Planning

*(Government Code Section 65583)*

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## Identifying and Analyzing Needs and Resources

Current law, Government Code Section 65583(a)(7), requires an identification and analysis of the needs of homeless persons and families. The analysis is an essential component of an effective housing element; however data sources can be limited and vary in estimates of need. As a result, an analysis should consider a variety of data sources and include proactive outreach with service providers to examine the degree and characteristics of homeless needs in the community and surrounding communities. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter. Wherever possible, and to better describe the characteristics of needs, this figure could be divided into single males, single females and families (one or more adults with children) as the needs of each subgroup differ significantly.
- As local data or other existing sources permit (see list below), a description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the jurisdiction.
- An inventory of the resources available within the community including shelters, transitional housing and supportive housing units by type. The analysis should estimate the number and type of existing shelter beds, and units of transitional and supportive housing available.
- Assess the degree of unmet homeless needs, including the extent of need for emergency shelters. As part of this analysis, SB 2 now clarifies the need assessment for emergency shelters must consider seasonal and year-round need. In recognition of local efforts to encourage supportive housing, SB 2 allows jurisdictions with 10 Year Plans to End Chronic Homelessness to reduce the need for emergency shelters by the number of supportive housing units identified in an adopted 10-year plan and that are either vacant or funding has been identified to allow construction in the housing element planning period.

Resources to identify and analyze homeless needs, include:

- Consolidated plans
- Continuum of care plans
- 10 Year Plans to End Chronic Homelessness
- Interagency Council on Homelessness, Guide to Developing Plans and Examples (<http://www.ich.gov/slocal/index.html>)

- Local service providers such as continuum of care providers, local homeless shelter and service providers, food programs, operators of transitional housing programs, local drug and alcohol program service providers, county mental health and social service departments, local Salvation Army, Goodwill Industries, churches and schools, and
- 15 countywide Designated Local Boards certified by the Department's Emergency Housing and Assistance Program (<http://www.hcd.ca.gov/fa/ehap/cntys-with-dlb.html>).

## Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements. Most prominently, housing element law now requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for existing zoning districts. For example, some communities may amend one or more existing commercial zoning districts to allow emergency shelters without discretionary approval. The zone(s) must provide sufficient opportunities for new emergency shelters in the planning period to meet the need identified in the analysis and must in any case accommodate at least one year-round emergency shelter (see more detailed discussion below).



Cloverfield Services Center – Emergency Shelter by OPCC in Santa Monica, CA  
Photo courtesy of OPCC in Santa Monica

When identifying a zone or analyzing an existing zone for emergency shelters, the element should address the compatibility and suitability of the zone. The element should consider what other uses are permitted in the zone and whether the zone is suitable for residential or emergency shelters. For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or shelter uses. In some localities, manufacturing or industrial zones may be in transition, where older industrial uses are redeveloping to residential, office or commercial. Transitioning zones may be compatible

with residential uses and suitable for emergency shelters. Also, a commercial zone allowing residential or residential compatible services (i.e., social services, offices) would be suitable for shelters. For example, Sacramento County permits emergency shelters in its commercial zone along with other residential uses and uses such as retail that are compatible with residential.

SB 2 clarifies existing law by requiring zoning identified for emergency shelters to include sufficient capacity to accommodate the need. The identified zone(s) must have sufficient capacity, when taken as a whole, to meet the need for shelters identified in the housing element, and have a realistic potential for development or reuse opportunities in the planning period. Further, capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services). The element should also address available acreage (vacant or underutilized) and the realistic capacity for emergency shelters in the zone. For example, if a jurisdiction identifies the public institution zoning district as the zone where emergency shelters will be allowed without a conditional use permit, the element should demonstrate sufficient acreage within the zoning district that could accommodate the actual development of an emergency shelter. The element could also discuss the potential for reuse or conversion of existing buildings to emergency shelters.

SB 2 ensures that each local government shares the responsibility to provide opportunities for the development of emergency shelters. Regardless of the extent of need identified in the element, local governments must provide zoning to allow at least one year round emergency shelter, unless the need for emergency shelters is accommodated through existing shelters or a multi-jurisdictional agreement (see discussion below). This is especially important given the fact that the homeless population is not always visible in the community; is sometimes transitory; data resources are frequently inadequate and the availability and adequacy of services and programs vary significantly by community and can impact the homeless count.

If a local government's existing zoning does not allow emergency shelters without a conditional use permit or other discretionary action, the housing element must include a program to identify a specific zone(s) and amend the zoning code within one year of adoption of the housing element (65583(a)(4)). The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement (discussed in later sections).

Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

## Permitting Emergency Shelters without Discretionary Action

To comply with SB 2, localities must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner (localities may however apply development standards pursuant to Section 65583(a)(4)). In such zones, permitted uses, development standards and permit procedures must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. However, local governments may apply non-discretionary design review standards.



Emergency Shelter – Jackson, California  
Photo courtesy of Amador-Tuolumne Community Action

A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

## Development Standards to Encourage and Facilitate Emergency Shelters

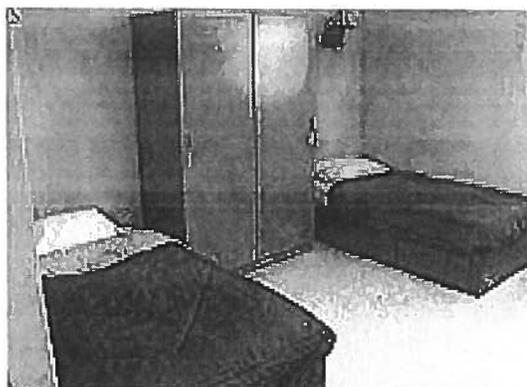
SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For example, a light commercial zone might permit a range of wholesaler, service repair and business services subject to buildable area and lot area requirements. In this case, the emergency shelter may be subject only to the same buildable area and lot area requirements. The same zone might permit residential uses subject to certain development standard (i.e., lot area, heights, and setbacks) requirements. In this case, emergency shelters should only be subject to the same development standards.

To demonstrate that processing procedures and standards are objective and encourage and facilitate development of emergency shelters, the housing element must address how:

- zoning explicitly allows the use (meaning the use is specifically described in the zoning code);
- development standards and permit procedures do not render the use infeasible;
- zoning, development and management standards, permit procedures and other applicable land-use regulations promote the use through objective; and predictable standards.

SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute and below.

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.



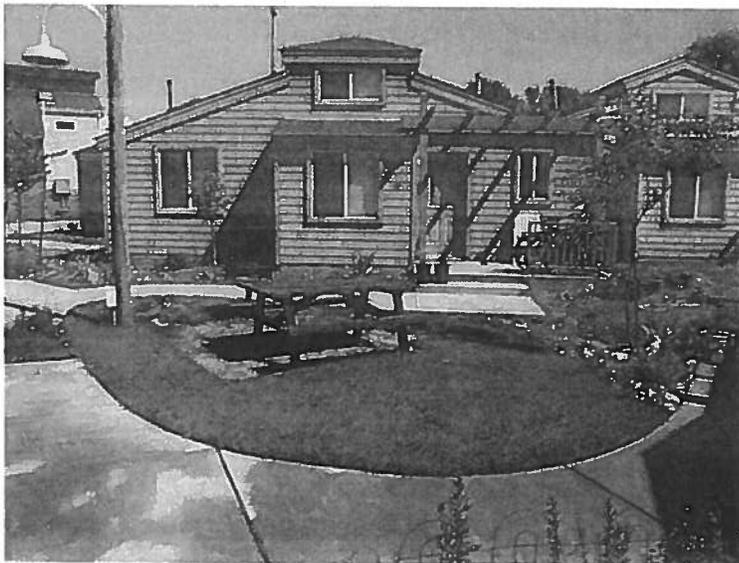
These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations. Appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property.

## Encouraging Multi-Jurisdictional Cooperation and Coordination

SB 2 recognizes and encourages multi-jurisdictional coordination by allowing local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement, with a maximum of two adjacent communities. The agreement must commit the participating jurisdictions to develop at least one year-round shelter within two years of the beginning of the housing element planning period. For example, jurisdictions in Southern California Association of Governments (SCAG) region with a statutory due date of June 30, 2008 would need to ensure the development of shelter(s) by June 30, 2010. To utilize this provision, local governments must adopt an agreement that allocates a portion of the new shelter capacity to each jurisdiction as credit towards the jurisdiction's emergency shelter need. The housing element for each participating local government must describe how the capacity was allocated. In addition, the housing element of each participating jurisdiction must describe:

- How the joint facility will address the local governments need for emergency shelters.
- The local government's contribution for both the development and ongoing operation and management of the shelter.
- The amount and source of the funding to be contributed to the shelter.
- How the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

If the local government can demonstrate that the multi-jurisdictional agreement can accommodate the jurisdiction's need for emergency shelter, the jurisdiction is authorized to comply with the zoning requirements for emergency shelters by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit.

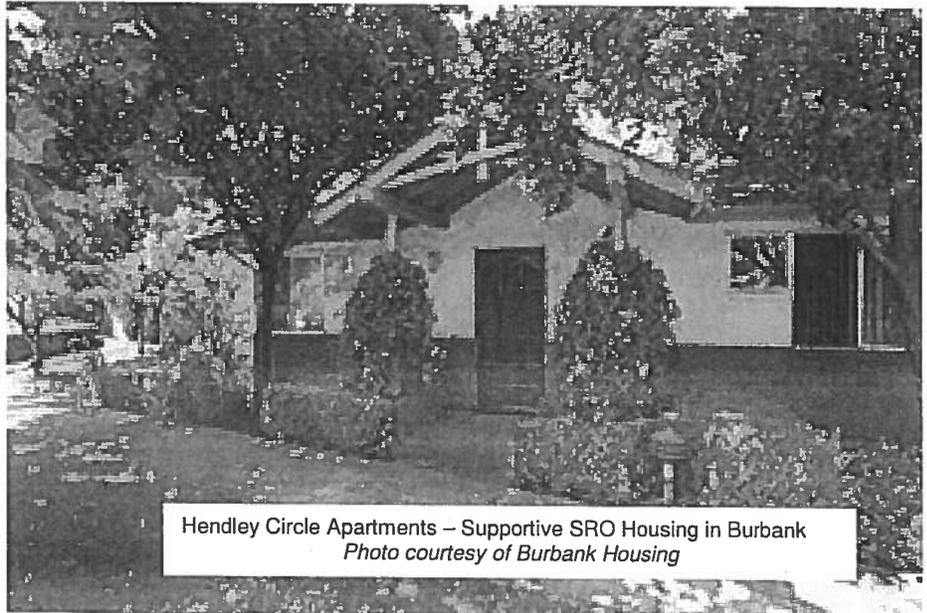


Quinn Cottages, Transitional Housing in Sacramento, CA  
*Photo courtesy of Cottage Housing, Inc.*

## Existing Ordinances and Existing Shelters that Accommodate Need

### Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with requirements of SB 2, no further action will be required to identify zones available



for emergency shelters. The housing element must however, describe how the existing ordinance, policies and standards are consistent with the requirements of SB 2.

### Existing Shelters That Accommodate the Need for Emergency Shelters

Local governments that can demonstrate, to the satisfaction of the Department, the existence of one or more emergency shelters either within the jurisdiction or pursuant to a multi-jurisdictional agreement that can accommodate the need for emergency shelters identified in the housing element may comply with the zoning requirements of SB 2 by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit. To demonstrate homeless needs can be accommodated in existing shelters, an element must at minimum list existing shelters including the total number of beds and the number vacant. The analysis should support and document the estimate of vacant beds and must consider seasonal fluctuations in the need for emergency shelters.

## Transitional and Supportive Housing

*Transitional housing* is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms,

such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. *Supportive housing* as defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

The housing element must demonstrate that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same zone.

If jurisdictions do not explicitly permit transitional and supportive housing as previously described, the element must include a program to ensure zoning treats transitional and supportive housing as a residential use, subject only to those restrictions on residential uses contained in the same type of structure.

## Housing Element Policies and Programs

Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints.

Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must

include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, and describe the jurisdiction's specific role in implementation.

Where a jurisdiction does not provide an analysis demonstrating compliance with the provisions of SB 2 through existing zoning, the element must have a program(s) to address the results of that analysis. For example, if the element does not identify an existing zone to



Gish Apartments – Supportive Housing, San Jose, CA  
Photo courtesy of First Community Housing and Bernard Andre

permit emergency shelters without a conditional use permit or other discretionary action, the element must include a program to establish the appropriate zoning, unless the jurisdiction has satisfied its needs through existing emergency shelters or a multi-jurisdictional agreement. If development and management standards do not encourage and facilitate emergency shelters or zoning does not treat transitional and supportive housing as a residential use, the element must include a program(s) to amend existing zoning or processing requirements to comply with SB 2.

Programs to address the requirements of SB 2 for emergency shelters must be implemented within one year of adoption of the housing element. Programs to address requirements for transitional and supportive housing should be implemented early in the planning period. Further, since the program for emergency shelters must be implemented within one year of adoption, the housing element should provide analysis to support and assure effective implementation of the program. For example, the analysis should examine the suitability of zones to be included in the program and whether sufficient and suitable capacity is available. The same type of analysis could evaluate development and management standards that will be considered as part of establishing or amending zoning. This analysis should demonstrate the necessary commitment to ensure zoning, permit procedures and development standards encourage and facilitate emergency shelters.

**\*\*\*\*\* UPDATED\*\*\*\*\***

Please be aware, if the adopted housing element from the previous cycle (4<sup>th</sup> cycle) included a program to address the requirements of SB 2 for emergency shelters, and the required timeframe has lapsed, the Department will not be able to find future housing elements in compliance until the required rezoning is complete and the element is amended to reflect that rezoning.

## **Timing: When SB 2 Applies**

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2008 will be required to comply with SB 2.

# **Section 2**

## **Local Approval**

***(Government Code Section 65589.5)***

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## The Housing Accountability Act

To promote predictability for the development of housing affordable to lower- and moderate-income households, the Housing Accountability Act (Government Code Section 65589.5) prohibits a jurisdiction from disapproving a housing development project, including housing for farmworkers and for very low-, low-, or moderate-income households, or conditioning approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes at least one of five specific written findings based on substantial evidence in the record (Government Code Section 65589.5).

SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act. In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing (see Attachment 1: SB 2 - changes are underlined).

### Zoning Inconsistency

Pursuant to the Housing Accountability Act, a local government is prohibited from making the finding regarding zoning and general plan inconsistency (Section 65589.5(d)(5)) to disapprove a development if the jurisdiction identified the site in its general plan (e.g., housing or land-use element) as appropriate for residential use at the density proposed or failed to identify adequate sites to accommodate its share of the regional housing need for all income groups. In addition to extending these provisions to emergency shelters and transitional housing, SB 2 prohibits the use of the zoning and general plan inconsistency finding to disapprove an emergency shelter if the jurisdictions have:

- not identified a zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,
- not demonstrated the identified zone(s) include sufficient capacity to accommodate the need for emergency shelter, or
- not demonstrated the identified zone(s) can accommodate at least one emergency shelter.

This provision applies to any site identified in any element of the general plan for industrial, commercial, or multifamily residential uses. In any court action, the burden of proof is on the local jurisdiction to demonstrate its housing element satisfies the above requirements of SB 2.

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## Attachment 2

### Definitions

#### Emergency Shelters (Health and Safety Code Section 50801(e))

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

#### Transitional Housing (Health and Safety Code Section 50675.2)(h)

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

#### Supportive Housing (Health and Safety Code 50675.14(b))

Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

#### Target Population Definition per HSC 53260(d)

(d) "Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

### Compliance with SB2 – Emergency Shelter Zoning

Jurisdiction	Existing Zone	New Zone	Amend Zone	Overlay Zone	Multi-Jurisdictional
City of Buellton			Amend CR Zone		
City of Carpinteria			Amend M-RP Zone		
City of Goleta	Allowed in C-3, M-1 & M-RP Zones				
City of Guadalupe			Amend R-3 Zone		
City of Lompoc				Apply Overlay Zone to C-2, C-O or C-C Zones	
City of Santa Maria			Amend CPO Zone		
City of Solvang			Amend DR-20 Zone		
County of Santa Barbara	Allowed in C-3 Zone				

The 1990 Census identified approximately 2,038 individuals living in the City who were employed in the agriculture, forestry, fishing and mining industries. The 2000 Census reported only 282 employed in these industries, a drop of over 1,700 jobs. Recent information reported by the 2006-2008 American Community Survey estimates that individuals employed in these industries declined further to 168. Because Santa Barbara has a working harbor, those employed in the fishing industry are estimated to comprise a major portion of those employed in this category.

For Santa Barbara County as a whole, the number of people reporting jobs in the fishing, forestry, farming occupations dropped from 11,394 in 1990 to 8,818 in 2000, a loss of 2,576 jobs, of these 1,756 were people who lived in the City of Santa Barbara. The 2006-2008 American Community Survey reports 9,652 jobs in the farming, fishing and forestry industries in the County, an increase of 834 jobs since 2000.

### **Homeless**

In recent years, homelessness has become increasingly prevalent in all parts of the nation, including Santa Barbara. In 1990 the U.S. Census attempted to quantify the homeless population. Although the results of the Census survey cannot be described as definitive, the fact that the Census Bureau tried to count the homeless indicates that homelessness has become a problem nationwide.

#### **Census Bureau Homeless Counts (1990, 2000)**

In Santa Barbara, the 1990 Census counted 312 homeless people in emergency shelters for the homeless and 46 homeless people visible in street locations. Providers of shelter and assistance for the homeless population have stated that the Census figures were understated and that numbers alone do not reflect the extent of the problem.

In 2000 the Census Bureau again counted the homeless, but due to political reasons the Census Bureau refused to release the numbers. Instead the Census Bureau released a special report that surveyed emergency and transition shelter populations. In this report, populations in metropolitan areas in the Country with 100 or more people in emergency and transitional shelters were counted by the Census Bureau, including Santa Barbara County.

The total population enumerated in emergency and transitional shelters in Santa Barbara County was estimated at 608 people. However, the special report cautions that the information provided should not be used as a count of the population experiencing homeless due to limitations with the data. For instance, shelters may not have been operating at capacity on the day of the count, shelter beds vary from season to season and weather conditions, the count included only emergency and transitions shelters that were open on March 27, 2000 and therefore does not reflect shelter usage over time, some shelters open on March 27 were not counted, etc.

#### **Local Agency Survey (2003)**

Updated estimates based on a 2003 survey conducted with local homeless social service agencies indicate that the number of homeless living in Santa Barbara at any one time is approximately 1,000 to 1,300. The total number of homeless including those staying a few days and passing through the City is approximately 2,000. The survey estimated that Santa Barbara's homeless population is 28 percent female and 72 percent male; 60 percent are 18-45 years of age; 66 percent Non-Hispanic White; 21 percent Hispanic and 13 percent other.

National statistics indicate that 30 percent of the homeless are families; 30-50 percent are substance abusers; 30 percent are mentally ill; and 20 percent are the working poor. Other homeless are seniors, veterans and youth. These groups are often overlooked because little information is available. As the numbers reflect, the

## HOUSING ELEMENT

homeless population consists of people of all ages and races. With the high cost of housing in Santa Barbara and the recent economic downturn, homeless service providers confirmed many families are becoming homeless.

### National Coalition for the Homeless

The National Coalition for the Homeless projects that approximately 3.5 million people experience homelessness during any one year. In California, over 400,000 people are homeless at any one time in the course of the year. Based on the national estimate for homeless (an average of 1.5 percent of the 2009 population estimate of 90,308), the City of Santa Barbara would have approximately 1,355 homeless people.

### Point-In-Time Count (2009)

The most recent point-in-time count was undertaken on January 27, 2009. The count included individuals sleeping outside and in emergency shelters/transitional housing units. Approximately 992 homeless persons were counted in the South Coast area of Santa Barbara County (primarily in the City of Santa Barbara and some in Isla Vista). However, it must be recognized that this one day count only includes homeless individuals in shelters on that given day. Therefore, it is assumed that the number of homeless persons is significantly higher than the point-in-time count.

### Homeless Need

Given the difficulty in estimating the number of homeless individuals living in Santa Barbara, the estimate (1,355) provided by the National Coalition for the Homeless will be used to plan for the City's homeless need. Currently, the City provides 934 total beds/rooms/units during December-March and 834 total beds/rooms/units during April-November (Table H-31). Based on this, the unmet homeless need would range between 421 in the winter months and 521 the remaining months of the year.

**Table H-31: Homeless Facilities/Housing  
City of Santa Barbara (2009)**

Facility Type	Current Capacity December-March	Current Capacity April-November
Emergency Shelter	385 Beds	185 Beds
Transitional Housing		
Transitional Units/Rooms	98 Units/Rooms	98 Units/Rooms
Transitional Beds	167 Beds	267 Beds
Emergency RV Parking	42 Spaces	42 Spaces
Permanent Units/Rooms/Beds	242 Units/Rooms/Spaces	242 Units/Rooms/Spaces
<b>Total Capacity</b>	<b>934 Beds/Rooms/Units</b>	<b>834 Beds/Rooms/Units</b>
Total Need*	1,355 Beds/Rooms/Units	1,355 Beds/Rooms/Units
<b>Total Unmet Need</b>	<b>421 Beds/Rooms/Units</b>	<b>521 Beds/Rooms/Units</b>
<i>Source: City of Santa Barbara 2009</i>		
<i>*Based on National Coalition for the Homeless average of 1.5% of population</i>		

In 1998, in response to the growing problem of homeless people on State Street, meetings with the homeless and homeless service providers have been held to determine the most pressing needs facing the homeless. The need for a homeless day center with a full array of services was identified as a high priority. Through a broad based community effort a facility was purchased and remodeled into a comprehensive homeless day center.

Other needs identified included: a continuing need for emergency, transitional and permanent housing for the homeless; funds to help people get into housing; more Section 8 certificates; job training and child care facilities for homeless, additional Single Room Occupancy hotels. Also identified due to the high cost of housing, are places where the working poor who are homeless can go to live and save money in order to be able to pay the rent and security deposit fees.

Unfortunately, only a limited amount of these identified needs may be addressed through a Housing Element. Needs that may be addressed are those of providing opportunities for, and encouraging, emergency shelters and transitional housing; reviewing the rules and regulation affecting affordable housing to make it easier and cost effective for developers to provide affordable housing; providing flexibility in development standards to encourage the broad range of housing opportunities needed; and providing education and public outreach to address concerns of neighbors in areas where these facilities may be located.

Although the County is the public entity responsible for attending to the homeless, the City is deeply involved in helping the homeless. The City implements an effective multi-pronged effort to provide adequate housing and social services to this population. The City has crafted a continuum of care that provides prevention programs, emergency shelter, transitional programs and permanent supportive housing.

On January 13, 2006, Santa Barbara City Council agreed to participate in the development of the Ten-Year Plan to End Chronic Homelessness throughout Santa Barbara County. The primary goal of the Ten-Year Plan is to focus on getting chronically homeless persons into "permanent supportive housing", which consists of comprehensive, integrated, individualized case management to help them achieve residential stability, increase their skill levels and/or incomes, and obtain greater self-determination (i.e., more influence over decisions that affect their lives). The plan was approved by jurisdictions countywide in October 2006.

The City's major contribution to the Ten-Year Plan is the development of permanent supportive housing units. Since the approval of the Plan, five projects have been completed consisting of 177 units, including the three supportive housing projects listed in Table H-32. These projects provide an additional 116 units. Of these, 44-62 units serve the chronic homeless. With these projects, the City now has available a maximum 1050 beds/rooms/units during December-March and 950 beds/rooms/units during April-November. Despite these additional units, the City still does not meet the needs of the homeless population (1,355) estimated by the National Coalition for the Homeless average of 1.5 percent of the population. The City's unmet need ranges between 305 - 405 beds/rooms/units.

## HOUSING ELEMENT

**Table H-32: Supportive Housing Projects  
City of Santa Barbara (2010)**

Project Applicant	Facility Type	Number of Units
Transition House/Housing Authority (Mom's Property)	Permanent Supportive Housing	8 new units for the chronic homeless
Artisan Court/Housing Authority (Haagan Property)	Permanent Supportive Housing	55 new units 1/3-1/2 for the chronic homeless or youth aging out of foster care
Housing Authority (Bradley Property)	Permanent Supportive Housing	53 new units 1/3-1/2 for the chronic homeless
<b>Total Proposed Units</b>		<b>116 units</b> <b>(44-62 for the chronic homeless)</b>
<i>Source: City of Santa Barbara 2010</i>		

Effective 2008, State Senate Bill 2 (SB2) considerably strengthened the requirements on zoning for emergency shelters. This new legislation requires that jurisdictions address the housing needs of the homeless, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without discretionary review.

Regardless of the homeless housing need, SB2 requires that jurisdictions have a zone in place to permit at least one year-round emergency shelter without a Conditional Use Permit (CUP) or any discretionary permit requirements. This can be accomplished by amending an existing zone district, establishing a new zone district, or creating an overlay zone for an existing zone district(s) to allow emergency shelters as a permitted use. In addition, the identified zone(s) must have sufficient land capacity to encourage emergency shelters consistent with SB2.

Facilities that provide overnight shelter to the homeless are considered short-term, transitional housing, similar to hotel use. Existing zones that allow overnight shelter include R-4 (Hotel-Motel-Multiple Residence), C-P (Restricted Commercial), C-L/C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial Manufacturing), M-1 (Light Manufacturing) and HRC-1/HRC-2 (Hotel and Related Commerce) zone districts.

The two major emergency shelter facilities, Casa Esperanza Homeless Shelter zoned M-1/C-2/S-D-3 and Santa Barbara Rescue Mission zoned OM-1/S-D-3, are currently permitted with a CUP and are both located in the Coastal Zone. Amending their respective zones to allow these facilities by right would comply with SB2. However, the M-1 and OM-1 zones discourage residential uses and therefore could be considered incompatible with the use. Additionally, the Coastal Commission has opposed residential uses in certain areas of the Coastal Zone due to concerns that residential uses may become the dominant use in these areas.

To satisfy the requirements of SB2, the C-M zoning district will be amended to allow emergency shelters as a permitted use. Implementation Action H4.1 directs that the C-M zone district be amended within one-year of adoption of the Housing Element to allow emergency shelters as a permitted use. The C-M zone allows the development of residential uses, including mixed-use development and other related uses that encourage emergency shelters.

Identified opportunity sites in the C-M zone district demonstrate sufficient capacity to support the development of an emergency shelter. The City's Available Land Inventory Summary (Appendix G) lists approximately 123 vacant or underutilized C-M zoned properties ranging in size from .08 acres to 1.56 acres. In total, the C-M zoned properties make up 30 acres of available land. These parcels either separately (larger parcels) or in combination (smaller parcels) could accommodate the development of an emergency shelter facility. The consolidation of smaller and underutilized parcels is supported by Implementation Action H11.19, which is intended to encourage the development of affordable residential units, including special needs housing.

### **Transitional and Supportive Housing**

Transitional housing is intended to facilitate the transition of homeless individuals and families to permanent housing. This type of housing limits the length of stay and re-circulates the assisted unit to another eligible individual or family. Supportive housing is defined as permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing.

As reflected in Tables H-31 and H-32, the City continues its commitment to the production of transitional and supportive housing opportunities, with approximately 365 transitional units/rooms/beds, and 358 supportive units/rooms/beds currently available for eligible individuals and families.

As mandated by State law these housing units have been subjected to the same permitting processes as other residential development in the zone without undue special regulatory requirements. All the identified transitional and supportive units/room/beds are located on sites within City boundaries and are accessible to public services and facilities, including transit.

### **Housing Challenges**

#### **Overcrowding**

A housing unit that is occupied by more than one person per room (excluding kitchens, bathrooms, hallways and porches) is defined by the Census as being overcrowded. A housing unit with more than 1.5 persons per room is considered severely overcrowded. Overcrowding can serve as an indicator that a community does not have an adequate supply of affordable housing and/or lacks housing units of adequate size to meet the need of large households. Overcrowding can also result when high housing costs relative to income force too many individuals or families to share housing. Overcrowding can accelerate deterioration of the housing stock and associated infrastructure.

Figure 6 shows how overcrowding has increased over time for both renter and owner occupied housing units in the City. In 2000, 4,346 housing units or 12.2 percent of all households in the City were considered overcrowded. This is an increase from 1990 when 3,646 households were reported overcrowded.

The most significant increase in overcrowding occurred in renter households, which were up from 3,041 in 1990 to 3,697 in 2000, an increase of 656 units. Overcrowding in owner occupied units increased by 44 units from 605 in 1990 to 649 in 2000.

## **Excerpted from 2011 Housing Element Goals, Policies and Implementation Chapter (pages 94 and 95)**

H4. **Homeless Shelters and Services.** Support other agencies and nonprofit organizations in their efforts to provide shelter and services for the homeless.

### ***Possible Implementation Actions to be Considered***

H4.1 **Year-Round Homeless Shelter.** Within one year of adoption of the 2011 Housing Element, the Municipal Code shall be amended to allow as a permitted use in the C-M zone, a year-round emergency shelter without any discretionary permit requirements. Development standards and permit procedures that apply to the use shall be established to include, but not be limited to, maximum number of beds, off-street parking requirements, hours of operation, length of stay, security, etc.

H4.2 **Casa Esperanza.** Continue to fund and support Casa Esperanza Homeless Shelter or other suitable shelter facilities, and encourage a broad range of such services throughout the region including services with year round programming.

H4.3 **Operational and Service Needs.** Support the operational and service needs (such as child care and job training) of homeless shelter and service providers. Provide financing when possible.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

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

**SUBJECT:** General Plan Safety Element Update

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the 2013 Safety Element Update to the General Plan and Making Environmental Findings Pursuant to the California Environmental Quality Act.

### **DISCUSSION:**

The City's General Plan Seismic Safety and Safety Element document has not been comprehensively updated since the original adoption (1979). In 2010-2011, the City applied for and received Disaster Recovery Initiative (DRI) funds to prepare the Safety Element Update. The funds were allocated in response to recent wildfire disaster declarations (Gap and Tea fires).

In April 2013, a Draft Safety Element was released for public review. In addition to hazard identification and avoidance, the 2013 Safety Element Update emphasizes community resilience and neighborhood involvement in planning for and responding to emergencies.

The City Planning Commission held a public hearing and discussion on May 23, 2013. Several comment letters were received. Comments were either incorporated into the September 2013 revised Safety Element or were explained and responded to in the Planning Commission Staff Report dated September 12, 2013 (Attachment 1).

### **Local Coastal Program Hazards Section Update**

In April, 2013, a draft Hazards Section, the Local Coastal Program (LCP) equivalent of the Safety Element, was released for public review. A copy of the Hazards Section was submitted to the Coastal Commission staff for their early review. Coastal Staff replied with extensive comments that go well beyond the scope of the Safety Element as drafted and funded by the DRI grant. As a result, the Hazards Section of the LCP will not be updated at this time.

However, Coastal staff and Planning Division staff have begun work on a comprehensive update of the City's LCP. This includes applying for grant funding as opportunities arise. To date, two grant applications have been submitted.

Citywide policies in the Safety Element will be considered for general City policy direction to help inform application of existing LCP policies when decisions are made for development citywide, including in the Coastal Zone. However, until an update to the LCP is certified by the Coastal Commission, existing City LCP policies will apply as a basis for issuing Coastal Development Permits.

### **Planning Commission Recommendation to Council**

Draft minutes from the Planning Commission meeting of September 19, 2013 are provided as Attachment 2.

The Commission discussion resulted in two changes to the Safety Element. On page 45, text was added to acknowledge potential aviation hazards related to helicopter and aircraft activity at Cottage Hospital and potentially other locations. On page 56, text was added to recognize Waterfront and Harbor Rescue Operations as important community resources.

During the Planning Commission discussion, Commissioner Lodge questioned why the Sheffield Reservoir was identified as having moderate liquefaction potential (Figure 9 of the Safety Element). At the meeting, Mr. Rodriguez (consultant) replied that this is primarily a factor of soil type and depth to groundwater issues. After the meeting, staff contacted the geo-technical sub-consultant for the Safety Element Update (Steve Campbell of Campbell Geo). Mr. Campbell provided some additional background.

In 1925 the Sheffield Reservoir failed due to well documented liquefaction during the Santa Barbara Earthquake. Since liquefaction occurred at the site in the past, the potential for future liquefaction is considered moderate as shown on the Potential Liquefaction Hazard Zones map (figure 9).

A draft Planning Commission Resolution is provided as Attachment 3. Attachment 4 is a copy of the public correspondence received for the Planning Commission meeting of September 19, 2013.

### **ENVIRONMENTAL REVIEW**

An Addendum to the Program Environmental Impact Report (EIR) for the 2011 General Plan Update (SCH 2009011031) has been prepared. The addendum is included in the Safety Element Technical Background Report as Appendix C. The addendum finds that the 2013 Safety Element would result in no changes to the impacts of the General Plan Update as identified in the Program EIR.

**SUSTAINABILITY IMPACT:**

The Safety Element Update furthers the City's Sustainability goals by emphasizing community resilience and the importance of preparing for disasters and emergencies at the local level.

Notes:

Copies of the Proposed Final Safety Element have been forwarded to City Council members under separate cover.

The Proposed Final Safety Element is available on the City's website at:  
[www.SantaBarbaraCA.gov/SafetyElement](http://www.SantaBarbaraCA.gov/SafetyElement)

- ATTACHMENTS:**
1. Planning Commission Staff Report (September 12, 2013)
  2. Draft Planning Commission Minutes (September 19, 2013 meeting)
  3. Draft Planning Commission Resolution (September 19, 2013 meeting)
  4. Public Correspondence Planning Commission Meeting of September 19, 2013

**PREPARED BY:** John Ledbetter, Principal Planner

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

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



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** September 12, 2013  
**AGENDA DATE:** September 19, 2013  
**PROJECT NAME:** 2013 Safety Element Update / Draft General Plan Amendment 01-2013: Recommendations to Council  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470, extension 4569  
 John Ledbetter, Principal Planner *John Ledbetter*  
 Elizabeth Limón, Project Planner *Elizabeth Limón*

### I. PROPOSAL

Amend the General Plan to incorporate a new, updated Safety Element. The proposed Safety Element (Exhibit A) will replace, relocate, revise or delete these sections of the Santa Barbara General Plan:

- Replace the 2011 Safety and Public Services Element (including the 1979 Seismic Safety and Safety Element)
- Relocate, revise or delete other 2011 General Plan safety-related policies and actions as described in Exhibit B.

The 2013 Safety Element represents a continuation of City policy with respect to hazards and community preparedness. Unlike some other parts of the General Plan, the Safety Element policies are largely procedural. The policies describe the City's current building and development review and permitting practices as we implement federal, state and local regulations. The element contains very few "Possible Implementation Actions to be Considered" since, for the most part, our hazard reduction regulations are up to date and consistent with federal and state law. The future actions to be considered generally relate to staying current with regulatory changes, community resilience, climate change adaptation, and public education and awareness efforts related to safety.

### II. BACKGROUND

The City's General Plan Seismic Safety and Safety Element document has not been comprehensively updated since the original adoption (1979). In 2010-2011, the City applied for and received Disaster Recovery Initiative (DRI) funds to prepare the Safety Element Update. The funds were allocated in response to recent wildfire disaster declarations (Gap and Tea fires).

State requirements previously identified separate Seismic Safety and Safety Element which are now combined as a Safety Element with a seismic safety component. Similarly, the 2011 General Plan included a Safety and Public Services Element. The proposed 2013 Safety Element continues that policy direction and contains a public services component as it relates to Safety Element issues.

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Following City Council direction on May 22, 2012, the City entered into a contract with Rodriguez Consulting Inc. to prepare the Safety Element Update. The focus of the Safety Element is hazard avoidance through updated hazards information and policies for new development. In addition to supporting project permitting and environmental review processes for public facilities and private development, the hazards information will be useful for other ongoing City service operations including emergency preparedness, public safety response and community resiliency planning.

### **III. DISCUSSION**

The Draft Safety Element was released for public review in April, 2013. The public comment period closed on June 6, 2013. The City Planning Commission held a public hearing and discussion on May 23, 2013. The minutes of the discussion meeting are provided as Exhibit C.

The Planning Commission also received written comment letters from Dall & Associates (May 22, 2013), the Environmental Defense Center and Steve Johnson. All three were distributed to the Planning Commission prior to the meeting on May 23, 2013. Additionally, Planning Staff received input individually from HLC Commissioner Judy Orias and Planning Commissioner Sheila Lodge prior to the meeting. Subsequently, the City received additional comment letters from Dall and Associates (June 6, 2013) and the Santa Barbara Association of Realtors (June 6, 2013). Having not been previously distributed to the Planning Commission, these later letters are attached as Exhibits D and E respectively.

Click here to see the [proposed Safety Element Update \(September 2013\)](#). In response to Planning Commission and public comments and additional staff input, the policy section of the document (pages 55 – 67) has been refined as described below. The Safety Element description of coastal bluff retreat (pages 27 – 29) has also been revised. The remainder of the Safety Element and Technical Background Report has not been changed from the April 2013 draft. Exceptions include enlarging some maps, minor text changes in response to comments, and correcting typographical errors.

## **LOCAL COASTAL PROGRAM HAZARDS SECTION UPDATE**

### **Coastal Commission Review**

A draft Hazards Section, the Local Coastal Program (LCP) equivalent of the Safety Element, was submitted to the local Coastal Commission office on May 3, 2013 for their early review, in hopes of incorporating Commission staff comments into this draft of the Safety Element. Extensive comments were received on June 26, 2013, which went well beyond the scope of the Safety Element as drafted. As a result, the Hazards section of the LCP will not be included as part of the Safety Element currently under review.

Given that the existing LCP has not been updated since it was originally certified in 1982, Commission staff has strongly encouraged the City to undertake a comprehensive update of the LCP. City staff has been working with the Commission staff to initiate this effort, including applying for grant funding. Hazards, along with land use and cultural resources, will be the first LCP sections to be updated. The

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exact approach for this effort will depend on the potential grant award which will be decided around November 2013.

Citywide policies in the Safety Element will be considered for general City policy direction to help inform application of existing LCP policies when decisions are made for development citywide, including in the Coastal Zone. However, until an update to the LCP is certified by the Coastal Commission, existing City LCP policies apply as a basis for issuing Coastal Development Permits.

### **Response to Comments**

This staff report and exhibits describe how comments have been incorporated into the revised September 2013 Safety Element. Explanations are provided for comments that were not incorporated / did not result in changes to the element.

### ***Coast Bluff terminology***

The April 2013 Draft Safety Element used various terms interchangeably when describing and discussing sea cliffs and bluff top development. The September 2013 Proposed Safety Element has clarified these descriptions. Exhibit F is an illustration of coastal bluff components. Adjustments have been made in the Safety Element text and in particular the policy section to be consistent with California Coastal terminology and the attached illustration.

### ***Dall & Associates Letters***

Exhibit D is copy of the second comment letter from Dall & Associates received on June 6, 2013. Page one of the Dall letter finds it “regrettable” that the Safety Element Update was not shown in a ~~strikeout~~ / underline format from the 1979 Safety Element. This is not a required step and was not done because of the age/date of the original document. However, Exhibit B is a status of existing City of Santa Barbara hazard-related policies. This chart lists existing policies from 2011 General Plan and the 1979 Seismic Safety/Safety Element. The table shows that close to 70 policies and recommendations from these sources have been carried over into the 2013 Safety Element.

Page one of the letter also states that Dall & Associates represents a private landowner on the Mesa with a pending development review application. Much of the letter asks for parcel or area specific details to be added to the General Plan. Staff finds these changes to be too specific for the Safety Element. However, much of the detailed information being requested regarding issues such as landslide history, specific bluff height information and bluff retreat rates are addressed during the City’s development / environmental review and coastal permitting process. This includes, on a project by project basis, detailed site-specific soils and engineering studies based on the general policy direction of the General Plan.

Page two of the letter describes a “multiplicity of undefined terms” in the April 2013 Draft Safety Element related to coastal bluffs. As described above, staff has improved the coastal bluff section of the Safety Element discussion and policy section.

Page 6 (section 7) suggests additional topics that should be included in the Safety Element. These topics are beyond the scope of the current Safety Element work program. Page 6 (section 8) describes suggested revisions to Safety Element policies.

- 8(a) requests consistent terminology when addressing coastal bluffs. **Suggested revisions made.**
- 8(b) requests changes to the Slope Failure policy. **This policy has been revised (see policy S17).**
- 8(c-h) requests changes to the Sea Cliff retreat policy section. **The entire Coastal Bluff Development policy section has been refined (see policies 23-32). Some, but not all of Mr. Dall's requests are addressed in the new section.**
- 8(i-m) comments are noted. **No changes have been made.**

Section 9 addresses issues and suggested changes in the Safety Element Technical Background Report. Staff has not incorporated any of these changes into the element as they are, for the most part, too area or parcel specific for the General Plan.

#### ***Environment Defense Center Letter (May 22, 2013)***

Exhibit G is a copy of the letter from the Environmental Defense Center (EDC) received on May 22, 2013. This letter was distributed to the Planning Commission in May but is provided again in this packet. The EDC letter specifically addressed the Draft LCP Amendment Hazards Section. The LCP Hazards Section has been put on hold pending the comprehensive LCP update. However, as appropriate, the EDC LCP comments have been incorporated into the policy section of the 2013 Safety Element.

The EDC letter (page 2) recommended adding a timeframe (by 2015) for completion of the adaptation guidelines. Establishing workload and work program priorities is done by City Council during the budget process. The date was not added to the adaptation guidelines (S10.1 in September Safety Element). However, the City Council actions of the 2011 General Plan and the 2012 Climate Action Plan included timeframes for adaptation guidelines work program.

The EDC letter (pages 4-5) suggested changes to Vegetation Management Practices (formerly S28.1). These changes have been incorporated into the revised strategy S41.1.

The EDC letter (page 5) suggested changes to Flood Hazards – Local Drainage Impacts (formerly S32). These changes have been incorporated into the new local drainage impacts strategy S47 (last sentence).

The EDC letter (pages 5-6) suggested four new implementation strategies for the Safety Element Hazardous Material Section. The EDC suggest strategy 38.1 has been added to the Safety Element as policy S59 to address remediation priorities on City-owned land.

The EDC suggested strategy 38.2 related to the El Estero Wetlands enforcement case has not been added to the Safety Element. The restoration of El Estero Wetlands is an active City Public Works

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project. As this project is underway, it is not necessary to have a Safety Element implementation strategy. Establishing a project completion year of 2014 is a City workload issue that is best addressed during the City budget process.

The EDC suggested strategy 38.3 regarding polluted runoff has been added as new policy S60. The EDC suggested strategy 38.4 regarding sewer lines has been edited to be a more general policy statement and added as policy S61.

***Steve Johnson Comments - Hazards Related to Air Quality near Highway 101  
(via email May 4, 2013)***

The City's General Plan contains eight Elements. Not all General Plan policy topics are addressed in the Safety Element. City air resources policies have long been addressed with the General Plan Conservation Element. The 2011 General Plan Update included a reorganization of the plan. At that time, air resources, along with other Conservation Element topics were included in the reorganized Environmental Resources Element, not the Safety Element.

The issue of air pollutant emissions near Highway 101 was addressed as part of the 2011 General Plan Update. The City Council adopted air quality policy ER7 – Highway 101 setback as an interim policy to limit the establishment of additional sensitive receptors within 250 feet of Highway 101 until planned State regulations reduce vehicle exhaust pollutant emission levels, particularly diesel particulates. In 2012, City council adopted a Resolution implementing Policy ER7. Addressing air quality policies in the Environmental Resources Element rather than the Safety Element of the General Plan in no way diminishes the importance of the topic.

The adopted interim policy was based on a study of the issue for the City by air quality consultants (Air Quality Report City of Santa Barbara, Illingworth & Rodkin, February 2009) and analysis in the City's Final Environmental Impact Report for the General Plan Update (September 2010). The author of the Air Quality Report, James Reyff, has responded to Mr. Johnson's issue about the report. There was an error in a text notation, not in the modeling. The report text incorrectly referenced traffic volume modeling input as representing 10% of daily traffic volume. The modeling for this study in fact used average hourly traffic volumes over the entire day, which was the correct input because traffic occurs all hours of the day on Highway 101, and the study was modeling for average emission exposure levels. The study was a general citywide analysis and modeling was designed to be conservative, including assumptions for future traffic and future air quality regulations. The 250-foot setback area identified is also conservative and should not be larger based on the modeling analysis.

The issue of establishing a Highway 101 setback residential development moratorium due to air quality concerns was addressed in the 2011 General Plan Update and is a current project / special study. Questions regarding the air quality modeling and conclusions drawn in the 2011 General Plan EIR will be clarified during that process. Public discussion at the Planning Commission and Council Ordinance Committee are expected to begin in the coming months.

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***Santa Barbara Association of Realtors Letter (June 6, 2013)***

Exhibit XX is a letter from the Santa Barbara Association of Realtors (SBAOR). Many of the SBAOR questions have to do with whether the Safety Element has the potential to affect property rights and values. The 2013 Safety Element contains a new opening goal regarding public safety. It states that one of the primary goals of the element is to “protect life, property and public well-being from natural and human-caused hazards.”

Regarding climate change adaptation, the SBAOR questions why a project applicant should have to provide information about the useful life of new structures. This policy has been revised and is currently S10. The proposed policy does not require projects to provide information regarding the expected useful life of new structures. The Safety Element continues to use the long-standing City policy assumption of 75 years as a reasonable estimate of a proposed structure’s useful life only for the purpose of evaluating the potential effects of certain hazards such as sea level rise and coastal bluff retreat.

SBAOR had several questions about the maps referenced in policy S6.1 Information Resources (currently S8). In particular, whether the maps are available to the public. The types of maps referred to by this policy include the maps depicting potential hazard areas and severity, and are included in Appendix A of the Safety Element. Informing homeowners and the public in general of the potential for geologic, fire, flood and other hazards is a primary goal of the Safety Element.

Page 2 of the SBAOR letter posed several questions related to S14.2 Fault Setbacks (now S11a). This policy requires that site specific fault investigations be conducted if a project would be located within a designated fault zone (Safety Element Appendix A, Figure 6). Safety Element Appendix A (page 93) and the City’s *Geology and Geohazards Master Environmental Assessment, Technical Report and Evaluation Guidelines* (2009) indicate that minor improvements and certain residential projects are generally exempt from the fault investigation requirements. Examples of “Minor Projects” include accessory structures (swimming pool, garage addition, storage sheds); single family residences with prior acceptable geologic studies; small additions or alterations to existing structures (not exceeding 50% of existing value); or conversions of apartments to condominiums.

The SBAOR posed questions about the policies related to unreinforced masonry buildings and seismic strengthening. Both of these policies refer to programs that are currently in place. These are not new programs.

Regarding Sea Cliff Retreat policies (now coastal bluff), SBAOR questioned whether the requirements would apply to new construction only or remodels as well. The proposed policy requirements to minimize health and safety impacts resulting from the retreat of coastal bluffs generally apply to proposed new development, but several proposed policies will also apply to existing development. All applications for new development, or modifications to existing development located on ocean bluffs will be evaluated on a case-by-case basis using the policy guidance. With respect to the potential for transfer of development rights from constrained sites, the 2011 General Plan has a possible implementation measure to be considered LG6.6. Part of LG6.6 specifically identifies the need to

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develop a Transfer of Development Rights (or densities) program that would allow the transfer of residential density from properties with severe site constraints to sites near public transit.

The SBAOR questioned how the improper vegetation strategy (S20.3) would be implemented. Since this is current City practice during the development review process, it is now policy S28. This policy requirement is enacted during the review of proposed development and coastal permitting process. The benefits and potential impacts of removing and planting new vegetation are evaluated on a case-by-case basis.

Regarding development of the bluff face (formerly S21, now S30), the SBAOR questioned whether this was for new and/or existing staircases and whether private staircases are affected. The policy would apply to new staircases that provide public access. Repairs to existing staircases would be evaluated and permitted on a case-by-case basis. Private beach access facilities also have the potential to result in substantial safety and slope stability impacts. A policy pertaining to private access facilities is provided by S20.3 (now S32).

The evacuation routes policy has been revised and is now S34. It would be unlikely that a small remodel would create conditions that would substantially interfere with existing access routes. However, “remodels” that substantially increase the occupancy capability of a structure would be evaluated for compliance with these policy requirements. Short-term procedures to minimize potential evacuation-related impacts during high risk periods may be current City practice. The purpose of this policy is to provide a methodology for minimizing long-term impacts.

Private water supplies for firefighting (now S45) is current practice. It is not anticipated that financial assistance would be provided. Providing on-site water storage would not affect water rates.

#### ***Other Comments and Responses by Topic Area***

Other comments and questions received have been grouped into the following topic areas: Fire, Building & Safety and other/miscellaneous. Responses to fire related comments are provided as Exhibit H. Responses to Building and Safety related comments and issue are provided in Exhibit I.

#### **ENVIRONMENTAL REVIEW**

An Addendum to Program Environmental Impact Report for the 2011 General Plan Update (SCH 2009011031) has been prepared. The addendum is included in the Safety Element Technical Background Report. The addendum finds that the 2013 Safety Element and LCP Hazards Section would result in no changes to the impacts of the General Plan Update as identified in the Program EIR.

#### **VI. NEXT STEPS**

Planning Commission recommendations will be forwarded to City Council for review and approval. Adoption of the Safety Element Update is expected by the end of the year.

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**VI. RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the City Council adopt the 2013 Safety Element Update (GPA 1-2013 as described on page 1).

Exhibits:

- A. Proposed 2013 Safety Element (September 2013)
- B. Status of Existing Hazard-Related Policies Chart
- C. Planning Commission Meeting Minutes (May 23, 2013)
- D. Dall & Associates Letter (June 6, 2013)
- E. Santa Barbara Association of Realtors Letter (June 6, 2013)
- F. Coastal Bluff Illustration
- G. Environmental Defense Center Letter (May 22, 2013)
- H. Responses to Comments – Fire Related (September 12, 2013)
- I. Responses to Comments – Building & Safety related (September 12, 2013)



# City of Santa Barbara California

Exhibit A: The Proposed 2013 Safety Element has been distributed separately.

A copy of the Proposed 2013 Safety Element is available for viewing at:

- 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates.
- The Central Public Library at 40 E. Anapamu Street,
- The Eastside Branch Library at 1102 Montecito Street,
- The Montecito Branch Library at 1469 East Valley Road; and
- Online at  
[http://www.santabarbaraca.gov/Resident/Major Planning Efforts/Safety Element Update/](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Safety_Element_Update/)



# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
1979 Seismic Safety/Safety Element Policies  
(9/3/13)

POLICY	STATUS	REASON FOR STATUS CHANGE
<b>2011 General Plan - Safety and Public Services Element Goals and Policies</b>		
Goal – Present and Future Service Needs	Moved to Economy & Fiscal Health Element	
Goal – Safety and Preparedness	Incorporated into proposed Goal regarding Community Resilience	
PS1 City Services and Facilities	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS1.1 Service and Facility Performance	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2 Financing Capital Improvements	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.1 Fees	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.2 Bonds	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.3 Impacts to City-Wide Services	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS2.4 Timing	Moved to Economy & Fiscal Health Element	Not applicable to Safety Element
PS3 Planning for Climate Change Adaptation	completed	Policy provides requirement for the Climate Action Plan, which has been completed
PS4 Long-Term Water Supply Plan	Moved to Environmental Resources Element	Not applicable to Safety Element
PS5 Analysis of Water Savings	Moved to Environmental Resources Element	Not applicable to Safety Element
PS6 Water Conservation Program	Moved to Environmental Resources Element	Not applicable to Safety Element
PS7 Regional Cooperation on Water Supply Reliability	Moved to Environmental Resources Element	Not applicable to Safety Element
PS8 Solid Waste Management Programs	Moved to Environmental Resources Element	Not applicable to Safety Element
PS9 Hazardous Materials Exposure	Similar policy requirements provided by proposed Policy S56	Not applicable to Safety Element
PS9.1 Household Hazardous Material and Waste	Retained as proposed Policy S6a	
PS9.2 Electromagnetic Field Development Setbacks	Retained as proposed Policy S61	
PS9.3 Monitor Electromagnetic Field Study	Retained as proposed Policy S61.a	
PS9.4 Hazardous Materials Exposure Vapor Barrier Study	Similar policy requirement may be facilitated by proposed Policy 62	

**STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES**

**2011 General Plan Policies  
1979 Seismic Safety/Safety Element Policies  
(9/3/13)**

PS10 Bluff Retreat	replaced	Policy requirements to consider effects of climate change on bluff retreat are included in proposed Policy 24b.
PS10.1 Sea Cliff Retreat Formula	Replaced	Safety Element has complied with the requirements of this policy. See Appendix B.
PS10.2 Sea Cliff Development Guidelines	Revised as proposed Policies S23a, S24b, S23b and S29, respectively.	
PS10.3 Shoreline Management Plan	Retained as Policy S54	
PS11 Emergency Workforce	Retained as Policy S3	
PS11.1 City Disaster Service Workers	Retained as Policy S4	
PS12 Consideration of People with Disabilities	Retained as Policy S2 with minor revisions	
PS13 Fire Prevention and Creek Restoration	Requirements of this policy incorporated into proposed Policy S41	
PS14 Water System Improvements for Fire Fighting	Retained as Policy S44 with minor wording changes	
PS15 Private Water Supplies for Fire Fighting	Retained as Policy S45 with minor revision	
<b>1979 Seismic Safety/Safety Element</b>		
<b>GENERAL POLICY REQUIREMENTS</b>		
Enforce existing standards to reduce risk	replaced	Proposed Policies S9 and S12b have similar requirements.
Evaluate compatibility of development with geologic risk	replaced	Proposed Policy S9 has similar requirements.
Provide increased safety for critical uses	replaced	Proposed Policies S9 and S12a have similar requirements.
Prohibit critical uses in active or potentially active fault zones, unless no other suitable sites are available	replaced	Proposed Policy S9 has similar requirements

**STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES**

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

Improve seismic safety in schools and increase public awareness	replaced	Proposed Policy S12a has similar critical facility requirements. Proposed Community Resilience policies address efforts to increase public awareness.
Improve inter-jurisdictional cooperation	replaced	Proposed Policy S1 has similar requirements.
Advocate for improved earthquake insurance	completed	Earthquake insurance is available in California.
<b>FAULT DISPLACEMENT RECOMMENDATIONS</b>		
No. 1 (conduct additional fault studies in Santa Barbara)	replaced	Proposed Policy S11a requires site-specific evaluations.
No. 2 (conduct additional fault studies)	replaced	Proposed Policy S11a requires site-specific evaluations.
No. 3 (activity classifications of local faults)	completed	Additional fault evaluations have been conducted. <i>Geo and Geo Hazards MEA</i> provides fault site-specific evaluation requirements.
No. 4 (investigate location of faults near Sheffield Reservoir)	omitted	The reservoir has been removed and this policy is no longer required.
No. 5 (encourage geologic investigations by agencies and others)	omitted	This policy is no longer required.
No.6 (provide appropriate setbacks from active faults)	replaced	Proposed Policy S11a has similar requirements. <i>Geo and Geo Hazards MEA</i> also provides fault evaluation requirements.
<b>GROUND SHAKING RECOMMENDATIONS</b>		
No. 1 (encourage studies by agencies and others)	replaced	Site-specific investigations are building

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

		code requirements and required by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 2 (require site specific investigations)	replaced	Site-specific investigations are building code requirements and require by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 3 (earthquake insurance)	omitted	Earthquake insurance is available in California.
No. 4 (design utilities to resist ground shaking)	replaced	Project-specific investigations are building code requirements and required by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides project-specific requirements.
No. 5 (safety equipment to resist ground shaking)	omitted	Building code requirement.
No. 6 (lateral bracing for mobile homes)	omitted	Building code requirement.
<b>STRUCTURAL HAZARDS RECOMMENDATIONS</b>		
No. 1 (conduct surveys of potentially unsafe buildings)	replaced	Surveys to identify unreinforced masonry buildings have been conducted. Also address by proposed Policies S12c and S12.1.
No.2 (building code review)	replaced	Proposed Policy S12b has similar requirements.
No. 3 (include seismic safety requirements in planning)	replaced	Site-specific investigations are building

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

requirements. Conduct site-specific studies)		code requirements and required by proposed Policy S12a. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
<b>LIQUEFACTION RECOMMENDATIONS</b>		
No. 1 (conduct liquefaction evaluations)	replaced	Requirements of this policy are addressed by building code requirements and proposed Policy S13.
No. 2 (prepare format for liquefaction evaluation reports)	omitted	State regulations and <i>Geo and Geo Hazards MEA</i> specify report preparation requirements.
No. 3 (liquefaction reports may be peer reviewed)	replaced	State regulations and <i>Geo and Geo Hazards MEA</i> specify report preparation requirements. Proposed Policy S9 indicates peer review may be required.
<b>TSUNAMI RECOMMENDATIONS</b>		
No. 1 (review evacuation plans)	completed	Evacuation routes have been established by the City's Tsunami Response Plan.
No. 2 (conduct evacuation drills for affected City Departments)	completed	The City's Tsunami Response Plan establishes similar requirements.
No. 3 (update City Disaster Contingency Plan as needed)	completed	City OES updates the Emergency Operations Plan on a regular basis.
No. 4 (public education)	completed	Public education programs are implemented by OES and TsunamiReady program.

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

No. 5 (develop warning systems for boat owners)	completed	This policy is no longer required.
<b>SEICHE RECOMMENDATIONS</b>		
No. 1 (consider hazard in areas near water bodies)	replaced	Proposed Policy S16 has similar requirements.
No. 2 (implement appropriate actions near Lauro Reservoir)	replaced	Proposed Policy S16 has similar requirements.
<b>LANDSLIDE RECOMMENDATIONS</b>		
No. 1 (conduct investigations for development in risk areas)	replaced	Proposed Policies S9 and S17 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 2 (grading in landslide areas to be designed and supervised qualified soils engineer)	replaced	Proposed Policies S9 and S17 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 3 (peer review of geologic reports in hazard areas)	replaced	Proposed Policy S9 has similar requirements.
<b>HIGH GROUNDWATER RECOMMENDATIONS</b>		
No. 1 (conduct appropriate studies in potential hazard areas)	replaced	Proposed Policy S22 has similar requirements.
<b>EXPANSIVE SOIL/SOIL CREEP</b>		
No. 1 (conduct appropriate investigations)	replaced	Proposed Policies S9 and S20 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.
No. 2 (conduct investigations in high risk areas)	replaced	Proposed Policies S9 and S20 have similar requirements. The <i>Geo and Geo Hazards MEA</i> also provides site-specific requirements.

**STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES**

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

		specific requirements.
<b>EROSION RECOMMENDATIONS</b>		
No. 1 (implement erosion control)	replaced	Proposed Policies S18 and S19 have similar requirements. Other City (Storm Water Management Plan), State and Federal (NPDES) regulations now address erosion impacts.
No. 2 (implement erosion control)	replaced	Proposed Policies S18 and S19 have similar requirements. Other City (Storm Water Management Plan), State and Federal (NPDES) regulations now address erosion impacts.
<b>SEACLIFF RETREAT RECOMMENDATIONS</b>		
No. 1 (Provide sufficient setback distance. Potential hazard areas shown on seaciff maps based on formula)	replaced	Proposed Policies S23, S24 and S25 have similar and more detailed requirements.
No. 2 (Minimize application of water to seaciff)	replaced	Proposed Policy S26 has similar and more detailed requirements.
No. 3 (Minimize actions that can accelerate erosion)	Revised	Proposed Policies S27, S28, S31 and S32 have similar requirements.
No. 4 (Evaluate the proposed use of cliff protection measures)	replaced	Proposed Policy S29 has similar and more detailed requirements.
<b>FIRE HAZARD RECOMMENDATIONS</b>		
No. 1 (reduce hazards in high fire hazard zones consistent with regulations)	replaced	The requirements of this policy have been superseded by City ordinance requirements. Proposed Policies S37 and S39 also have similar requirements.

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

No. 2 (average road gradient standard)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 3 (provide roadway turnouts in high fire hazard areas)	replaced	Proposed Policy S36 has similar requirements.
No. 4 (provide fire hydrants at specified intervals)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 5 (enforce building requirements)	replaced	Proposed Policy S43 has similar requirements.
No. 6 (encourage homeowners to provide supplemental water for fire suppression)	revised	Proposed Policy S45 has similar requirements.
No. 7 (encourage USFS to conduct vegetation management near City limits)	replaced	Proposed Policy S33d has similar requirements.
No. 8 (encourage orchard planting as a fuel break)	replaced	Proposed Policy S33 provides more effective fuel reduction requirements.
No. 9 (implement fuel management programs)	replaced	Proposed Policy S33 provides more effective fuel reduction requirements.
No. 10 (implement minimum brush clearance requirements)	replaced	Proposed Policy S39 provides similar requirements.
No. 11 (if necessary, amend City ordinances to require use of fire resistant landscaping)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 12 (promote planting of fire resistant plants)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 13 (revise fire hazard maps periodically)	completed	Fire hazard maps were updated by the

# STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

No. 14 (provide adequate emergency access)	replaced	Wildland Fire Plan. Proposed Policies S34 and S35 have similar requirements.
<b>FLOODING RECOMMENDATIONS</b>		
No. 1 (establish creek setbacks)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 2 (conduct studies for Mission and Arroyo Burro Creeks)	completed	This policy is no longer required.
No. 3 (comply with Santa Barbara County Flood Control requirements)	superseded	The requirements of this policy have been superseded by City ordinance requirements.
No. 4 (development to not reduce the water carrying capacity of streams)	Superseded and revised	The requirements of this policy are superseded by City ordinance requirements. Proposed Policy S46 has similar requirements.
No. 5 (remove hazards from flood areas)	omitted	This policy is no longer required.
<b>DISASTER PREPAREDNESS RECOMMENDATIONS</b>		
No. 1 (conduct regional disaster drills)	replaced	On-going disaster coordination conducted by City OES. Proposed Policy S1 has similar requirements.
No. 2 (establish community programs to assist in disaster recovery)	completed	OES conducts citizen training.
No. 3 (evaluate adequacy of emergency response facilities)	replaced	Proposed Policy S6.2 has similar requirements.
No. 4 (evaluate adequacy of emergency communications)	replaced	Proposed Policy 6.2 has similar requirements.
No. 5 (coordination with regional utility and	replaced	Proposed Policy S6.2 has similar

**STATUS OF EXISTING CITY OF SANTA BARBARA HAZARD-RELATED POLICIES**

2011 General Plan Policies  
 1979 Seismic Safety/Safety Element Policies  
 (9/3/13)

transportation providers)		requirements.
No. 6 (implement education programs)	replaced	Proposed Policy S6.2 has similar requirements.
No. 7 (develop education programs)	replaced	Proposed Policy S5 has similar requirements.
No. 8 (Update the City's Disaster Plan)	omitted	OES updates the Emergency Operations Plan on a regular basis.



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION SPECIAL MEETING MINUTES

MAY 23, 2013

#### **CALL TO ORDER:**

Chair Jordan called the meeting to order at 12:01 P.M.

#### **I. ROLL CALL**

Chair Mike Jordan, Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujo, and Addison Thompson.

#### **STAFF PRESENT:**

Bettie Weiss, City Planner  
John Ledbetter, Principal Planner  
N. Scott Vincent, Assistant City Attorney  
Lonnie Cassidy, Building Inspector/Plan Check Supervisor  
Yolanda McGlinchey, Emergency Services Manager  
Beatriz Gularte, Project Planner  
Elizabeth Limón, Project Planner  
Adam Nares, GIS Technician  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of May 2, 2013

#### **MOTION: Lodge/Bartlett**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz) Absent: 0

2. Resolution 008-13  
3425 Sea Ledge Lane

#### **MOTION: Pujo/Thompson**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Schwartz) Absent:

EXHIBIT C

3. Draft Minutes of May 9, 2013

**MOTION: Lodge/Schwartz**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Commissioner Pujó abstained from Item 3.b..

B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

C. Announcements and appeals.

John Ledbetter, Principal Planner, announced that the June 6, 2013 Planning Commission meeting would be cancelled. The next regularly scheduled meeting of the Planning Commission will be June 13, 2013.

D. Comments from members of the public pertaining to items not on this agenda.

Chair Jordan opened the public hearing at 12:07 P.M. and, with no one wishing to speak, closed the hearing.

**III. RECOMMENDATION TO CITY COUNCIL:**

**ACTUAL TIME: 12:07 P.M.**

**CHANGES TO THE CITY'S ZONING AND GENERAL PLAN MAPS**

In December 2011, the City adopted the updated General Plan. An important Phase 1 General Plan implementation program is amending the citywide zoning map. The Zoning Map amendments are necessary primarily to: address parcels with inconsistency between the existing zoning and the new General Plan map in terms of designations and residential densities, and parcels bisected by different zoning designations.

Additional amendments are proposed to the recently adopted General Plan Map as part of the recommended rezones, either to make the zone consistent with the General Plan or because the existing land uses or zone designations call for a particular General Plan designation.

The Planning Commission held a public hearing to receive public input and formalize their recommendations to the City Council on proposed citywide zoning and General Plan map amendments. The amendments will then be considered for adoption by the City Council at a future meeting.

Case Planner: Beatriz Gularte, Project Planner  
 Email: BGularte@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4556.

Beatriz Gularte, Project Planner, gave the Staff presentation.

Chair Jordan opened the public hearing at 12:25 P.M., and with no one wishing to speak, the public hearing was closed.

**MOTION: Thompson/Bartlett** **Assigned Resolution No. 009-13**  
 Recommended to City Council approval of the City's Sectional Zoning Map and General Plan Map Amendments as outlined in the Staff Report, dated May 16, 2013.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jordan called for a recess at 1:05 P.M. and reconvened the meeting at 1:12 P.M.

#### IV. **DISCUSSION ITEM**

##### **ACTUAL TIME: 1:12 P.M.**

##### **DRAFT SAFETY ELEMENT UPDATE & LOCAL COASTAL PROGRAM HAZARDS SECTION UPDATE**

The proposed 2013 Safety Element provides a comprehensive update to the Seismic Safety/Safety Element of the General Plan and the Hazards Section of the Local Coastal Program (LCP). The element includes updated information and maps describing natural and human-caused hazards in the City including geologic, seismic, fire, flooding and hazardous materials hazards as well as public services as they relate to safety. The element describes current and future City actions being taken to reduce hazard-related risk and to respond to emergency situations through updated goals, policies and implementation actions.

The City of Santa Barbara invites public comment on the Draft Safety Element and LCP (Hazards Section) Amendment. The public comment period is from May 6 – June 6, 2013. The Draft Safety Element, Technical Background Report and the LCP Hazards Section Amendment documents are available on the City web site at: [http://www.SantaBarbaraCA.gov/Resident/Major\\_Planning\\_Efforts/Safety\\_Element\\_Update/](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Safety_Element_Update/). As part of the public review period for the draft documents, the City Planning Commission will hold today's hearing to receive public comments.

Case Planner: Elizabeth Limón, Project Planner  
 Email: [ELimon@SantaBarbaraCA.gov](mailto:ELimon@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 4569.

Elizabeth Limón, Project Planner, gave the Staff presentation. Steve Rodriguez, Rodriguez Consulting, Inc.; Lonnie Cassidy, Building Inspector/Plan Check Supervisor; and Yolanda McGlinchey, Emergency Services Manager, were available to respond to any Commission questions.

Chair Jordan opened the public hearing at 1:29 P.M.

Steven Johnson submitted written comments and commented that the Safety Element did not address air quality near Highway 101 and asked that air quality be acknowledged in the final Safety Element.

With no one else wishing to speak, the public hearing was closed at 1:32 P.M.  
Planning Commission comments included:

- Commissioner Pujo suggested inclusion of waterfront/rescue operations and their role in emergency planning.
- Commissioners Pujo and Schwartz would like to see helicopter safety issues, beyond airport area, addressed.
- Commissioner Jordan suggested addressing drinking water quality post-fire. Would like to see a percentage of City employees be CERT trained. Would like to see children/seniors as specific class needing recovery assistance. Would like to see rapid changes in technology incorporated and recognized.
- Commissioner Thompson suggested inclusion of residential home owners associations and ham radio operators in the post-disaster agency contact list.
- Commissioner Bartlett would like shipping safety acknowledged, such as potential freighters, cruise ships, or disasters. Anticipate new challenges such as panga boats.

The Planning Commission appreciated the discussion and looked forward to future workshops.

## V. ADMINISTRATIVE AGENDA

### ACTUAL TIME: 2:52 P.M.

#### A. Committee and Liaison Reports.

##### 1. Staff Hearing Officer Liaison Report

Commissioner Lodge reported on the Staff Hearing Officer meeting held on May 15, 2013.

##### 2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on Historic Landmarks Commission meetings of May 8 and 22, 2013.

b. Commissioner Schwartz stated that she and Commissioner Pujo will attend the Transportation and Circulation Committee meeting this evening.

c. Commissioner Schwartz reported on attending County Council's Brown Act Training.

d. Commissioner Campanella reported on activities coming up at Garden Court, 1116 De la Vina Street.

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Page 5

- e. Commissioner Jordan reported on the Santa Barbara County Association of Governments (SBCAG) meeting he attended with Commissioner Pujo.

**VI. ADJOURNMENT**

Chair Jordan adjourned the meeting at 2:59 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary



**DALL & ASSOCIATES**

By Electronic Mail

June 6, 2013

Ms. Elizabeth Limon  
City of Santa Barbara  
Community Development Department  
630 Garden Street  
Santa Barbara, California 93101

**SUBJECT: PUBLIC HEARING DRAFT GENERAL PLAN SAFETY ELEMENT**

Dear Ms. Limon,

Thank you for this opportunity to comment on the draft Safety Element update (SEU, April, 2013), a mandatory element of the City of Santa Barbara (City) General Plan, which by law must be based on solid data (facts), protect constitutional rights for the use of private property and access to State tidelands, and comprise a clear, integrated, internally consistent, and compatible set of goals, objectives, policies, implementing actions, standards, and diagrams (graphics) to guide the City during its planning horizon (timeline) within the entirety of its geographical jurisdiction. For those areas of the City within the delineated coastal zone, the General Plan and the Safety Element, in particular (among others), must also be consistent with the applicable provisions of the California Coastal Act.

At the outset, it is noteworthy - and regrettable - that the City has presented the draft SEU as though it were a new document, without (at least in electronic form) posting a copy of the existing adopted precursor Element in the standard format (strikeouts and underlining) by which the reader can readily compare the adopted and proposed iterations, and thus readily identify proposed additions, deletions, or continued component parts.

This firm represents the Emprise Trust, the private owner of the nearly half-acre (19,732 sf) parcel at 1925 El Camino de la Luz, to which the recently updated General Plan (2011) and the pending further Safety Element update, in such form and at such time as when adopted, apply. Our client's parcel was developed with a two-story single family residence between 1955 and 1978, when, together with seven adjacent parcels to the west and east,<sup>1</sup> the parcel was impacted by the anthropogenically reactivated (from upgradient public and private sources of water, rather than marine erosion) "El Camino de la Luz landslide" that occurred between February 11-14, 1978, and the house was destroyed. The parcel was subsequently further impacted by public and private grading

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<sup>1</sup> These parcels are located at 2001, 1937, 1933, 1927, 1921, 1909, and 1903 El Camino de la Luz.

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(1978, 1984, and between 1986-1993) between elevations 60-130 feet.<sup>2</sup> Our client's proposed residential reuse, conservation, and dedicated public beach access of the parcel -- as informed by the City's adopted General Plan, Local Coastal Program, Municipal Code, California Coastal Act, and a comprehensive suite of technical studies - is presently in City regulatory review. The following comments address specific provisions in the draft Safety Element that would affect the condition and the proposed sustainable and substantial investment-backed economic use of our client's parcel.

1. Multiplicity of Undefined Terms. The draft Safety Element update (draft SEU) indicates that "approximately four miles of coastal bluffs" occur within the City,<sup>3</sup> and then utilizes a plethora of undefined terms - including (but not limited to) "bluff(s)," "bluff face," "coastal bluffs," "cliffs," "ocean bluffs," "sea cliffs," "sea cliff height," "shoreline," "waterfront," and "coastal storms" to variously characterize and provide for their conservation, development, and use. Moreover, as further discussed below in the context of draft SEU Appendix "B", the draft SEU remarkably and erroneously proposes that the City General Plan rely on an unadopted Coastal Commission staff characterization of the critical term "bluff edge," when an adopted Coastal Commission regulation, with the force of law, dispositively defines this term.<sup>4</sup>

Both private property owners' and the City's ability to implement the SEU requires clarity (rather than widespread ambiguity, including through the use of undefined related words) of the key term "coastal bluff," and the SEU should therefore be accordingly revised for internal terminological consistency and definitional clarity based on the adopted State regulation, as well as to conform to ER24.3.

2. Facticity: Height of Coastal Bluffs. The draft SEU states that "The height of the sea cliffs gradually decrease from west to east, with cliffs of about 150 feet located in the Douglas Preserve area; 100 feet in the West Mesa neighborhood; and about 50 feet

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<sup>2</sup> All references to elevations are in feet above Mean lower Low Water (MLWW), unless otherwise noted. In approving the coastal development permit in 1984 for post-landslide restoration grading at 1927, 1933, 1927, and 2001 El Camino de la Luz, adjacent on the west to our client's parcel, the Coastal Commission plainly distinguished between the coastal bluff, along the back beach, and the landslide impacted coastal bluff top and (head)scarp. (CDP 4-84-17, Doolittle *et al.*)

<sup>3</sup> Draft SEU, page 28.

<sup>4</sup> In adopting the General Plan update (2011), the City Council added Implementing Action ER24.3, "Site-Specific Coastal Bluff Analysis," which provides that any mapped illustration, description of, or reference to, a 'coastal bluff' in the Plan Santa Barbara planning, background, or environmental documents is not a conclusive determination that such a feature now exists, or has historically existed, on a parcel, but rather a prima facie requirement for site-specific professional analysis of the location of a "coastal bluff" on that parcel. The term "coastal bluff" is a California coastal program jurisdictional and related regulatory term of art that was defined by the Coastal Commission as part of the post-Local Coastal Program certification permit and appeal jurisdiction regulations at Title 14, California Code of Regulations section 13577(h). Exh. 2 contains the definition that has been in place since 1981.

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along Shoreline Park in the east Mesa neighborhood.”<sup>5</sup> However, neither the draft SEU nor any other adopted General Plan (or Local Coastal Program) component contains any topography, or reference to topography, that supports the contention of 100 feet high sea cliffs (or cliffs or coastal bluffs) generally occurring along the West Mesa, and the generalization is in error as it applies to the area of our client’s parcel and adjacent landslide-impacted parcels.

At our client’s parcel, the City’s own topographic survey of its post-1978 landslide grading depicts no pre-landslide or manufactured scarp that constitutes a coastal bluff anywhere within the grading envelope that extends between elevations near 60 feet and 126 feet (likely at Mean Sea Level datum elevations).

In granting and inspecting the City grading permit to Doolittle in reliance on CDP 4-84-17, the City was both informed and agreed that Doolittle would lower the Coastal Commission-determined coastal bluff (edge) at 2001-1927 El Camino de la Luz to a height near 50 feet, not 100 feet.<sup>6</sup>

The current (2011) topographic survey map prepared by our client’s geotechnical consultant (Cotton, Shires & Associates), as well as the City’s own preceding aerial topographic maps (1965, 1997) also depict no elevated (“upper riser”) coastal bluff scarp at the 100 foot, or any higher, elevation on the parcel.

The draft SEU thus requires clarification of the generalized coastal bluff (cliff, seacliff) elevation within the area of our client’s parcel and the adjacent parcels (1921 through 2001 El Camino de la Luz) that were impacted, respectively, by the City’s (1978) and Doolittle’s (1984) grading, to provide (recommended wording for paragraph 1, sentence 2, page 28 is underlined):

“The height of the coastal bluffs gradually decrease from west to east ... [reference to Douglas Family Preserve area omitted]; 100 feet in the West Mesa neighborhood, except where the 1978 El Camino de la Luz landslide and subsequent repair grading reduced the height to near 50 feet, and ... [reference to Shoreline Park omitted].”

3. Historic Landslides. The draft SEU at page 28, paragraph 2, references “several large landslides” in the area of the Santa Barbara “ocean bluffs,” and provides as examples the 1978 El Camino de la Luz and 2008 Shoreline Park landslides, but altogether omits both the other mapped landslides in the coastal zone and in inland parts of the City.

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<sup>5</sup> Draft SEU, page 28.

<sup>6</sup> To avoid creating a north-south scarp along the 1927-1925 El Camino de la Luz property line, Doolittle with the City’s assent excavated a transition slope on the westerly part of our client’s parcel in 1984 between elevations near 50 and 93 feet.

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To avoid ambiguity and misunderstanding, the draft SEU should contain a complete list, and correct map(s), of the landslides that have occurred in the City during historic times.

4. Sea-Cliff Coastal Bluff Retreat Rates. The draft SEU at page 28, paragraphs 3-5, continues the terminological multiplicity with regard to the temporal-spatial location of the shoreline escarpments (i.e., the coastal bluffs), provides a partial summary of coastal bluff retreat rate data, identifies an expected 10-20 feet retreat during the next 20 years, 45-90 feet by 2100, and a "theoretical" retreat for "planning purposes only" that extends over 500 feet inland from the current coastal bluff (edge) along parts of El Camino de la Luz, but by reference to the 75-Year Sea Cliff Retreat Zone (Figure 14) in draft SEU Appendix "A" omits most of the area landward of the illustratively shown 1978 El Camino de la Luz landslide.

First, as recommended in part (1), above, the relevant nomenclature for the shoreline escarpment(s) in the SEU requires clarity and internal consistency, i.e., "coastal bluff," including in these paragraphs.

Second, as the City's own consultants have noted, coastal bluff positions are a function of both episodic events and long-term cumulations of variable marine, atmospheric, chemical, and anthropogenic processes or actions. Average annualized long-term retreat rates are thus only that, and the entire range of the analysis, with their assumptions and caveats (limitations), should be presented in summary here for the SEU to reflect the variations in retreat rates depending on subarea geology, surface and subsurface sub-watershed hydrology (including infiltration and exfiltration from horticultural irrigation, public and private drainage systems, and other proximate public and private infrastructure), and shoreline exposure to wave attack during superrelavated water conditions, among others.

Third, given that there is data for the historic and projected long-term coastal bluff position in the shoreline area between Oliver Road and the City's "Lighthouse Creek" drainage channel, the draft SEU should with greater subarea specificity characterize the range of potential coastal bluff retreat in this area, as well as elsewhere to landward of the MHTL (shoreline).

Fourth, theoretical coastal bluff retreat rates or lines over the next 75 years based on notably preliminary and incomplete scenarios regarding eustatic (global) sea level on its face are incongruent with fact-based general planning, the State's own advisory sea level rise projections, data regarding local (subarea) tectonic uplift rates (e.g., at the West Mesa), and the current state of modeling for the response by different geologic formations to, e.g., acidified nearshore ocean waters. The hypothetical 75-year "sea cliff" retreat lines should therefore be omitted from the draft SEU (including further because the summary statement at draft SEU page 29 that "If sea cliff retreat rates were to increase as projected, Santa Barbara could experience up to 80 to 160 feet of

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erosion landward of the present cliff edge by the year 2010” is on its face inconsistent with the mapped 75-year retreat line depicted on Appendix “A,” Figure 14).<sup>7</sup>

5. Anticipatory Terminology. The draft SEU variously and seemingly interchangeably uses such concepts as “projections,” “scenarios,” “predictions,” “expectations,” and “reasonable expectations” without clarity as to their meaning, or import for the data and status and trends analysis on which they are based.

For clarity and internal consistency, the draft SEU should be carefully reviewed and clarified to utilize these, and any other, anticipatory terms only as their respective authors have constructed (defined) them, rather than in any haphazard manner.

6. Bluff Edge. The draft SEU, at page 29, presents the location of the “bluff edge” as a specified alternative basis, to the Appendix A, Figure 14 75-year sea cliff retreat line, for determination of whether a “sea cliff retreat determination” (analysis) is required as part of a development project application in the subject are(s). In the process, the draft SEU imports via draft SEU Appendix “B” Coastal Commission staff geologist Mark Johnsson’s 2003 conference paper to define the term “bluff edge” and set forth a series of coastal bluff stability, setback, and other development criteria as “requirements” or “Guidelines” of the California Coastal Commission.<sup>8</sup>

While the Coastal Commission staff geologist has provided a service by compiling and publishing his interpretation of a body of information that relates to coastal bluff stability and proximate uses, even a cursory reading of Appendix “B” indicates that the conference paper is neither an adopted regulatory standard nor an adopted guideline of the Coastal Commission. In fact, the Coastal Commission in 2003 declined to enact the paper as either a regulation, to supersede the existing definition of “coastal bluff” and “bluff edge” at 14 CCR 13577(h), or as a guideline.

The draft SEU should therefore (a) set forth the adopted regulation definition of “coastal bluff” and “bluff edge” as the applicable standard(s) for their site-specific determination; and (b) if the City wishes, for lack of another reference guide, provide a citation (or an electronic link) in the SEU to the Coastal Commission staff geologist’s paper, in addition, e.g., to other relevant publications by other State of California agencies with geologic and geotechnical expertise that relates to coastal landform stability.

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<sup>7</sup> To be clear: the draft SEU should contain a standardized clear basis that triggers the site or project specific requirement for a coastal bluff retreat analysis; however, the incomplete, inconsistent, and factually unsupported retreat line depicted on App. A, Figure 14 lacks the foundation to serve that function.

<sup>8</sup> The draft SEU refers to the conference paper as a Coastal Commission “Guideline” in Implementation Action 19.1, at page 60. Draft SEU Appendix A, at page 126, contains a brief “common definition” description of the concept of a “bluff edge,” but refers to Appendix B for additional guidance.

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7. Matters not Addressed in the draft SEU. The draft SEU omits the following potentially significant safety issues, which it should be amended to address:

a. The adequacy of streets (including, but not limited to, the pavement, curbs, gutters, drain inlets, and other public infrastructure in El Camino de la Luz) to serve as stormwater drains to handle peak rainfall events during the General Plan/SEU planning horizon (timeline).

b. The adequacy of "Lighthouse Creek" drainage to serve as the storm drain collector system east to Cliff Drive for the developed subwatershed that discharges to the drainage, without hydrologic infiltration, along the drainage meanders, to and through the Monterey Formation (or soil horizons above it) that daylight in or near the coastal bluff west of the drainage discharge to the Pacific Ocean.

c. The potential effects of flanking erosion along the coastal bluffs, during the planning horizon of the General Plan/SEU, on adjacent parcels.

d. The effect(s) of impoundment in the City's Santa Ynez River water supply reservoir system, during the General Plan/Safety Element planning horizon and cumulatively, of beach sand grain particles on the sand budget the Santa Barbara littoral cell, and thereby the width and height of sandy beaches along the West Mesa coastal bluff(s) and other reaches of the City shoreline.

e. The potential for, and effects of, infiltration to, and exfiltration from, existing City utility trenches, pipes, and infrastructure crossings on (e.g., Monterey Formation) landform stability and flooding during extended peak rainfall events (e.g., El Niño storm years), including in conjunction with the design seismic event(s).

8. Goals, Policies and Possible Implementation Actions.

a. Generally. The headings and references to shoreline escarpments (bluffs, cliffs, etc.) should be revised to conform to the internally clear and consistent terminology recommended in part 1 of this letter.

b. S10. Slope Failure. (Page 58) Policy S10 is both vague and internally inconsistent in that it both "discourage(s) new development" in areas with recent or historic substantial slope movement, without defining what constitutes such development, and encourages development (without limitation as to kind) in areas with elevated risk of slope failure to "incorporate design and construction techniques that minimize slope failure risk to the extent feasible." The latter provision is a paraphrase of the adopted Municipal Code "Environmental and Construction Policy" Title 22 provisions that apply to our client's parcel and its residential reuse. The former provision appears to be surplusage in light of recent case law, and should be deleted. Notably, had this policy been extant in the General Plan in 1978, the City would have been unable to grade the buttress on our client's parcel for the Mesa Trunk Line Sewer, an integral component of

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the City's wastewater infrastructure that is located along or near the 1978 landslide headscarp.

c. S18. Sea Cliff Retreat. (Page 59) (1) What is the City's threshold (definition) of "substantially increased erosion" of a sea cliff by (from) a habitable building? The term, without definition, is ambiguous and hence not capable of objective implementation? (2) What is the basis for the City's limiting the scope of this policy to habitable buildings, rather than any structure, or development generally? (3) What does "a minimum of 75 years" mean? The term, without temporal specification, is ambiguous and hence not capable of objective implementation.

d. S19.1. Structure setback from bluff edge. (Page 60) As noted above, the document contained in draft SEU Appendix "B" is not a Coastal Commission guideline.

e. S20. Sea Cliff Retreat. (Page 60) The second sentence, while laudable in its overall objective that changing physical conditions relating to climate change be considered as a part of a project's comprehensive safety analysis, lacks requisite specificity for implementation: e.g., what does the phrase "potential effects of climate change" mean?

f. S20.1. Sea Cliff Development Guidelines (Page 60). (1) As used in subpart (a), what do "Bluff setbacks," "adequate," "long-term erosion and slope stability issues" mean? The terms require definition (thresholds), specificity, and, as noted above, consistent terminology, to be capable of objective implementation. (2) In subpart (b), what does "development on top of a cliff" mean? Again, definition, specificity, and consistent terminology are needed to render this concept applicable in implementation practice. (3) In subpart (c), as above, what does "minimum of 75 years" mean? (4) Also in subpart (c), what are the City's standards (criteria) for approving (or not) a site specific historical coastal bluff (sea cliff) location (retreat) analysis? (5) In subpart (d), page 61, how do the criteria (limitations) on shoreline protective structures comply with Coastal Act sections 30235 and 30625(c), and with applicable case law?

g. S20.3. Minimize sea cliff impacts (pages 61-62). In subpart (a), Improper Access, what does the phrase "if new paths are created on coastal bluffs" mean?

h. S21. Development on Bluff Face. (Page 62). What does the term, which is not defined in the draft SEU, "bluff face" mean?

i. S35. Global Climate Change. (Page 65). What does the term "monitor, assess, and adapt to changes in stream and coastal flooding characteristics that may occur due to global climate change induced rise in sea level" mean?

j. S35.1: SB Harbor Tide Gauge (Page 65). (1) In subpart (a), is the NOAA tide gauge now at the breakwater, rather than at the southerly end of the main harbor pier? (2) In subpart (b), the objective for quantified controls to measure coastal bluff location changes over decades by transects is laudable, but local history teaches that

**DALL & ASSOCIATES**

monuments need to be firmly and permanently set (not in the potential retreat area), protected against removal or overpaving, and their coordinates accurately obtained. (3) Similarly, the proposal for beach transects in subpart (c) is laudable, but should be extended to also include transects at 500 feet intervals west of Leadbetter Beach along the West Mesa beaches.

k. S35.2 SLR studies (Page 65). The purpose of these laudable SLR studies should be to inform, rather than “support,” adaptation planning and implementation.

l. S35.3. SLR Adaptation Coordination (Page 66). : The proposed coordination with private property owners is laudable, but why limit to the “waterfront,” rather than include all property owners along the City’s shoreline?

m. S44, City Services and Facilities. Page 67. Public service infrastructure should be built, maintained, enhanced, and operated for compatibility (“coexistence” is redundant) with surrounding land uses and landforms (e.g., be non-destructive of the Monterey Formation).

9. Appendix A, Safety Element Technical Background Report.

a. In the last line on paragraph 4, page 113, after “changes in drainage patterns,” recommend inserting:

“overflow of street stormwater drainage systems, exfiltration from utility line trenches, and”

before “or broken water/sewer lines.”

b. In paragraph 6 (Hazard Area 4), third line from the bottom, on page 114, the reference to “coastal bluffs” is factually incomplete, and therefore inaccurate, to serve as the characterization of the area of the 1978 El Camino de la Luz landslide, which the City’s own files, the record in CDP 4-84-17 (Doolittle), as well as the Cotton, Shires & Associates geotechnical report on 1925 El Camino de la Luz (2012) indicate extended upslope (landward) from the coastal bluff to the Doolittle-, Coastal Commission- and Cotton, Shires-distinguished landslide headscarp near the City’s Mesa Trunk line Sewer trench and pipe and, at 1925 El Camino de la Luz, near the excavated and filled (1955) split-level building pad and base of the two downward sloping driveways from El Camino de la Luz that serve 1919, 1921, 1925 and 1927 El Camino de la Luz.

c. The Slope Failure Hazard Zone map, Figures 13, and the 75-Year Seacliff Retreat Zone map, Figure 14, are at a scale and resolution that render them substantially illegible, and therefore require production at a higher quality to serve just as functional illustrations of the subject matters shown and noted on them. In addition, as noted above, Figure 14 is based on technically insufficient data and analysis, and also

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contains the unexplicated data gap in the area of our client's parcel (although such a gap is not present on the mapping from which Figure 14 was derived).

d. The characterization of destabilization of coastal bluffs and their adjacent hillside landforms in paragraph 3, page 119 omits both part of what Appendix A previously includes (see comment 9(a), above), as well as our recommended clarification. For internal consistency, the characterization should either be verbatim the same, or reference the first characterization in subsequent related discussions, without restating it.

e. The characterization of coastal bluff (sea cliff) heights in paragraph 4, page 119 should, for accuracy, be conformed to our recommendation in comment 2, above.

f. The characterization of the "probable cause" for the activation of the February 11-14, 1978 El Camino de la Luz Landslide in paragraph 1 on page 120 is incomplete, thereon informationally misleading, and should be corrected to comport (e.g.) with the reports by Weaver (1978), Cotton, Shires and Associates (2012), and Dall & Associates (summarized in the 1925 El Camino de la Luz Residential Reuse Project Consistency Analysis, 2013).

g. The discussion of the 75-Year Seacliff Retreat Line, as depicted on Appendix A, Figure 14, in paragraph 2 at page 121 as a "theoretical bluff retreat area for planning purposes only" is, among other things, contradicted by the draft SEU's of that line to serve as the criterion for mandatory preparation of site-specific coastal bluff (seacliff) retreat rate analysis. This discussion and Figure 14, in that form, should be deleted from the draft SEU and Appendix A.

h. The discussion of eustatic (global) atmospheric warming due to increased GHG concentrations and the role of associated sea level rise in likely accelerating coastal bluff (sea cliff) retreat is much too oversimplified, given conditions in the eastern Pacific Ocean off North America at present and during the planning horizon of the General Plan (2011) and draft SEU. This section should be rewritten to accurately reflect the state of current information (and uncertainties). An example occurs on the second to the last line of this paragraph, where the draft SEU characterizes an "average sea level rise" at the Santa Barbara Harbor gauge as "1.25 mm/yr," without indicating that the rate given by NOAA is  $1.25\text{mm} \pm 1.82\text{mm}$ , the period is a discontinuous 17 years between 1973 and 2006, and that NOAA has posted further data for that gauge through 2012 that differs from the 1973-2006 data set and averaging (and smoothing).

i. At page 126, in paragraph 2, the draft SEU identifies Coastal Act section 30253 as being in the "CCR" (California Code of Regulations), when it is Division 20 in the Public Resources Code.

j. At page 127, in paragraph 1, the draft SEU references an undefined "additional factor of safety" for location of a coastal bluff top structure in relation to the coastal bluff (sea

**DALL & ASSOCIATES**

cliff) retreat rate over the economic life of the structure. For lack of definition (Appendix B is also imprecise), this term ambiguous and hence incapable of objective implementation, and thus should either be specified or be deleted from the draft SEU.

k. The Santa Barbara Area Watersheds map, at Figure 23, is of a very low resolution, hence not readily legible, but appears to omit the City's "Lighthouse Creek" drainage watershed, although it is referenced in paragraph 3 on page 165 as an "other drainage." The omission should be corrected.

10. Appendix B. Establishing Development Setbacks from Coastal Bluffs. As noted above, this document is an uncodified and unadopted compilation of the Coastal Commission staff geologist's presentation at a conference. By contrast, the Coastal Commission has adopted the definition of the coastal program, term of art "coastal bluff," and its subset term "coastal bluff edge," at Title 14, Calif. Code of Regulations sec. 13577(h). Exhibit 1 contains that regulation, which is clear on its face, in full. We recommend that the City incorporate it into the draft SEU as Appendix B, and make the related changes in reference. For informational purposes, if the City were to deem it necessary, the SEU could contain an embedded reference and electronic link to a copy of the staff geologist's paper, when posted to the General Plan web site.

Please call or email the undersigned if you have any question/s regarding these comments.

Please send me an electronic and a printed copy of any revised or next iteration of the SEU, as well as a copy of all comment letters (other than this one) received on the April, 2013 draft SEU.

Thank you.

Sincerely yours,

DALL & ASSOCIATES  
Consultant to the Emprise Trust  
by:

*Norbert H. Dall*

Norbert H. Dall  
Partner

cc: Client  
Stephanie D. Dall, Partner, D&A

Exhibit 1: attached

**DALL & ASSOCIATES**

EXHIBIT 1: DEFINITION OF "COASTAL BLUFF" AND "BLUFF EDGE", in Title 14, Cal. Code of Regs sec. 13577(h).

Title 14 California Code of Regulations, California Coastal Commission, § 13577. Criteria for Permit and Appeal Jurisdiction Boundary Determinations.

For purposes of Public Resources Code Sections 30519, 30600.5, 30601, 30603, and all other applicable provisions of the Coastal Act of 1976, the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:

(a) Streams. [Omitted]

(b) Wetlands. [Omitted]

(c) Estuaries. [Omitted]

(d) Tidelands. [Omitted]

(e) Submerged Lands. [Omitted]

(f) Public Trust Lands. [Omitted]

(g) Beaches. [Omitted]

(h) Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:

(1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and

(2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend

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of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

(i) First Public Road Paralleling the Sea. [Omitted]

Note: Authority cited: Sections 30501 and 30620.6, Public Resources Code. Reference: Sections 30519 and 30603, Public Resources Code.

END OF DOCUMENT

June 6, 2013

Elizabeth Limon  
PO Box 1990  
Santa Barbara, CA 93102

Re: Draft 2013 Safety Element Update General Plan Amendment & Local Coastal Program Hazards Section Update

Dear Ms. Limon,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,100 REALTORS® and our mission includes promoting home ownership as well as protecting private property rights. While reviewing the Draft Safety Element, we noticed that dispersed throughout the document, incentives or transfer development rights are mentioned. We applaud you for using the “carrot” approach as opposed to the “stick” approach since property owners are more receptive to incentives and they have enough mandates restricting their private property rights.

There are several implementation actions that provoked questions and comments. Below are the implementation actions with our questions/comments:

**S4.1 Climate Change Adaptation.** New public and private development or substantial redevelopment or reuse projects shall estimate the useful life of proposed structures, and, in conjunction with available information about established hazard potential attributable to climate change, incorporate adaptation measures in the design, siting, and location of the structures.

- Throughout the document, 75 years is considered the average useful life of a structure. Why does a project need to provide additional information about the useful life of the proposed structures? Isn't this just creating more unnecessary work for a project?

**S6.1 Information Resources.** Maps depicting areas that have been or may be affected by natural and human-caused hazards should be maintained by the City. These maps may be updated from time to time when new information regarding the location or severity of hazards becomes available.

- Are there already maps like this in existence? Are these maps available to the public? Based upon this information, is a proposal such as the “Blue Line” being considered?
- Our concern with mapping of this type is that it will inadvertently lead to potential red lining and decrease property values.

**S14.2 Fault Setbacks.** Structures for human occupancy should typically be setback 50 feet from the location of a fault. This setback distance may be increased or decreased based on the recommendations of the site-specific fault evaluation that was conducted to determine the location of the fault.

- Do these structures include remodels or just new construction? If someone can't build on their property, will transfer development rights be invoked? What happens to structures that are currently on fault lines?

## EXHIBIT E



S14.5 Unreinforced Masonry Buildings. Implement existing building retrofit programs that address structural deficiencies in existing buildings that have the potential to result in significant safety hazards during earthquakes.

S14.6 Seismic Strengthening. Promote and implement a prescriptive seismic strengthening program to reduce the potential for damage to existing structures that do not meet current building code requirements.

- How will the existing building retrofit and prescriptive seismic strengthening programs be implemented? Will this be done through permits or will you be checking every property in the city? Will there be incentives to encourage the retrofitting of unreinforced masonry buildings?

S18 Sea Cliff Retreat. Buildings intended for human occupancy shall be designed and located so that erosion of the sea cliff will not be substantially increased by the project; and the building will not be adversely affected by sea cliff retreat for a minimum period of 75 years, the typical useful life of a new building.

- Do these structures include remodels or just new construction? If someone can't build on their property, will transfer development rights be invoked? What happens to structures that are currently on sea cliffs? Will there be a reduction in setbacks (front, side, back) to accommodate structures that fall under this implementation action?

S20.3c Improper Vegetation. Where feasible, existing non-native vegetation that requires large amounts of water, such as ice plant and annual grass, should be replaced with native vegetation.

- How will this be implemented? Will this be promoted through an educational outreach or will it be part of a formal permitting process?

S21 Development of the Bluff Face. With the exception of drainage systems identified in Implementation Action S19.2, no development shall be permitted on the bluff face except for engineered staircases or access ways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.

- Does this implementation action only refer to new staircases? What about existing staircases? Do the engineered staircases include private staircases? Will repairs of private staircases be allowed?
- It is important to note that private bluff staircases and access ways are part of a land owner's private property and therefore the only way that any government entity can take them is through negotiations with the private property owner or through eminent domain. Also these private staircases and access ways are used for public safety and without these staircases many communities and individuals on the beaches would not be able to receive the proper medical, fire, or police response in a timely manner.

S22.1 Impacts to Evacuation Routes. Development projects located in the Extreme Foothill and Foothill High Fire Hazard Zones shall be evaluated to determine if the project would have the potential to result in a significant emergency evacuation impact. A project would result in a significant evacuation impact if it would result in either of the following conditions:

- a. Physically interfere with evacuation capabilities....
- b. Substantially reduce evacuation capacity in the project area....



- Do these projects include remodels or just new construction? If someone can't build on their property, will transfer development rights be invoked? What happens to structures that are currently within these areas?
- SBAOR is a proponent of health and safety and as such we suggest that you look to other cities that implement procedures pertaining to evacuation routes that only take effect during extremely high fire danger days.

S30 Private Water Supplies for Fire Fighting. Encourage and assist homeowners in High Fire Hazard Areas to install their own emergency water supplies to support firefighting operations. Assistance could include expedited permit review.

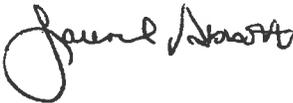
- Could assistance also include financial assistance? Would this change the water usage rates or procurement of water from the leading water agency?

S36b Future Inundation. Restricting rebuilding when structures are substantially damaged by sea level rise inundation and coastal storms.

- If someone can't build on their property, will transfer development rights be invoked?

Thank you for taking the time to read our concerns and questions and taking them under advisement.

Sincerely,



Laurel Abbott  
President





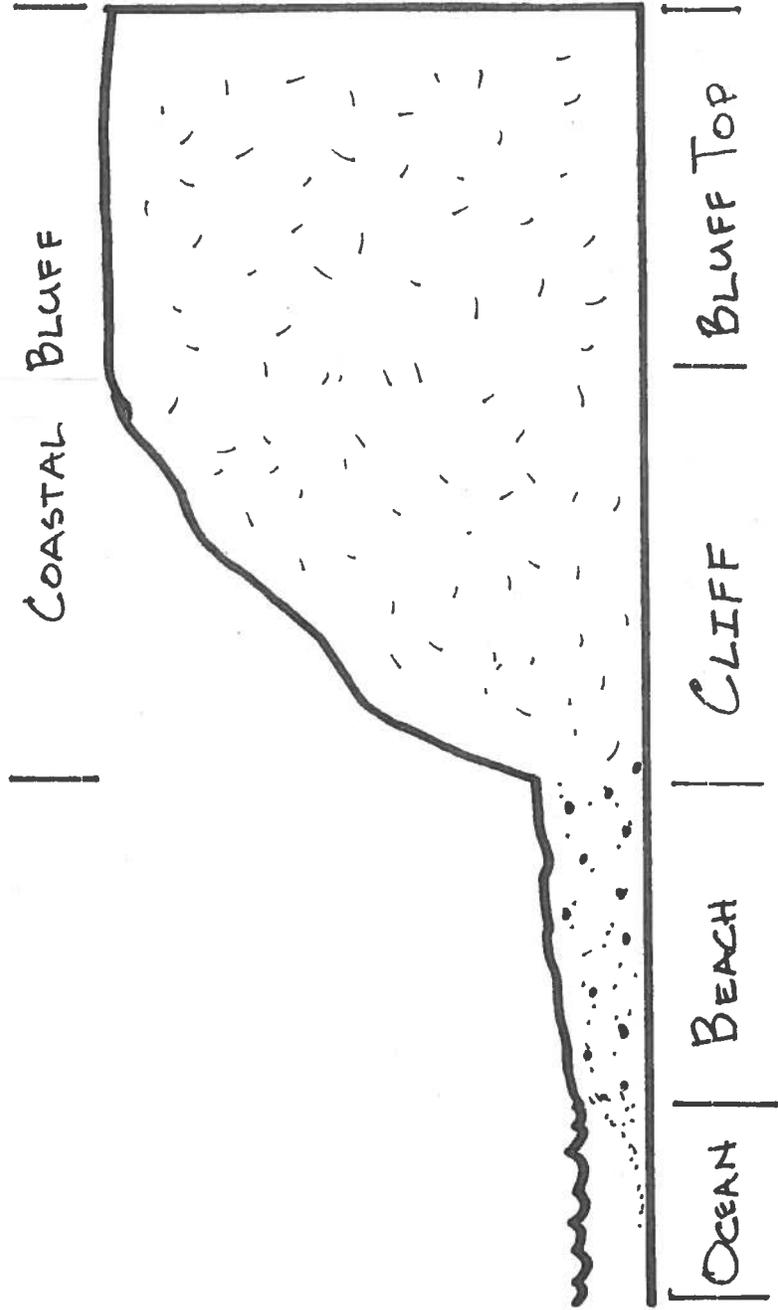


EXHIBIT F





May 22, 2013

John Ledbetter, Principal Planner  
 City of Santa Barbara  
 Community Development Department  
 630 Garden Street  
 Santa Barbara, CA 93101

**Re: City of Santa Barbara Draft 2013 Local Coastal Plan Amendment  
 Hazards Section**

Dear Mr. Ledbetter:

The Environmental Defense Center (EDC) submits this letter regarding the City of Santa Barbara's 2013 Draft Safety Element Update and Local Coastal Plan (LCP) Amendment on behalf of Santa Barbara Urban Creeks Council (SBUCC). EDC is a non-profit public interest environmental law firm which protects and enhances the environment through education, advocacy and legal action. SBUCC safeguards and restores creeks and watersheds in the Santa Barbara area. The comments below focus on the Draft 2013 LCP Amendment "New Hazards Section" and are intended to help the City develop an update which complies with the Coastal Act, addresses public safety and environmental concerns, and is responsive to the impacts of anthropogenic climate change.

**INTRODUCTION**

In order to be certified by the California Coastal Commission (CCC), the LCP must be consistent with Chapter 3 of the Coastal Act.<sup>1</sup> The Coastal Act includes effective and important regulations for protecting streams, wetlands and sensitive habitats and for maintaining and improving water quality.<sup>2</sup>

The LCP is also important for protecting public safety in the Coastal Zone, and it has great potential to concurrently help the City protect and enhance environmental resources as necessitated by the Coastal Act.

Finally, this and future amendments to the City's LCP can better incorporate discussions of and responses to the impacts posed by global climate change. For example,

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<sup>1</sup> PRC Section 30512(c).

<sup>2</sup> PRC Sections 20231, 30236, 30233 and 30240.

May 22, 2013  
 John Ledbetter re Draft 2013 LCP Hazards Section  
 Page 2

coastal erosion and sea water intrusion are two significant issues facing the City of Santa Barbara.

The following comments regarding "Existing Policies" and "Possible Implementation Actions to be Considered" are presented as recommended additions and changes.

## **EMERGENCY RESPONSE PLANNING**

Policies S4.2 and S5.2 should be amended as follows:

S4.2. Adaptation Guidelines. By 2015, the City shall prepare adaptation guidelines for development projects, and to the extent of information available to the City, provide information about potential climate change hazards to developers.

....

S5.2 Plan process. Conduct the resilience planning process as a broad, cross-sector effort in coordination with the South Coast to engage public and institutional involvement, including:

- Public safety agencies
- Neighborhood groups
- Businesses, non-profit groups, and other non-governmental entities
- Health care facilities and practitioners (e.g., hospital, clinics)
- Relief supplies and volunteers (e.g., Red Cross, DRI)
- Hotels and Institutional facilities (e.g., schools; churches, retirement facilities, Fairgrounds) . . . .

## **GEOLOGIC AND SEISMIC HAZARDS**

Policy S19.2 should be amended as follows:

All new development of bluff top land shall have drainage systems carrying run-off away from the bluff to the nearest public street. In areas where the landform makes landward conveyance impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems may be permitted if:

- a. They are sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;
- b. The owner of the subject property allows for the permanent drainage of those parcels through his/her property;
- c. The drainage system is designed to be minimally visible on the bluff face and to remain minimally visible for 75 years.

- d. The drainage system is designed and constructed to operate properly with only minimal maintenance requirements.
- e. The drainage is designed to be effective for 75 years or longer, or is required to be replaced periodically to adapt to bluff erosion.

Policies S20.1 and S20.2 should be amended as follows:

S20.1 Sea Cliff Development Guidelines. The following guidelines shall be used for development on sea cliffs. . . (e) for proposed new structures which may become threatened by bluff erosion, coastal development permit conditions shall require demolition by owners in the event failure due to future bluff erosion is deemed imminent by the City.

S20.2 Shoreline Management Plan. Develop a comprehensive Shoreline Management Plan to identify, manage and to the extent feasible, mitigate or reduce climate change-induced sea level rise impacts upon public facilities, natural areas, and private property along the City Shoreline. The City should continue coordination with local and regional entities such as the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), the County, other South Coast cities, and UCSB to manage coastal issues including . . . (e) Relocation of potentially threatened structures inland.

## **FIRE HAZARDS**

As recently noted by the CCC, vegetation removal pursuant to the City's Wildland Fire Plan requires coastal development permits and analysis of consistency with coastal policies for habitat protection.<sup>3</sup> As currently drafted, the proposed LCP amendment is not consistent with Coastal Act section 30240, which requires that environmentally sensitive habitat areas (ESHA) "shall be protected against any significant disruption of habitat values . . . ."

For example, Policy S24.0 "Vegetation Management" does not require protection of ESHA, and a recent project demonstrated that "vegetation management" activities occur without adequate safeguards for ESHA. The August 2012 Santa Barbara City Fire Department vegetation clearing project along Arroyo Burro Creek at 601 Las Positas demonstrated that vegetation maintenance in ESHA has occurred without adequate safeguards for ESHA. For instance, some of the nests that were supposed to be flagged and avoided were destroyed. Pampas grass that was supposed to be eradicated was targeted by the masticator sending seeds throughout the ESHA; the seed heads were not bagged and removed. Policy S24.0 should be amended to ensure that necessary fire projects can be implemented in a way which complies with state law and protects public safety and the City's natural resources.

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<sup>3</sup> California Coastal Commission letter to John Ledbetter, City of Santa Barbara, May 8, 2013.

May 22, 2013  
 John Ledbetter re Draft 2013 LCP Hazards Section  
 Page 4

Vegetation management programs to reduce fire fuel loads, as well as project-related landscape and maintenance plans, shall protect and preserve ESHA, and balance fire risk reduction benefits with possible aesthetic, habitat and erosion impacts. Impacts that have the potential to result from fuel management activities shall be avoided or reduced to the maximum extent possible, and shall comply with California PRC Section 30240.

The City has been advised by the CCC to seek certification of the Wildland Fire Plan as part of an LCP update.<sup>4</sup> This will help facilitate future public safety projects while ensuring consistency with the Coastal Act's habitat protection requirements. Incorporation of the City's Wildland Fire Plan would be appropriate in the context of proposed LCP Policy S25.0 "Fire Hazard Risk Reduction." Implementation Strategy S25.1 "Wildfire Risk Reduction" refers to the City's Plan as follows: "Continue to implement risk reduction measures identified by the Wildland Fire Plan."

SBUCC appreciates Policy S28.0 "Fire Prevention and Creek Restoration": "Coordinate fire prevention and vegetation management activities with creek and riparian resource protection by developing and implementing Best Management Practices for vegetation/fuel management operations conducted within and adjacent to creek corridors." However, the "vegetation management" project discussed above was implemented pursuant to supposed Best Management Practices (BMPs), but the BMPs were not adequate to protect ESHA, and were not fully adhered to.

For example, some BMPs were changed through an internal City process which resulted in use of a masticator instead of hand-clearing. We believe this substantially increased the project's impacts to the ESHA, including effects on a rare species' nests, and also increased impacts of invasive non-native plant seed dispersal such as pampas grass. We believe that through cooperation and dialogue, we can develop appropriate policies for vegetation management and achieve a safer and ecologically productive environment.

Policy S28.1 should be amended as follows:

S28.1 Vegetation Management Practices. Guidelines should be developed for conducting fuel management activities in creek areas. At minimum, the guidelines should include the following parameters:

- a. Describe whether conditions ~~that~~ may warrant vegetation management activities within or adjacent to creek banks.
- b. Avoid wetlands and riparian habitats except within defensible spaces around inhabited structures. Provide standard ~~and site-specific~~ measures to protect ~~minimize impacts to~~ wetland and riparian habitat.
- c. Avoid impacts to nests of migratory birds and special-status species. Develop sStandards for when vegetation management operations may be

<sup>4</sup> California Coastal Commission letter to John Ledbetter, City of Santa Barbara, May 8, 2013.

conducted in order to minimize the potential for impacts to nesting birds and sensitive species.

d. Requirements to prepare site-specific evaluations/vegetation management. Avoid Draft plans for fuel management operations that are planned to occur within or adjacent to sensitive habitat areas, unless within defensible spaces.

e. Requirements regarding when a Streambed Alteration Agreement (Fish and Game Code 1601) from the California Department of Fish and Wildlife and a Coastal Development Permit are is required prior to the implementation of the vegetation management work.

f. Standard mitigation measures to be implemented if planned vegetation management operations would have the potential to result in significant direct or indirect impacts to sensitive habitat, species or water quality.

g. If, after careful consideration of need and environmental effects including biological, erosion, and water quality impacts, clearing may be necessary in or near creeks and habitats, hand clearing shall be utilized to the greatest extent feasible.

## FLOOD HAZARDS

Policy S.32.0 should be amended as follows:

S32.0 Localized Drainage Impacts. New public and private development or substantial redevelopment or reuse projects located in areas outside a designated 100-year floodplain, but in areas known to have experienced repeated property damage to due to poor storm water drainage, shall not contribute to existing drainage impacts by substantially increasing runoff volume or flow rates, or displacing runoff onto adjacent properties. Vegetation removal projects shall not contribute to existing drainage impacts by substantially increasing runoff volume or flow rates.

## HAZARDOUS MATERIALS

We recommend the addition of four Implementation Strategies to ensure that public safety and the environment are protected from hazardous materials:

Implementation Strategy S38.1. The City shall prioritize remediation of contaminated soils and groundwater in areas adjacent to creeks, wetlands and the coastlines subject to climate change induced coastal erosion and seawater intrusion.

Implementation Strategy S38.2. By 2014, the City shall begin soil remediation and restore the El Estero Wetlands subject to Army Corps of Engineers enforcement case File No. 1999-15728-PMG.

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Implementation Strategy S38.3. The City shall reduce health hazards associated with polluted runoff, including runoff which contains harmful bacteria and or viruses.

Implementation Strategy S38.4. The City shall support relocation of sewer lines which may be threatened by erosion, including the sewer line which runs through City land within Goleta Beach County Park.

## CONCLUSION

In closing, SBUCC wishes to work with the City to ensure that the proposed LCP amendment ensures public safety while complying with the Coastal Act and protecting clean water, sensitive wildlife habitats and other important environmental resources.

Sincerely,

Brian Trautwein,  
Environmental Analyst / Watershed Program Coordinator

cc: Melissa Ahrens, California Coastal Commission  
Eddie Harris, Santa Barbara Urban Creeks Council

**Safety Element Update – Responding to Comments**  
**Questions / Issues (black text) - Fire**  
**Staff Response (blue text)**  
September 12, 2013

Electric gates - Is there a plan for accessing properties with electric gates during evacuations when there is a power outage?

**Staff response:** The City's first approach is through public education. Homeowners are asked to leave gates open in the event of a wildfire because of power outages. Some gates have a release mechanism that opens the gate in the event the power goes off. Lastly, if all else fails then the gate is forced open if time allows.

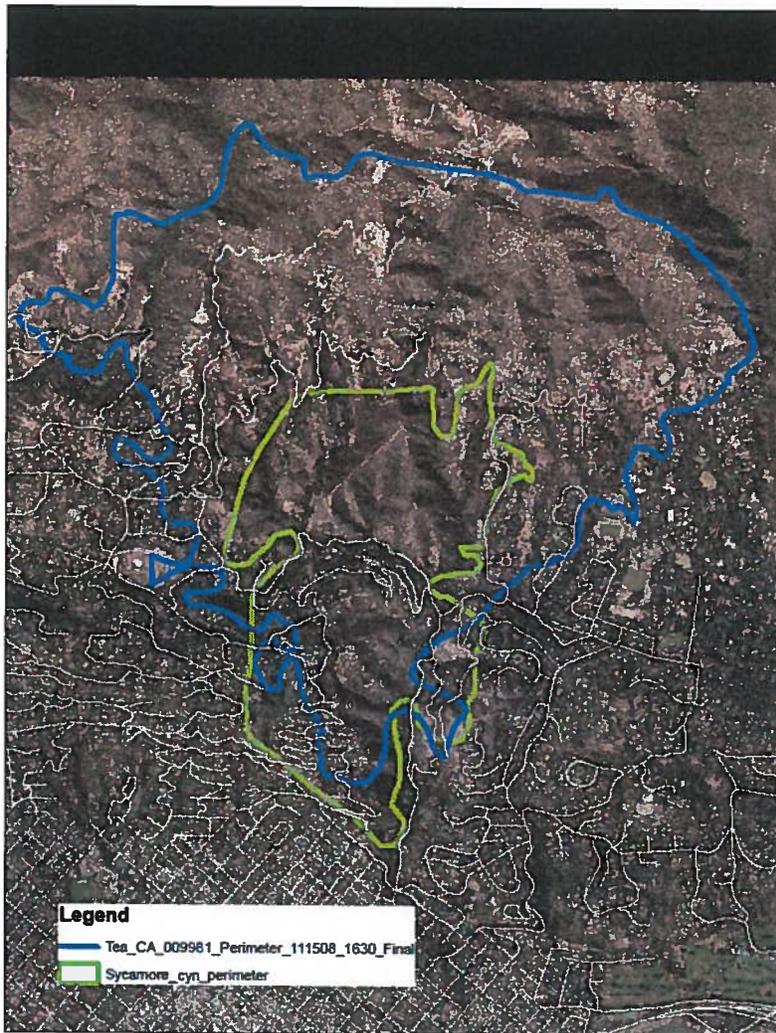
Wildland Fire Hazards - Revised wording has been suggested for the first paragraph under Wildland Fire Hazards as follows:

~~“Wildland fires are a natural process and plants native to chaparral habitats exhibit many diverse adaptations to survive fire that can have ecological benefits to the long-term vitality of chaparral and other types of habitat.”~~

**Staff response:** The Safety Element and Technical Background Report text has been changed to reflect the above suggestion.

Recent Wildfires Map - The Sycamore Canyon Fire and Tea Fire areas should include a cross-hatch area to show areas of overlap. Wasn't Sycamore Canyon Fire much larger than the brown area shown on the Safety Element map?

**Staff Response:** Comment is correct. The Safety Element Wildfires Map does not accurately show the overlay of the Tea and the Sycamore Canyon fires. Attached is a general picture to show actual fire perimeters of both for information. Staff is still working on revising the Safety Element map to show the overlap of the 2 fires by using transparency or cross. Or by outlining the fire areas not color fill.



**Jesuita Fire Duration** – The Safety Element states that the “Tea Fire was not controlled until November 17, 2008. When was the 2009 Jesuita Fire was controlled and what was the duration?

**Staff response:** The Jesuita Fire started on May 5, 2009 and was controlled on May 22, 2009.

**Evacuation Routes** – Does emergency response include posting officers at key intersections to direct traffic when possible? Is this ever possible? Is this a feasible suggestion?

**Staff response:** The current Wildland Fire Evacuation Plan outlines specific “traffic control points” for posting officers at key intersections. Depending on the number of available officers and the movement of the fire these change. Redeployment occurs in real time as impacted areas change.

**Private Water Supplies for Fire Fighting.** Does Fire Department know where private pools are located? Should a voluntary survey / inventory be done?

**Staff response:** The Fire Department, Wildland Pre-Fire Plans have private pool locations within the high fire hazard area based on aerial photo imagery. No survey is necessary.

The following additional strategies were suggested (from CPA GPU recommendations):

Strengthen standards for existing and new development in high fire hazard areas:

**Staff response:** The standards for development in high fire hazard areas are pursuant to the California Fire Code and California Building Code as adopted and amended in the Municipal Code. The standards applied are already among the more stringent in the state.

Capture roof runoff for reuse; require use of cisterns; require runoff retention on-site and employ methods to slow release of water to help maintain live fuel moistures in safe range.

**Staff response:** Although the Fire Department does not discourage water conservation practices, mandatory requirements for devices such as runoff retention and cisterns are more appropriate as water resource or environmental policies. Cisterns (in the form of 10,000 gallon water tanks) are required in some areas but are of limited use in firefighting and are not allowed as landscape irrigation.

Provide appropriate Fire Department connections to cisterns, and require that cisterns be kept full during fire season to give fire companies augmented water sources during major fires.

**Staff response:** City water infrastructure is generally adequate for the purposes of fire protection. The exception is in the limited areas of Fire Zone II, where such reservoirs are already required. The minimum size of the required water supply is 10,000 gallons, which can pose site placement problems. Note that where on-site water supplies are required, Fire Department connections are also part of that requirement and *the designated water supply is for fire protection only and for no other purpose*. The applicant may choose to install a larger tank but may tap only the level above 10,000 gallons for purposes other than firefighting.

Prohibit further encroachment into dangerous fire environments where types of fuels, steepness of topography, hydrology, soil types and risks posed to environmental resources prevent emergency responders from providing safety.

**Staff response:** This suggestion encompasses political and philosophical ideas in areas of expertise that are well beyond the scope of the fire code and Safety Element. While we have studied theories of "occupant load control" and bans on development in high fire hazard areas (i.e. Cova; MIT 2008) the overall land use planning aspects of private property development in the wildland urban interface areas are not the purview of the fire service alone. While we would expect to be part of the public discourse if such a ban were proposed, the Safety Element is probably too broad to include the kind of detail required by such a proposal.

The fire code does address development in the high fire hazard areas, including access, fireflow and defensible space. The Fire Department may prohibit development of an individual parcel if the applicant can't meet those specific requirements.



Staff Response (blue text)

September 12, 2013

Flood Insurance Rate Maps (FIRM)

Safety Element page 65 (S33) says to coordinate with FEMA to update FIRM floodplain boundaries for Special Flood Hazard Areas such as the Mission and Sycamore Creek drainages and Area A near El Estero. Should this be broader? Are there other areas that need updating? Las Positas? Everywhere?

**Staff response:** The Las Positas Valley FIRM maps were updated in September 2005 which included Arroyo Burro and San Roque creeks. The Las Positas Valley map revision was completed in September 2005 and no new work is proposed at this time. The FIRM map revision also included digitizing all of the FIRM maps in the County. FEMA has been in the process of revising the Sycamore creek, the upper Mission creeks and are A (near El Estero) for over four years with no definite date for release. This is why these specific areas are called out in S33 (now S48).

Unreinforced Masonry (URM) Buildings

The City did a comprehensive mandatory retrofit program for Downtown. Did it include all buildings? Page 22, last sentence: The City has also implemented programs to reduce hazards associated with the presence of unreinforced masonry buildings, which present a high risk of collapse during strong earthquakes.” Do we know how many or the extent of the problem? Are there other areas / neighborhoods in the City with unreinforced masonry buildings that have not been retro-fitted? Do we have any idea how many? Do we have a program planned to address them?

**Staff response:** The City identified over 250 URM building which were seismically improved in the 1990's. Most of them were located along State Street in the Downtown and Waterfront areas. Occasionally, a URM building is found during the development review or building permit process. When identified, these building are required to be retrofitted only for collapse prevention. If the building is modified structurally by more than 10%, it is required to be upgraded to the current codes for seismic demand.

California Building Code Update

Safety Element policy (was S27, now S43) addresses periodic building code updates. Is the City required to update our code annually to be consistent with State Building Code? The policy makes it sound optional

**Staff response:** The California Building Code is revised formally every three years and amended with addendum and revisions between cycles. Building departments of every city and county are required to enforce all the provisions of the California Building Code as well as other rules and regulations. “As appropriate” has been deleted from the Safety Element Building Code Update policy (S43).

Alquist-Priolo Designated Earthquake Fault Zones

The Safety Element states there are currently none of these fault zones in the City. Please confirm this is correct.

**Staff Response:** The City has no know faults of this type recorded.



# City of Santa Barbara Planning Division

## PLANNING COMMISSION MINUTES

September 19, 2013

### **CALL TO ORDER:**

Chair Jordan called the meeting to order at 1:00 P.M.

### **I. ROLL CALL**

Chair Mike Jordan, Vice Chair Deborah L. Schwartz, Commissioners Bruce Bartlett, John P. Campanella, Sheila Lodge, June Pujo, and Addison Thompson.

### **STAFF PRESENT:**

Bettie Weiss, City Planner  
Renee Brooke, Senior Planner  
Susan Reardon, Senior Planner  
Elizabeth Limón, Project Planner  
Barbara Shelton, Project Planner / Environmental Analyst  
N. Scott Vincent, Assistant City Attorney  
Kathleen Goo, Commission Secretary

### **II. PRELIMINARY MATTERS:**

Action on the review of the following Draft Minutes and Resolutions:

#### **A. Draft Minutes of September 5, 2013**

Commissioners Pujo and Schwartz made several suggested changes to the Sept. 5<sup>th</sup> Draft Minutes and the letter to Caltrans which the Commission acknowledged.

Public comment letter and emails from Commissioner Swartz, Sharon O'Brian, and Thorn Roberson were acknowledged.

N. Scott Vincent, Assistant City Attorney, suggested approval and ratification of a revised Sept. 5, 2013 draft minutes be continued to the October 3, 2013.

### **MOTION: Schwartz/Thompson**

Continue approval and ratification of the September 5, 2013 minutes to the October 3, 2013 hearing.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

- B.** Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

There were no requests.

- C.** Announcements and appeals.

Ms. Brooke made the following announcements:

1. The Planning Commission's 90<sup>th</sup> Celebration will be held on October 3, 2013.
2. The Citizen's Planning Academy classes will be held on seven consecutive Tuesdays from October 8<sup>th</sup> through November 19<sup>th</sup>, 2013.

- D.** Comments from members of the public pertaining to items not on this agenda.

Chair Jordan opened the public hearing at 1:19 P.M. and, with no one wishing to speak, closed the hearing.

Bettie Weiss, City Planner, clarified staff's direction to the Commission regarding the two agenda items before the Commission, their scope and differences, and what is expected of the Commission for each item.

**IV. RECOMMENDATION TO CITY COUNCIL:**

**ACTUAL TIME: 3:59 P.M.**

**2013 GENERAL PLAN AMENDMENT - SAFETY ELEMENT UPDATE –  
RECOMMENDATION TO CITY COUNCIL**

The 2013 Safety Element provides a comprehensive update to the Seismic Safety/Safety Element of the General Plan. The element includes updated information and maps describing natural- and human-caused hazards in the City including geologic, seismic, fire, flooding and hazardous materials hazards. The element describes current and future City actions being taken to reduce hazard-related risk and to respond to emergency situations through updated goals, policies and implementation actions.

The Planning Commission held a public hearing to make recommendations to City Council for approval.

Case Planner: Elizabeth Limón, Project Planner, joined by Bettie Weiss, City Planner, Barbara Shelton, Environmental Analyst and Steve Rodriguez of Rodriguez Consulting, Inc.

Elizabeth Limón, Project Planner, gave the Staff presentation and the need for a comprehensive update of the original General Plan Seismic Safety and Safety Element initially adopted in 1979. Ms. Limón clarified specific elements of the new 2013 Safety Element goals focusing on public safety, community resilience, and hazard risk reduction. Initially, the Local Coastal Program (LCP) Amendment process included a draft hazards section. Early informal review by Coastal staff revealed extensive policy comments. Some of the comments were incorporated into the Proposed Safety Element. However, many of the responses were beyond the current scope of work.. Ms. Weiss informed the Commission that applications have been submitted to develop a comprehensive LCP update.

Ms. Limón also reviewed previous comments received from Historic Landmarks Commissioner Judy Orías, Planning Commissioner Sheila Lodge, and emails and letters of concern from Allied Neighborhood Association via Joe Rution, Cathie McCammon, Co-President of the La Mesa Neighborhood Assoc. (LMNA), Norbert Dall (Dall & Associates), and Paula Westbury. Staff reported that, in response to comments, a compilation of General Plan goals, policies and strategies from all elements will be prepared as a handout for the public.

Chair Jordan opened the public hearing at 4:52 P.M, and with no one else wishing to speak, the public hearing was closed.

**MOTION: Pujo/Schwartz**

**Assigned Resolution No. 012-13**

Recommend to City Council that the Safety Element Update be adopted, as outlined in the Staff Report dated September 12, 2013, with the suggested amended comments:

1. Adding text on Page 45 of the Proposed Safety Element regarding helicopter activity or aircraft activity so that this is identified as a potential hazard, especially with regard to Cottage Hospital and potentially other locations, pertaining to mixing land uses with aircraft uses.
2. Adding text on page 56 (S6.2) to include rescue operations as part of Waterfront and Harbor Patrol Operations.

This motion carried by the following vote: 7/0

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Jordan announced the ten calendar day appeal period.



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 012-13

#### SAFETY ELEMENT

#### RECOMMENDATION TO CITY COUNCIL

SEPTEMBER 19, 2013

### 2013 GENERAL PLAN AMENDMENT - SAFETY ELEMENT UPDATE – RECOMMENDATION TO CITY COUNCIL

The 2013 Safety Element provides a comprehensive update to the Seismic Safety/Safety Element of the General Plan. The element includes updated information and maps describing natural and human-caused hazards in the City including geologic, seismic, fire, flooding and hazardous materials. The element describes current and future City actions being taken to reduce hazard-related risk and to respond to emergency situations through updated goals, policies and implementation actions.

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

**WHEREAS**, no one appeared to speak either in favor or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 12, 2013
2. Correspondence received expressing concerns with the proposed element:
  - a. Joe Rution for the Allied Neighborhood Association, Santa Barbara, CA.
  - b. Cathie McCammon, Co-President of the La Mesa Neighborhood Assoc., Santa Barbara, CA.
  - c. Norbert H. Dall, Partner, Dall & Associates, Sacramento, CA.
  - d. Paula Westbury, Santa Barbara, CA.

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission recommended the 2013 Safety Element Update for adoption by the City Council with the following added comments:

1. Adding text on Page 45 of the Proposed Safety Element regarding helicopter activity or aircraft activity so that this is identified as a potential hazard, especially with regard to Cottage Hospital and potentially other locations, pertaining to mixing land uses with aircraft uses.
2. Adding text on page 56 (S6.2) to include rescue operations as part of Waterfront and Harbor Patrol Operations.

This motion was passed and adopted on the 19th day of September, 2013 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

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

\_\_\_\_\_  
Kathleen Goo, Alternate Planning Commission Secretary

\_\_\_\_\_  
Date



**City of Santa Barbara**  
**Planning Division**

**PLANNING COMMISSION**

**MEETING OF SEPTEMBER 19, 2013**

**PUBLIC CORRESPONDENCE:**

**SAFETY ELEMENT**

DISTRIBUTED TO: DATE: 9/19  
PLANNING COMMISSION (7)  
SR. PLANNER, ASST. CITY ATTY.  
CASE PLANNER APPLICANT(S)  
AGENT PC SEC, ENTERED AS INT NA  
PARTY ON DATE:  
BY: [Signature]

**Goo, Kathleen**

**From:** Joe Rution [joerution@cox.net]  
**Sent:** Wednesday, September 18, 2013 10:12 AM  
**To:** Community Development PC Secretary  
**Cc:** Tony Fischer; Catherine McCammon; Cheri Rae; Devore Family; Dianne Channing; Florence Hu; Jean Holmes; Joe Guzzardi; Joe Rution; John & Susan Napier; Judy Orias; Lisa Burns; Mac Bakewell; Paul Hernadi; Roseanne Boardman; Steve Dunn; Steve Keller  
**Subject:** General Plan Safety Element (9/19/13 agenda)

TO: Santa Barbara Planning Commission

FROM: Allied Neighborhoods Association

RE: Proposed Safety Element Update

DATE: September 18, 2013

Dear Commissioners:

Allied Neighborhoods Association expresses concern that the proposed Safety Element does not adequately address apparently very valid concerns raised by the California Coastal Commission (letter dated June 26, 2013). It is obvious to us that it is in the interest of the City that our Plan's policies accord with those of the Coastal Commission to the greatest degree possible.

An example of the concerns cited by the Commission is a provision in the "Goals, Policies and Implementation" section of the proposed Plan, "Coastal Bluff Development", policy S24, "Structural Set-Back from the Bluff Edge for Slope Stability" (page 60, last sentence), which reads.

*"Modifications to the prescribed setback calculation methodology and setbacks may be approved by the City to reflect site-specific geological conditions".*

This provision potentially negates the safety standards (specified as "important") by allowing for approval of modifications without specific criteria, and without prescribing a method for requesting or granting waivers and deviations from the standards of safety and protection of coastal resources prescribed elsewhere in the Element.

In addition to the CCC letter, the staff report to the Planning Commission includes a letter from Dall & Associates dated June 6, 2013 which may help in understanding the concerns about lack of clarity in the document.

To reiterate a request submitted previously with respect to implementation of the newly revised General Plan: Given the scope of the Plan and the inter-related nature of its subject matter and various provisions, it is very difficult for one to ascertain applicability of all relevant provisions to a specific case or situation. It is hoped that Staff will undertake some effort to somehow index or cross-reference the various provisions of the Plan to facilitate both its "user-friendliness" and the chances for fullest compliance.

**Goo, Kathleen**

DISTRIBUTED TO: DATE: 9/18  
PLANNING COMMISSION (7)  
SR. PLANNER, ASST. CITY ATTY.  
CASE PLANNER / APPLICANT(S)  
AGENT PC SEC, ENTERED AS INT  
PARTY ON DATE: 9/18  
BY: [Signature]

**From:** Martinez, Mia A  
**Sent:** Wednesday, September 18, 2013 3:37 PM  
**To:** Goo, Kathleen  
**Subject:** PC MEETING PUBLIC COMMENT FW: Proposed Safety Element

**Importance:** High

-----Original Message-----

**From:** McCammon [mailto:mccammon@cox.net]  
**Sent:** Wednesday, September 18, 2013 3:04 PM  
**To:** Community Development PC Secretary  
**Subject:** Proposed Safety Element

**TO:** Santa Barbara Planning Commission  
**RE:** Proposed Safety Element Update

The La Mesa Neighborhood Association (LMNA) concurs with the concerns sent to you by the Allied Neighborhoods Association because we have so many properties in our area that are affected by bluff top development. We need stronger policies and not weaker ones to protect our precious Mesa resources. There are a number of projects in the pipeline so we need these protections sooner rather than later.

We also concur with their request that there be something done about cross-referencing the various provisions of the General Plan to make it more user friendly. We get many requests from our members about how to find policies that apply to different projects.

Sincerely,

Cathie McCammon, Co-President of LMNA

**DALL & ASSOCIATES**

DISTRIBUTED TO: DATE: 9/19  
PLANNING COMMISSION (7)  
SR. PLANNER, ASST. CITY ATTY.  
CASE PLANNER APPLICANT(S)  
AGENT PC SEC, ENTERED AS INT  
PARTY ON DATE: NA  
BY: ker

By Electronic Mail

**PLANNING COMMISSION MEETING  
SEPTEMBER 19, 2013  
ITEM IV, SAFETY ELEMENT UPDATE**

September 18, 2013

Hon. Mike Jordan, Chairman  
and Members  
Planning Commission  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, California 93109  
Attn.: Ms. Elizabeth Limon and Ms. Julie Rodriguez

**SUBJECT: DRAFT GENERAL PLAN SAFETY ELEMENT UPDATE AND STAFF REPORT**

Dear Chairman Jordan and Members of the Planning Commission:

This firm represents the Emprise Trust, the owner with substantial investment-backed expectations for economic use of the parcel that is located within the State-delineated coastal zone at 1925 El Camino de la Luz (APN 045-100-024).<sup>1</sup> For the following reasons, our client requests that the Planning Commission:

1. In draft Safety Element Update (SEU, September, 2013) Appendix B, replace the unadopted Coastal Commission staff memorandum report with the Coastal Commission's adopted regulation (Title 14, Cal. Code of Regs. sec. 13577(h)) that contains the criteria for determination of the location of a coastal bluff.
2. Clarify on the record that SEU Staff Report Figure F, a graphic that purports to show the California coastal program term-of-art "coastal bluff" to include the "coastal bluff top" in addition to the "cliff" ("bluff"), is inconsistent with both the draft SEU and the certified LCP, and therefore not an appropriate or adopted part of the SEU, LCP, or SEU Staff Report.
3. Direct staff, in the interest of avoiding an unlawful intentional planning-regulatory gulf between the City's General Plan and the State-certified City LCP, to prepare a Coastal Act-consistent update of the LCP hazards provisions for public and Planning Commission review, before proceeding with finalization and adoption of the SEU.

Analysis

City staff has recently posted a new draft Safety Element Update (SEU, September, 2013), with unmarked revisions. The SEU continues to omit both (1) our client's previously requested definition of the keystone term "coastal bluff," and (2) a map that delineates this essential

<sup>1</sup> Our client has previously written to and testified before the Planning Commission and City staff regarding the evolving General Plan update, and incorporates that correspondence herein in full.

## DALL & ASSOCIATES

(4) expose protected coastal resources (e.g., nearshore substrate, water quality, and kelp; sensitive coastal bluff vegetation) and shoreline public access on the beach below the coastal bluff to blockage and potentially significant public health and safety effects resulting from the prohibitions in this incomplete, inconsistent and helter-skelter SEU and its associated Staff Report.

Thank you for this opportunity to comment on this important matter. Please provide me with a copy of the Planning Commission's official minutes of this proceeding.

Sincerely yours,

DALL & ASSOCIATES

By:

*Norbert H. Dall*

Norbert H. Dall  
Partner  
223:201308.180913.2

ec: Client (by email)

StephanieD. Dall, Partner, Dall & Associates (by email)

Mr. Paul Casey, Deputy Administrator, City of Santa Barbara (by email)

Mr. Clay Aurell, ABDS, Client's Architect (by email)

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PLANNING COMMISSION (7)  
SR. PLANNER, ASST. CITY ATTY.  
CASE PLANNER APPLICANT(S)  
AGENT PC SEC, ENTERED AS INT N/A  
PARTY ON DATE:  
BY: ES

**Goo, Kathleen**

**From:** Norbert Dall [ndall49@sbcglobal.net]  
**Sent:** Wednesday, September 18, 2013 8:47 PM  
**To:** Community Development PC Secretary  
**Cc:** Limon, Elizabeth; S. Dall; Clay Aurell  
**Subject:** Planning Commission Meeting of September 19: Item IV: revised Safety Element Update  
**Attachments:** 201308,180913.2.LtrtoPC,CSB,SEU,SR.pdf

Dear Colleague,

My client The Emprise Trust has requested that we send the attached letter, regarding the current (September, 2013) iteration of the draft Safety Element and associated staff report to you for distribution to the Planning Commission in advance of tomorrow's Commission meeting.

Thank you for your assistance.

Please call email or call me at 916.716.4126 if you have any question/s regarding this matter.

Please advise me by email when the letter has been forwarded to the Planning Commissioners.

Thank you.

Regards,

**NHD**

Norbert H. Dall  
Consultant to The Emprise Trust, 1925 El Camino de la Luz, Santa Barbara, California

Partner  
Dall & Associates  
Advisers and Consultants in Sustainable Coastal Management,  
Land Use, and Transportation  
6700 Freeport Boulevard, Suite 206  
Sacramento, California 95822 USA  
Telephone (direct): +1.916.392.0283  
Telephone (mobile): +1.916.716.4126  
Email: [ndall49@sbcglobal.net](mailto:ndall49@sbcglobal.net)

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9-17-13

P.O. Box 1201  
Santa Barbara,  
Calif. 93102

Dear Planning Commission,

The report is grand. It says there is no problem. The seismic aspect is overlooked. The people need to be safe & sound. The 1971 Statute of California is insufficient. The present standards are dangerous. It was standard before, now half as much. The Statute does exist and the engineers help diminish them. Tell us well when the people are not harmed. When the standards were insufficient before, poor equality was there. All the buildings since the 70's are poor. They will fall down in a 2 or 1 1/2 Statute earthquake. Safety was ignored. The building codes were bad. People were allowed to build

No. 2013 Safety Element  
update General Plan  
Amendment etc

Please read at the  
hearing on 9-19-13,  
got it? Be well

RECEIVED  
SEP 18 2013

CITY OF SANTA BARBARA  
PLANNING DIVISION

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AGENT PC SEC, ENTERED AS INT  
PARTY ON DATE: N/A  
BY: [Signature]

substandard. Got it? Never pass this  
dangerous update, got it? Always  
used. When the town fathers and  
nutters go to speak meet with the  
Planning Commission and don't stop

this Safety Element, it is because no  
one told them, right? Always insist  
on good regulations. Always have  
a Statute required, that is for better  
earthquakes happen rarely. They are  
small. Never turn off. Read the  
Seismograph. It used to be at the  
Natural History Museum + somewhere  
Be well Be well. The earthquakes are in  
existence. The land around Santa Barbara shakes  
Ventura also. All is on the Pacific where  
the tectonic plates abut. Never turn off.

All have been lucky. The dinosaurs perished the  
coast. All is to chemical + synthetic. All is hard.  
The trees left immovably. They have been around  
a long time. They look for they live a long time  
never underestimate the seismic needs. All is big  
Same S.B. Vote down this so called energy  
All can cycle when the bad guys want to collect  
money. They put in modern houses. Keep all horses,  
never demolish the houses. Keep the old ones. They  
are safe and sound. Got it? Be safe forevermore.  
never start back fire, no roads built on horses in fire  
prone areas. Keep S.B. Safe forevermore. Keep all horses  
It enhances fire prevention & helps protect lives if the city don't

never pass this Element  
It is not realistic. So do  
guard the Holy Sacrament  
the trees of English Oak  
Redwood trees standards +  
all older houses + commercial  
buildings. All have earthquake  
strengthening fine staying on paths.  
The sand is. Got it? Be well  
+ safe. never demolish + clear  
cut. no condos. no subdivisions  
no more Boardwalks. Forevermore.  
Be safe not from [unclear]

[Handwritten signature/initials]

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ADOPTING THE 2013 SAFETY  
ELEMENT UPDATE TO THE GENERAL PLAN AND  
MAKING ENVIRONMENTAL FINDINGS PURSUANT  
TO THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT

WHEREAS, Government Code Section 65300 requires that the City of Santa Barbara adopt a comprehensive, long-term General Plan for the physical development of the City, including a Safety Element;

WHEREAS, the City's Safety Element of the General Plan has not been comprehensively updated since the original adoption in 1979;

WHEREAS, in 2010-2011, the City applied for and received Disaster Recovery Initiative (DRI) funds to prepare the Safety Element Update;

WHEREAS, on July 7, 2011, the City Planning Commission reviewed the scope of work for the Safety Element Update;

WHEREAS, on May 22, 2012, the City Council directed staff to enter into a contract with Rodriguez Consulting Inc., to assist the City in preparing the Safety Element Update;

WHEREAS, on May 6, 2013, a draft Safety Element was released for a 30-day public review period ending June 6, 2013;

WHEREAS, on May 23, 2013, the City Planning Commission held a duly noticed public hearing on the draft Safety Element, received public comment and commented on the draft element;

WHEREAS, on September 12, 2013, a revised Safety Element was released for public review;

WHEREAS, on September 19, 2013, the Planning Commission held a duly noticed public hearing to review responses to comments, the revised Safety Element and errata sheet, made two additions to the Errata Sheet, and unanimously recommended that City Council adopt the 2013 Safety Element Update;

WHEREAS; on November 12, 2013, the Council held a duly noticed public hearing to adopt the General Plan 2013 Safety Element Update including errata sheet corrections;

WHEREAS, a Final Program Environmental Impact Report (EIR) was certified for the 2011 General Plan Update, and EIR Addenda were prepared and considered by City

Council as part of adoption of the final 2011 General Plan (12-1-11), Climate Action Plan (9-18-12), and Historic Resources Element (10-2-12);

WHEREAS, an EIR Addendum dated April 30, 2013 for the 2013 Safety Element Update has been prepared and documents that the update would result in no substantial changes in environmental impacts previously identified in the Program EIR for the 2011 General Plan Update; and

WHEREAS, the City Planner is the custodian of the records of proceedings for the 2011 General Plan Update, Final Program EIR for the General Plan Update and EIR Addenda, and the 2013 General Plan Safety Element Update. The documents and other materials which constitute the records of proceedings for these City actions are located at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California. Copies of these documents are available for public review during normal business hours upon request at the City Planning Division office.

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

**I. Adoption of 2013 Safety Element Update and Findings**

The City Council hereby adopts the 2013 General Plan Safety Element Update (Exhibit A) making the following findings:

**A. Charter Finding**

The 2013 General Plan Map amendments meet the intent of Charter Section 1507, "living within our resource limits". The adoption of the 2013 Safety Element Update will not cause public services or resource capacities to be exceeded.

**B. California Environmental Quality Act (CEQA) Findings:**

**1. CEQA Findings for City Council Consideration of Certified Final General Plan Program Environmental Impact Report (EIR) and EIR Addendum pursuant to CCR §§15090 and 15162.**

The FEIR Addendum dated April 30, 2013 for the 2013 General Plan Safety Element Update together with the certified FEIR for the 2011 General Plan, were presented to the City Council, and the City Council has reviewed and considered the information contained therein prior to adopting the Safety Element Update. This CEQA documentation for the Safety Element Update constitutes adequate environmental review under CEQA and reflects the Lead Agency's independent judgment and analysis.

**2. CEQA Findings for Use of Certified Final General Plan Program Environmental Impact Report (EIR) and EIR Addendum, pursuant to CEQA Guidelines §§ 15162, and 15164.**

The 2013 General Plan Safety Element Update is consistent with and implements the 2011 General Plan policies, and is within the comprehensive scope of analysis of the Program EIR and Addenda for the 2011 General Plan update and 2012 Climate Plan.

The EIR Addendum dated April 30, 2013 documents that the 2013 Safety Element Update would not result in new environmental issues, circumstances, or information, additional significant environmental impacts beyond those identified in the General Plan Program EIR, a substantial increase in the severity of impacts identified in the EIR, or new mitigation measures. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR is applicable.

**3. Council Resolutions 11-079 and 12-065 Findings per PRC Section 21081 and CCR 15091 Apply to this Action.**

Findings regarding Class I significant impacts, Class 2 mitigated impacts, overriding considerations, and infeasibility of some mitigation measures and alternatives all remain applicable for adoption of the 2013 General Plan Safety Element Update and are incorporated herein by reference.

**4. Findings for the Fish & Game Code pursuant to PRC Section 21089 (b) and Fish & Game Code Sections 711.4 and 753.5.**

The General Plan Program EIR evaluated the potential for the 2011 General Plan to result in adverse impacts on wildlife resources. For this purpose, wildlife is defined as “all wild animals, birds, plants, fish, amphibians, and related ecological communities, including habitat upon which the wildlife depends for its continued viability.” The General Plan has the potential to result in adverse but not significant effects on upland, creek/riparian, and coastal habitats and associated species. Mitigation measures have been incorporated into the General Plan such that potential impacts will be less than significant.

As documented in the EIR Addendum dated April 30, 2013, the 2013 General Plan Safety Element Update will implement the 2011 General Plan policies and would not result in additional environmental effects beyond those identified in the EIR.. Pursuant to the Fish and Game Code Section 753.5 (e) (3), only one fee is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to fish and wildlife. Because the City paid the fee for the 2011 General Plan, no fee is required with the current implementing amendment for adoption of the Safety Element Update.

**II.** This Resolution shall become effective upon Council adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 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 19, 2013.

### **DISCUSSION:**

Interviews of applicants for various positions on City Advisory Groups are to be held on November 12, 2013, at an estimated time of 4:00 p.m. Applicants will also have the option to be interviewed on 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 had 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/Administrative Services Director

**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.

<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>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.

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>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.

<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>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
<i>Residents of the City (2)</i>	Robert Mercado		1. Neighborhood Advisory 2. Measure P	
<i>Civil Liberties Advocate (1)</i>	Stephen Pratt			
<i>Criminal Defense Attorney (1)</i>	Patric H. R. Weddle			
<i>Drug abuse, treatment &amp; prevention counselor (1)</i>	None			
<i>Medical Professional (1)</i>	None			
<i>Medical Marijuana Patient (1)</i>	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
<i>Neighborhood Representative (2)</i>	Sebastian Aldana Jr.	3/01/2011 (2 years)		Eastside
<i>Public at Large (3)</i>	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:** November 12, 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 *Donald Sipple, and New Cingular Wireless PSC LLC, et al., v. The City of Alameda, California, et al.*, LASC Case No. BC432270

**SCHEDULING:** Duration, 10 minutes; anytime

**REPORT:** None anticipated

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 12, 2013

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Conference With Labor Negotiator

**RECOMMENDATION:**

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the General Bargaining Unit, Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

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

**REPORT:** None anticipated

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

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

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