

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Sarah Knecht
Interim City Attorney

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

**MARCH 4, 2014
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:30 p.m. - 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

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

Subject: Proposed City Utility Rate Increases

Recommendation: That the Finance Committee provide direction to staff regarding any changes to the proposed Fiscal Year 2015 utility rates.

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

Subject: Municipal Code Title 17 Amendments-Waterfront Parking

Recommendation: That Ordinance Committee forward a recommendation to City Council to approve an ordinance amending Municipal Code Title 17 pertaining to parking in Waterfront Parking Lots.

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 (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through March 31, 2014.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of February 11, 2014.

3. Subject: Introduction Of Ordinance For A Lease Agreement With Shoreline Beach Café (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Lease Agreement with Two Five-Year Options Dated as of March 11, 2014, with Kevin Boss, Steve Marsh, and Beachrok, Inc, a California Corporation, Doing Business As Shoreline Beach Café, at an Average Initial Base Rent of \$14,342.06 per Month, Allocated Seasonally, for the 5,095 Square Foot Restaurant Located at 801 Shoreline Drive, Effective April 11, 2014.

CONSENT CALENDAR (CONT'D)

4. Subject: Local Coastal Program And Zoning Map Amendment For 415 Alan Road - Parcel A (650.04)

Recommendation: That Council:

- A. Hold a public hearing and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Acknowledging Receipt of the California Coastal Commission's Resolution of Certification; and Accepting and Agreeing to a Suggested Modification for the Final Certification; and Agreeing to issue Coastal Development Permits for the total area included in the Certified Local Coastal Program; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of The Municipal Code Pertaining to the Rezoning of Property and Approving a Local Coastal Program Amendment at 415 Alan Road - Parcel A.

5. Subject: Law Enforcement Information Sharing Memorandum Of Understanding (520.04)

Recommendation: That Council authorize the City of Santa Barbara to participate in the Santa Barbara County Information Sharing System node (SBCISS) under the direction of the County of Law Enforcement Chiefs (CLEC), for the purposes of data sharing with the fifteen data sharing nodes throughout the state of California.

6. Subject: Authorization Of Emergency Underground Recycled Water Line Break Repair (540.13)

Recommendation: That Council approve Emergency Purchase Order No. 78006 with Lash Construction in the total amount of \$31,117.87 for the emergency repair of the El Estero Wastewater Treatment Plant Underground Recycled Water Pipeline.

7. Subject: Purchase Order For Water Treatment Solids Disposal (540.13)

Recommendation: That Council:

- A. Find it to be in the City's best interest to waive the formal bidding process, in accordance with Section 4.52.070(L) of the Santa Barbara Municipal Code; and
- B. Authorize the City's General Services Manager to issue a Purchase Order in the amount of \$52,000 to Simi Valley Landfill for disposal of up to 1,000 tons of water treatment solids.

CONSENT CALENDAR (CONT'D)

8. Subject: Rejection Of El Estero Wastewater Treatment Plant Tertiary Filtration Plant Replacement Project Bids (540.13)

Recommendation: That Council reject the bids for construction of the El Estero Wastewater Treatment Plant Tertiary Filtration Plant Replacement Project, Bid No. 3688, and authorize the Acting Public Works Director to re-bid the project.

NOTICES

9. The City Clerk has on Thursday, February 27, 2014, 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

COMMUNITY DEVELOPMENT DEPARTMENT

10. Subject: Average Unit-Size Density Incentive Program Review Process (640.02)

Recommendation: That Council provide direction to the Land Development Team staff related to the review process for Average Unit-Size Density (AUD) Incentive Program rental projects.

MAYOR AND COUNCIL REPORTS

11. Subject: Request from Councilmembers White and Rowse Regarding City Infrastructure (530.01)

Recommendation: That Council consider the request from Councilmember White and Councilmember Rowse regarding City Infrastructure.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

12. 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 Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the 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

ADJOURNMENT

CITY OF SANTA BARBARA

FINANCE COMMITTEE

MEETING AGENDA

DATE: March 4, 2014

TIME: 12:30 P.M.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Dale Francisco, Chair

Bendy White

Gregg Hart

James L. Armstrong
City Administrator

Robert Samario
Finance Director

ITEM TO BE CONSIDERED:

Subject: Proposed City Utility Rate Increases

That the Finance Committee provide direction to staff regarding any changes to the proposed Fiscal Year 2015 utility rates.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Finance Committee

FROM: Water Resources Division, Public Works Department
Administration Division, Finance Department

SUBJECT: Proposed City Utility Rate Increases

RECOMMENDATION:

That the Finance Committee provide direction to staff regarding any changes to the proposed Fiscal Year 2015 utility rates.

DISCUSSION:

Staff is recommending increases in wastewater and solid waste collection fees for Fiscal Year 2015. Proposition 218, approved by California voters in 1996, requires that property owners be notified of planned rate increases and that a public hearing be held prior to the adoption of rate increases. Rate increases can be adopted unless a majority of property owners submit a written protest. Accordingly, a Notice of Public Hearing will be included with utility bills sent to City utility customers during March and April 2014.

Wastewater Rates

For wastewater service, an across-the-board increase of 5.5% is proposed for monthly base charges and unit rates. The increase for the maximum bill to a single-family residential customer would be \$2.22 per month, from \$40.78 to \$43.00. A change is also proposed to reclassify commercial accounts from the current two-tier classification structure to a new four-tier classification structure. No incremental commercial monthly rate increases are proposed beyond the across-the-board 5.5% increase in Fiscal Year 2015.

The proposed rate increases for wastewater service are consistent with the new wastewater fund 10-year financial plan which will be presented to council in June for acceptance as part of the 2015 budget and rate setting process to support the ongoing operation, maintenance, rehabilitation, and improvement of the water and wastewater systems. A principal goal of the plan is to ensure adequate financial resources are available to perform required maintenance and replacement of capital facilities, as needed, to avoid the higher costs and other impacts associated with deferred

maintenance, such as cost escalation, damage to other infrastructure from pipe ruptures, and extended customer outages.

Water Rates

While a 3.0% increase to water rates for all monthly service charges and metered water usage was planned by staff and supported by the Water Commission, staff is recommending that we wait until the end of the rainy season to evaluate water supplies. By late spring, staff will have more information to determine if a Stage 2 drought declaration is needed and whether water rates should be restructured in response to drought conditions. Staff will return to City Council to discuss rate adjustments and prepare a separate public notice on the proposed water rates.

Solid Waste Collection Fees

Staff proposes the following changes to the Fiscal Year 2014 rate schedule:

1. Consumer Price Index Adjustment: An increase of 0.90% to all customer classes, tied to the Consumer Price Index (CPI) is proposed to fund Environmental Services Division operations and to compensate MarBorg pursuant to its contract with the City.
2. Tipping Fee Increases: An increase of 0.47% to all customer classes is needed to cover increases to the “tipping fees” charged at the processing and disposal sites that receive the City’s solid waste.
3. Public Container Maintenance: An increase of 0.69% on all customer classes is proposed to fund the long-term repair and replacement (approximately \$145,000 per year) of approximately 1,200 public trash and recycling containers located throughout the City. The typical single family residential customer would pay an additional \$0.24 per month to maintain this City asset.
4. Re-Balance Cost of Multi-Unit Residential Trash Containers: Staff recommends adjusting the cost of trash carts and cans in the Multi-Unit Residential sector on a revenue neutral basis. Currently, the rate for trash in carts and cans is 10% less expensive per gallon than trash in dumpsters. This pricing imbalance financially incentivizes customers to subscribe to carts and cans even if dumpster service would better meet the customer’s needs. Dumpsters accommodate bulky materials, can consolidate multiple carts and cans on space-constrained property, and are necessary to comply with state recycling mandates and the City’s own franchise agreement. When presenting the new rate structure to the Solid Waste Ad Hoc Committee and to the City Council in 2013, staff highlighted this discrepancy along with a plan to gradually correct it.

In Fiscal Year 2015, net of the across-the board fee increases discussed above, staff is proposing to re-balance the cart and can rate such that no single Multi-Unit Residential Customer receives more than a total 2% increase to their monthly bill.

Water Commission Review

The Water Commission discussed proposed changes to the Water and Sewer Fee Resolutions at its meeting of February 10, 2014.

PREPARED BY: Joshua Haggmark, Acting Water Resources Manager/TL

SUBMITTED BY: Rebecca Bjork, Acting Public Works Director
Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: March 4, 2014
TIME: 12:30 p.m.
PLACE: Council Chambers

Randy Rowse, Chair
Frank Hotchkiss
Cathy Murillo

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Sarah Knecht
Acting City Attorney

Kate Whan
Administrative Analyst

ITEM FOR CONSIDERATION

Subject: Municipal Code Title 17 Amendments-Waterfront Parking

Recommendation: That Ordinance Committee forward a recommendation to City Council to approve an ordinance amending Municipal Code Title 17 pertaining to parking in Waterfront Parking Lots.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014
TO: Ordinance Committee
FROM: Operations Division, Waterfront Department
SUBJECT: Municipal Code Title 17 Amendments-Waterfront Parking

RECOMMENDATION:

That Ordinance Committee forward a recommendation to City Council to approve an ordinance amending Municipal Code Title 17 pertaining to parking in Waterfront Parking Lots.

DISCUSSION:

The Waterfront Department has stepped up enforcement of 72-hour parking restrictions in the Harbor Parking Lot, which, in turn, has created a need to clarify Title 17 relative to 72-hour restrictions in all Waterfront Parking Lots. In addition, the recent implementation of "Pay and Display" parking systems has generated a similar need to clarify requirements for people using these facilities.

72-Hour Limit

In early 2013, the Harbor Commission formed a three-member ad-hoc Parking Committee to review Waterfront parking policies, particularly the problem of vehicle storage in the Harbor Parking Lot. At two subsequent public meetings, the Committee received comments and suggestions from the public about how to resolve various aspects of the vehicle storage problem. Most comments focused on stepping up enforcement of an existing 72-hour limit in the Harbor Parking Lot, which had previously only been loosely enforced. Harbor Patrol has since increased enforcement of the 72-hour limit in the Harbor Parking Lot, initially issuing dozens of citations, though that pace has tapered off considerably with time. This increased presence has also caused some vehicle owners who were overstaying the 72-hour limit to simply leave the lot for good.

While enforcing the 72-hour limit in the Harbor Parking Lot, two incidents triggered staff interest in amending existing City Ordinances that address this limit. First, an individual appealed a citation he received after rolling his vehicle from one stall to another, citing language in MC 17.36.040 that seemingly exempts a vehicle that simply moves a short distance. Staff believes moving a short distance does not reflect the intent of the 72-hour limit, and that vehicles should exit the lot before they can return and "reset the 72-hour clock."

Second, the Municipal Code currently does not address vehicle stays exceeding 72 hours in Waterfront Parking Lots other than the Harbor Parking Lot. Staff believes the 72-hour limit should apply to all Waterfront Lots, despite posted daily closures between 2:00 a.m. and 6:00 a.m. This will allow the City to tow abandoned vehicles much sooner than it currently can.

Additionally, existing Ordinance language allows an individual to stay in the Harbor Parking Lot as long as he/she wishes, as long as they pay for it—a notion not consistent with enforcement of the 72-hour limit.

The proposed Code revision will require that vehicles parked in the Harbor Parking Lot must exit the lot (not just move from stall to stall) every 72 hours, in keeping with the intent of this time limitation. In addition, the prohibition against leaving any vehicle in a Waterfront Parking Lot (with provided exceptions in the Harbor Parking Lot) will allow the City to post these regulations and tow vehicles abandoned in those lots.

Pay and Display Parking

Since July 2011, the Department has installed thirteen Pay and Display Parking Management Systems at five Waterfront Parking Lots, replacing either staffed kiosks or “honor fee boxes” into which the vehicle’s owner or operator entering a parking lot would fold and insert bills into designated slots corresponding to numerically marked parking stalls. The boxes required significant staff time to collect, unfold and count fees, and to compare the fees to the amount of time a vehicle remained in a stall. They also proved less than customer friendly. Unlike the honor-fee boxes, the “pay-and-display” systems accept credit/debit cards (60% of current business) and deliver a receipt to the driver, who, per language on the receipt and on parking-lot signs, should display it on the driver’s side dashboard. The systems also allow parking staff to monitor Waterfront Parking Lots more efficiently, comparing displayed receipts to the amount of time a vehicle has remained in a stall. Finally, the pay-and-display systems have reduced by 50% time spent by the Department’s accounting staff counting parking revenues, as they no longer have to unfold crumbled bills jammed into honor-fee boxes.

While described by language found on the driver’s receipt and on signs entering Waterfront Parking Lots regulated by Pay and Display Parking Management Systems, the Municipal Code currently does not articulate the requirement to display the receipt, nor does it describe penalties for not displaying the receipt.

The proposed Code revisions will clarify and codify the requirement to properly display receipts from Pay and Display Parking Management Systems.

CONCLUSION:

Adoption of this Ordinance will clarify the Municipal Code relative to parking enforcement in all Waterfront Lots, especially as they relate to the 72-hour limit. It will also clarify requirements to display a payment receipt for vehicles parked in lots regulated by Pay and Display Parking Management Systems. To facilitate enforcement, the proposed Ordinance also includes definitions of Harbor Parking Lot, Waterfront Parking Lots and Pay and Display Parking Management System.

The Harbor Commission recommended approval of the Ordinance in May 2013. Pending a favorable recommendation from Ordinance Committee, staff will present the draft ordinance for City Council review and adoption.

ATTACHMENT: Draft Ordinance, showing changes

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE MUNICIPAL CODE
BY AMENDING CHAPTER 17.36 OF TITLE 17
PERTAINING TO PARKING IN THE WATERFRONT
PARKING LOTS.

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

SECTION 1. Section 17.36.010 of Chapter 17.36 of Title 17
of the Santa Barbara Municipal Code is amended to read as
follows:

17.36.010 Parking ~~Fees~~ in Waterfront Parking Lots.

A. WATERFRONT PARKING LOTS. Waterfront Parking Lots shall mean all parking lots managed and maintained by the Waterfront Department, including Leadbetter Parking Lot, Harbor West Parking Lot, Harbor Parking Lot, Garden Street Parking Lot, Palm Park Parking Lot, Cabrillo West Parking Lot, Cabrillo East Parking Lot and Stearns Wharf.

B. HARBOR PARKING LOT. The Harbor Parking Lot shall mean the Waterfront Parking Lot bounded on the east by West Beach, on the West by Harbor Way, on the north by Shoreline Drive and Cabrillo Boulevard and on the south by Marinas 2, 3, 4 and the small-boat launch ramp.

C. PARKING FEES AND PERMITS. No person shall park a vehicle in the Waterfront Parking Lots without having paid or paying the required parking fee. Parking fees and the permit system for Waterfront Parking Lots shall be established by resolution of the City Council.

D. PAY AND DISPLAY PARKING MANAGEMENT SYSTEMS.

When entering Waterfront Parking Lots operated by a Pay and Display Parking Management System, the owner or operator of a vehicle entering the lot must purchase a receipt from a Pay and Display Parking Management System machine in accordance with instructions and requirements posted on the machine. Such receipt shall be prominently displayed on the driver's side dashboard in such a manner that the date and expiration time of the receipt are readily visible from the exterior of the vehicle. Any owner or operator of a vehicle who fails to purchase or properly display a valid receipt purchased from a Pay and Display Parking Management System machine shall pay a fee as described by City Council Resolution.

SECTION 2. Section 17.36.040 of Chapter 17.36 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

Section 17.36.040 72-Hour Vehicle Parking Limit in Harbor
Parking Lots.

A. 72-HOUR VEHICLE PARKING LIMIT IN WATERFRONT PARKING LOTS.

Except as provided in Subsection B, no person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in the same parking space in any of the Waterfront Parking Lots in excess of a period of seventy-two (72) consecutive hours.

B. 72-HOUR VEHICLE PARKING LIMIT IN HARBOR PARKING LOT.

No person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in the ~~same parking space in the~~ Harbor Parking Lot in excess of a period of seventy-two (72) consecutive hours, except persons with valid permits or prepaid permits as established by City Council Resolution, under the following circumstances:

1A. Vehicles owned by harbor slip holders who have also been issued a valid Waterfront slip-holder's parking permit will be allowed unlimited parking in the Harbor Parking Lot, providing that such vehicles are currently registered with the California Department of Motor Vehicles and are fully operational.

2B. Any person wishing to park a vehicle in the Harbor

Parking Lot over the seventy-two (72) hour limit may be allowed to do so ~~if, providing~~ Tthe vehicle owner registers with the Waterfront Parking office prior to leaving the vehicle in the Harbor Parking Lot.

~~b2. The vehicle owner pays, in advance, the appropriate daily parking fee for each twenty-four (24) hour period the vehicle will remain in the Harbor parking lot, provided that any vehicle bearing a Waterfront parking permit will be allowed to park for the first seventy-two (72) hours at no charge.~~

SECTION 3. Section 17.36.050 of Chapter 17.36 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

17.36.050 Penalties for Vehicle Parking Over 72 Hours in ~~Harbor~~ Parking Lots.

A. PENALTIES FOR VEHICLE PARKING OVER 72 HOURS IN WATERFRONT PARKING LOTS.

In the event a vehicle is parked, stopped or left standing in ~~the Harbor~~ any of the Waterfront Parking Lots, except the Harbor Parking Lot pursuant to the provisions of Section 17.36.040B, ~~parking lot~~ in excess of a period of seventy-two (72) consecutive hours, ~~does not have a valid slip holder parking~~

~~permit, and has not been registered with the Waterfront parking office in advance,~~ the vehicle may be cited and the vehicle may be removed from the Waterfront Parking Lots by any member of the Police Department authorized by the Chief of Police ~~may remove the vehicle from the Waterfront Parking Lots Harbor parking lot~~ in the manner and consistent with the requirements of the California Vehicle Code.

B. PENALTIES FOR VEHICLE PARKING OVER 72 HOURS IN HARBOR PARKING LOT.

In the event a vehicle is parked, stopped or left standing in the Harbor ~~P~~parking ~~L~~lot in excess of a period of seventy-two (72) consecutive hours, does not have a valid slip holder parking permit, and has not been registered with the Waterfront parking office in advance, the vehicle may be cited and removed from the Harbor Parking Lot by~~and~~ any member of the Police Department authorized by the Chief of Police may ~~remove the vehicle from the Harbor parking lot~~ in the manner and consistent with the requirements of the California Vehicle Code.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

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 March 31, 2014.

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 March 31, 2014.

ATTACHMENT: March 2014 Service Awards

PREPARED BY: Myndi Hegeman, Administrative Specialist

SUBMITTED BY: Kristine Schmidt, Acting Administrative Services Director

APPROVED BY: City Administrator's Office

MARCH 2014 SERVICE AWARDS

March 4, 2014 Council Meeting

10 YEARS

Sarah Knecht, Acting City Attorney, City Attorney's Office
Allison De Busk, Project Planner, Community Development Department
Brady Beck, Firefighter, Fire Department
Eric Fairbank, Fire Engineer, Fire Department
William Kavanaugh, Firefighter, Fire Department
George Martinez, Fire Captain, Fire Department
Brian Ricci, Fire Engineer, Fire Department
Dennis Diaz, Police Information Technology Manager, Police Department
Christopher Payne, Police Officer, Police Department

15 YEARS

Maryanne Knight, Computer Training Coordinator, Administrative Services Department
Geoffrey Lancaster, Senior Building Inspector, Community Development Department
Adam Ziets, Engineering Technician II, Public Works Department
Frank Cruz, Senior Streets Maintenance Worker, Public Works Department

25 YEARS

Susan Reardon, Senior Planner II, Community Development Department
Gina Sunseri, Fire Inspector II, Fire Department
Scott Naganuma, Police Officer, Police Department
Erik Engebretson, Harbor Patrol Officer, Waterfront Department



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING
FEBRUARY 11, 2014
COUNCIL CHAMBER, 735 ANACAPA STREET**

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: Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

Staff present: City Administrator James L. Armstrong, Interim City Attorney Sarah Knecht, Deputy City Clerk Deborah L. Applegate.

CHANGES TO THE AGENDA

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1-10)

The titles of the resolutions and ordinance related to Consent items were read.

Motion:

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

Vote:

Unanimous roll call vote.

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of January 28, 2014.

Action: Approved the recommendation.

2. Subject: City Attorney Employment Agreement (410.01)

Recommendation: That Council approve, and authorize the Mayor to execute, an employment agreement with Ariel Pierre Calonne to serve as the City Attorney for the City of Santa Barbara effective not later than March 17, 2014.

Action: Approved the recommendation; Agreement No. 24,713 (February 11, 2014, report from the Assistant City Administrator).

3. Subject: Update To Records Management Policies And Procedures Manual (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the City of Santa Barbara Records Management Policies and Procedures Manual, and Rescinding Resolution No. 12-008.

Action: Approved the recommendation; Resolution No. 14-006 (February 11, 2014 report from the Acting Administrative Services Director, proposed resolution).

4. Subject: Contract For Re-Commissioning The City's Hydroelectric Plant (540.09)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bidding process, as authorized by City Charter Section 519 and Santa Barbara Municipal Code Section 4.52.070 (L) and authorize the Public Works Director to award a contract to SOAR Technologies, Inc., in the amount of \$526,158 to re-commission the City's Gibraltar Conduit Hydroelectric Plant, including operating and maintaining the plant for one year, approve expenditures up to \$78,924 to cover any cost increases that may result from necessary change orders for extra work; and
- B. Award a professional services contract in the amount of \$38,450 to Rockwell Construction Services, LLC, to provide construction management and inspection services, and approve expenditures up to \$5,768 to cover any costs related to unanticipated extra work.

Action: Approved the recommendations; Contract Nos. 24,714 and 24,715 (February 11, 2014 report from the Acting Public Works Director).

5. Subject: WaterSMART Grant Lead Applicant For One-Stop Rebate Program (540.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving an Application for Funding and the Execution of a Grant Agreement for the U.S. Bureau of Reclamation WaterSMART Grant for California Urban Water Conservation Council One-Stop Rebate Program.

Action: Approved the recommendation; Resolution No. 14-007; Agreement No. 24,716 (February 11, 2014 report from the Acting Public Works Director, proposed resolution).

6. Subject: Grant From California Division Of Boating And Waterways For Abandoned Vessel Removal (570.03)

Recommendation: That Council:

- A. Authorize the Waterfront Director to execute an agreement with the California Department of Parks and Recreation, Division of Boating and Waterways, accepting a \$10,000 grant for removal of abandoned recreational boats and associated hazards to navigation; and
- B. Increase Fiscal Year 2014 estimated revenue in the amount of \$10,000 and appropriate the funds to the Waterfront Department's Fiscal Year 2014 Capital Fund.

Action: Approved the recommendations; Agreement No. 24,717 (February 11, 2014 report from the Waterfront Director).

7. Subject: TEFRA Hearing For Pilgrim Terrace Homes Debt Issuance (660.04)

Recommendation: That Council hold a public hearing and adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Approving the Issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Pilgrim Terrace Homes.

Documents:

- February 11, 2014 report from the Finance Director.
- Proposed Resolution.

Public Comment Opened:

2:04 p.m.

Speakers:

Members of the Public: Bonnie Elliot.

Public Comment Closed:

2:07 p.m.

7. **(CONT'D)**

Action: Approved the recommendation; Resolution No. 14-008 (February 11, 2014 report from the Finance Director).

8. **Subject: Adoption Of Ordinance Regarding Amendments To Quorum Standard For Single Family Design Board (640.03)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.69.010 of the Santa Barbara Municipal Code Relating to the Conduct of Meetings of the Single Family Design Board.

Action: Approved the recommendation, Ordinance No. 5646.

SUCCESSOR AGENCY

9. **Subject: Approve Sole Source Purchasing Request For Light Poles And Fixtures For The Lower West Downtown Lighting Project - Phase 2 (530.04)**

Recommendation: That the City Council and Successor Agency:

- A. Authorize the City Administrator and Executive Director to execute a contract between the Successor Agency and the City of Santa Barbara Public Works Engineering Division in the amount of \$160,000 for design project management, permit coordination, bid phase administration, construction management, and inspection services; and
- B. Approve and authorize the General Services Manager to issue Sole Source Purchase Orders pursuant to Santa Barbara Municipal Code Section 4.52.070 (K) to Ameron Pole Products for \$226,042.60 and California Electrical Supply for \$191,414.00 for the purchase of City Standard streetlight poles and fixtures for Phase 2 of the Lower West Downtown Lighting Project.

Action: Approved the recommendations; Contract No. 24,718 (February 11, 2014 report from the Acting Public Works Director).

NOTICES

- 10. The City Clerk has on Thursday, February 6, 2014, 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 concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Co-Chair Bendy White reported that the Committee met to hear a request from staff regarding the loan restatement on the property located at 424-430 Rancheria Street, "Rancheria Village Apartments". He stated that the committee will recommend to Council approval of the refinancing at a later date.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

11. Subject: Declaration Of Stage One Drought Condition (540.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring a Stage One Drought Condition.

Documents:

- February 11, 2014, report from the Acting Public Works Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Acting Water Resources Manager Joshua Haggmark; Water Resource Administrative Analyst Kelley Dyer; Water Conservation Supervisor Alison Jordan.
- Members of the Public: Lola Rosales

Motion:

Councilmembers White/Hart approved the recommendation; Resolution No. 14-009.

Vote:

Unanimous roll call vote.

Motion:

Councilmembers: White/Hotchkiss to request Staff to return to Council in one month to report on conditions of the drought and the progress of implementing strategies discussed.

Vote:

Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

12. Subject: Authorization For Water Purchases (540.01)

Recommendation: That Council:

- A. Authorize the Public Works Director to secure up to 4,500 acre feet of supplemental water supplies at a cost not to exceed \$3,300,000, and to execute contracts or agreements for purchase of said water in a form acceptable to the City Attorney;
- B. Increase appropriation by \$3,900,000 in the Water Operating Fund from reserves to pay for said water purchases, and for the delivery of State Water, which is currently stored by the City in the San Luis Reservoir; and
- C. Authorize the General Services manager to increase the contract with Bartkiewicz, Kronick & Shanahan for specialized water rights related legal services by \$100,000 to a total amount of \$123,000.

Documents:

- February 11, 2014, report from the Acting Public Works Director.
- PowerPoint prepared and made by Staff.

Speakers:

- Staff: Acting Water Resources Manager Joshua Haggmark; Water Resources Administrative Analyst Kelley Dyer.

Motion:

Councilmembers Murillo/Rowse approved the recommendations; Agreement Nos. 24,719 and 22,810.01 (February 11, 2014 report from the Acting Public Works Director).

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss congratulated and thanked the Waterfront Director Scott Riedman and his department their assistance in helping navigate a cruise ship into port that had difficulty due to thick fog.
- Councilmember Murillo reported on a recent meeting of the Community Action Committee where they discussed the possibility of taking over the administration of the 211 helpline and the need for more meals and food distribution for senior citizens. She also spoke regarding her attendance at Eastside Library's Reading Ambassador Program and congratulated a third grade classroom from Cleveland Elementary School who are all now "Reading Ambassadors". She also reported her attendance at the "Viva el Arte de Santa Barbara" concert and the Santa Barbara School District's State of the Schools Address.

CLOSED SESSIONS

13. 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 Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the 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:

February 11, 2014, report from the Acting Administrative Services Director.

Time:

3:50 p.m. – 4:16 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:44 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
DEBORAH L. APPLGATE
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: Business Services Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For A Lease Agreement With Shoreline Beach Café

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Lease Agreement with Two Five-Year Options Dated as of March 11, 2014, with Kevin Boss, Steve Marsh, and Beachrok, Inc, a California Corporation, Doing Business As Shoreline Beach Café, at an Average Initial Base Rent of \$14,342.06 per Month, Allocated Seasonally, for the 5,095 Square Foot Restaurant Located at 801 Shoreline Drive, Effective April 11, 2014.

DISCUSSION:

Shoreline Beach Café (SBC) has operated at 801 Shoreline Drive since 1997. Prior to that, it was known as the Leadbetter Beach Grill. The current lease dates back to 1994 and expires on May 23, 2014. The lease format is outdated and lacks current insurance requirements and lease assignment provisions, as well as maintenance and default clauses. Additionally, the lease has been assigned once and amended three times. The proposed lease modernizes those provisions and brings the lease into compliance with current City of Santa Barbara practices.

The current lease requires a percentage rent of 11.4% of gross sales, more than any other Waterfront full-service restaurant. The tenant requested a flat 10% of gross sales. Staff is recommending a percentage rent of 10% of gross sales up to \$1,250,000 and 11.4% on any sales above that amount. This percentage rent structure is similar to other Waterfront full-service restaurant leases (Attachment 1).

The percentage rent escalation at \$1.25 million is identical to the rent for Santa Barbara Shellfish Company, which operates at similar sales volumes as Shoreline Beach Café.

The lease with SBC is a ground lease, meaning SBC is responsible for all maintenance, repair and replacement on the property. Shoreline Beach Café has significantly improved the lease space area by installing a well-designed shade canopy for patrons,

new artistic deck railings, an improved deck heating system and most recently a completely renovated outdoor deck. As a result, patronage has increased and annual rent payments to the City have increased by 92% over the past 10 years. This increase justifies the minor percentage rent concession staff is recommending.

The business terms of the proposed lease are as follows:

- **Term:** Ten-year initial term with two, five-year options
- **Base Rent:** An average of \$ 14,342.06 per month allocated seasonally
- **Annual Rent Adjustment:** Cost of Living increases based on the Consumer Price Index (CPI)
- **Percentage Rent:** Ten percent (10%) of Tenant's Gross Receipts up to and including \$1,250,000 and 11.4% of Tenant's Gross Receipts in excess of \$1,250,000 per calendar year.

Shoreline Beach Café is considered a tenant in good standing by the Department as they have no outstanding default notices on file and have been prompt with rent payments.

The Harbor Commission recommended that the City Council approve the lease agreement at their January 23, 2014, meeting. A copy of the lease is available for review at the Waterfront Administration office.

BUDGETARY IMPACT:

The 1.4% rent reduction for the first \$1,250,000 million of gross sales is equivalent to a rent concession of \$17,500 annually. This is a minor concession considering the tenant's rent payments have nearly doubled in 10 years. For example, rent payments increased by \$30,000 between 2010 and 2011, \$25,000 between 2011 and 2012, and \$31,000 between 2012 and 2013. Staff is also recommending the change since the proposed rent structure is equitable with other Waterfront full-service restaurant tenants and the Department is not responsible for any maintenance expenses associated with the property.

ATTACHMENT: 1. Waterfront Full-Service Restaurant Percentage Lease Rates
2. Lease Area

PREPARED BY: Brian J. Bosse, Waterfront Business Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Waterfront Department Full-Service Restaurant Percentage Lease Rates

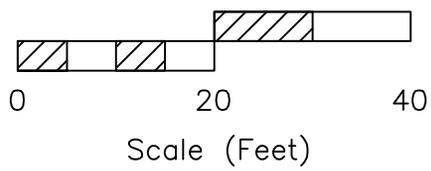
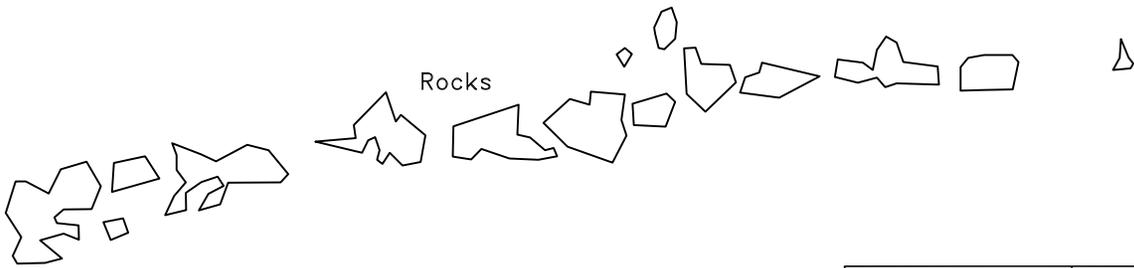
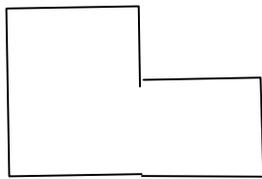
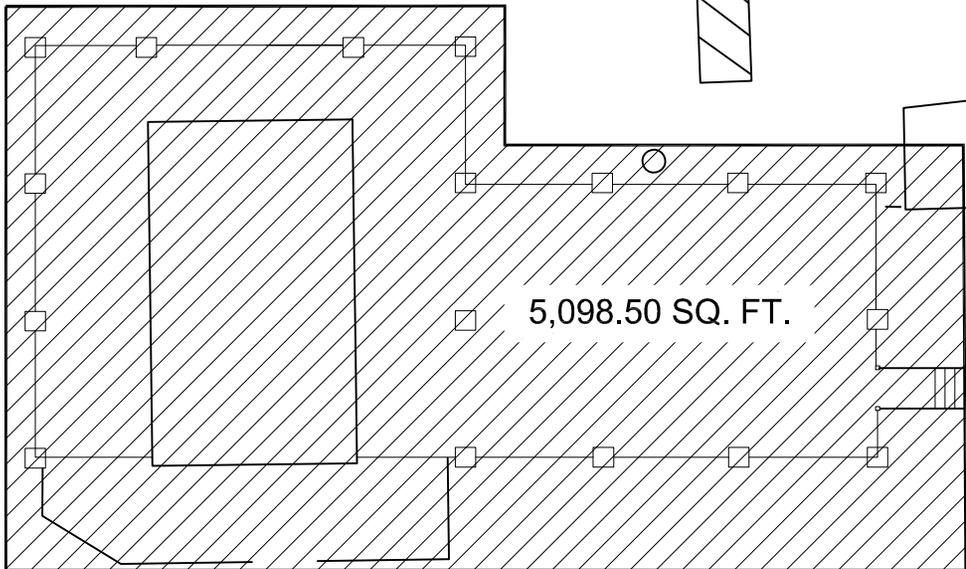
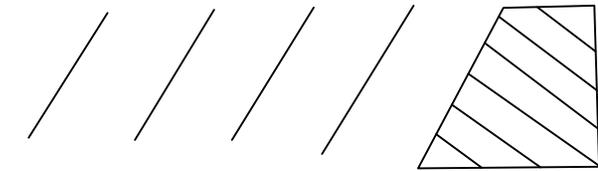
Restaurant	Percentage Rent
Brophy's	10%, escalates to 11% after \$3 million
Breakwater Restaurant	10%, escalates to 11.4% after \$1 million
Char West	11.4%
Sushi Go Go	11.4%
Harbor Restaurant	10%, escalates to 11% after \$3 million
Moby Dick	10%
SB Shellfish Co.	10%, escalates to 11.4% after \$1.25 million
Shoreline Beach Café*	10%, escalates to 11.4% after \$1.25 million*
Waterfront Grill	10%, escalates to 11% after \$3 million

*Staff recommendation

LEASE AREA PLAN
 801 Shoreline Drive
 (Shoreline Beach Cafe)

Exhibit "A"
 Total Area = 5,098.50 SQ. FT.

Project North



REVISIONS		Shoreline Beach Cafe Lease Area		
12/31/2013	TL	SCALE: 1" = 20'	APPROVED BY: B. Bosse, Business Manager	DRAWN BY: T. Lawler
		DATE: 7/20/1998	ADDRESS: 801 Shoreline Drive	DRAWING NO.: 3020-003A
City of Santa Barbara Waterfront Department				SHEET NO.: 1 of 1

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A TEN-YEAR LEASE AGREEMENT WITH TWO FIVE-YEAR OPTIONS DATED AS OF MARCH 11, 2014, WITH KEVIN BOSS, STEVE MARSH, AND BEACHROK, INC, A CALIFORNIA CORPORATION, DOING BUSINESS AS SHORELINE BEACH CAFÉ, AT AN AVERAGE INITIAL BASE RENT OF \$14,342.06 PER MONTH, ALLOCATED SEASONALLY, FOR THE 5,095 SQUARE FOOT RESTAURANT LOCATED AT 801 SHORELINE DRIVE, EFFECTIVE APRIL 11, 2014.

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 a 10-Year Lease with Shoreline Beach Café, Effective April 11, 2014, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Local Coastal Program And Zoning Map Amendment For 415 Alan Road – Parcel A

RECOMMENDATION: That Council:

- A. Hold a public hearing and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Acknowledging Receipt of the California Coastal Commission's Resolution of Certification; and Accepting and Agreeing to a Suggested Modification for the Final Certification; and Agreeing to issue Coastal Development Permits for the total area included in the Certified Local Coastal Program; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of The Municipal Code Pertaining to the Rezoning of Property and Approving a Local Coastal Program Amendment at 415 Alan Road – Parcel A.

DISCUSSION:

On January 31, 2012, the City Council upheld an appeal of a Planning Commission decision and approved a Tentative Subdivision Map, a Coastal Development Permit, and a Lot Area Modification for a two-lot subdivision of a 1.37 acre parcel located at 415 Alan Road. No development was proposed with the project. An existing single-family dwelling is located on proposed Parcel A (45,056 square feet) and proposed Parcel B (14,810 square feet) is vacant with a building envelope that will be recorded once the parcel map process is completed. In addition, Council adopted a Local Coastal Program (LCP) and Zoning Map Amendment to rezone proposed Parcel B from A-1 to E-3 (both One-Family Residence Zones). The zoning designation of proposed Parcel A was to remain A-1. On August 2, 2012, City Staff submitted the LCP Amendment application to the California Coastal Commission for approval.

Coastal Commission Action

On January 10, 2014, the Coastal Commission approved the City's LCP Amendment, including land use and zoning designations for Parcel B. However, the Commission could not support the City's request to retain the A-1 (One Family Residence) Zone designation

for proposed Parcel A, and instead suggested that the parcel be zoned A-2 (One Family Residence Zone). Coastal Commission staff recommended the rezone because the size of proposed Parcel A would be more consistent with all of the standards of the A-2 Zone, including a minimum lot size of 37,500 square feet (25,000 square feet multiplied by a slope density factor of 1.5). Retaining an A-1 Zone designation, as recommended by the City, would require a minimum lot size of 1.5 acres (43,560 square feet multiplied by a slope density factor of 1.5), well above the resulting size of Parcel A.

City staff understands the reasoning for the suggested rezone, and thus, can support the Coastal Commission's Suggested Modification. The City's application to the Coastal Commission did not include this proposal as it would result in a spot zone. Also, the City had the option of considering a Lot Area Modification as part of the subdivision request to address the insufficient size of proposed Parcel A. However, the City's application to the Coastal Commission is for a Local Coastal Program Amendment, not a subdivision application, so the only option for Coastal Commission staff is to recommend a rezone of Parcel A to find the whole project consistent with LCP policies.

If approved by Council, the LCP and Zoning Map Amendments would become effective once the Coastal Commission certifies the City's final actions. The City Council must take action on the Coastal Commission Suggested Modifications by July 9, 2014.

Update of the Local Coastal Program

The change to the zoning designation in the Coastal Commission Suggested Modification results in a single lot being zoned A-2, surrounded by lots zoned either A-1 or E-3. The City's certified Local Coastal Program (LCP) is scheduled to be updated over the next two years. As part of the LCP update, staff will review the current zoning and land use designations to determine if they are an appropriate fit. For example, there are several parcels within the immediate vicinity of proposed Parcel A that are also currently zoned A-1 (one acre minimum), but are approximately 19,000 square foot in size. A rezone to A-2 (25,000 square feet minimum) may be more appropriate for these parcels. Initiation of the LCP update will be presented to Council on March 18, 2014.

Environmental Review

The original project was found to be exempt from further environmental review under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3). This section states that:

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

The CEQA determination for the original project would be appropriate for the proposed rezone under the Coastal Commission Suggested Modification. There would not be an increase in the development potential of the parcel with the zone change and consequently not any additional effects on the environment. The purpose of rezoning Parcel A from A-1 to A-2 is to conform to all provisions of the Zoning Ordinance.

Procedures

Under the City's Charter Section 1507, amendments to the City's General Plan and Zoning Ordinance require a minimum of five affirmative votes of the City Council, and findings that the amendments comply with the City's policy of living within our resources. Rezones are carried out by Ordinance, and General Plan Amendments are adopted by Resolution.

Conclusion:

Planning Staff has reviewed the Coastal Commission's Suggested Modification to the City's LCP Amendment, and recommends the City Council accept and agree to it.

ATTACHMENT(S):

1. Letter from the California Coastal Commission, City of Santa Local Coastal Program Amendment MAJ-1-12 (415 Alan Rd. Project) dated February 11, 2014.
2. California Coastal Commission Staff Report and Addendums, dated December 18, 2013 and January 7, 2014.

PREPARED BY: Peter Lawson, Associate Planner

SUBMITTED BY: Bettie Weiss, City Planner/Acting Community Development Director

APPROVED BY: City Administrator's Office

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



February 11, 2014

Bettie Weiss
City of Santa Barbara Community Development Department
PO Box 1990
Santa Barbara, CA
93102

**RE: City of Santa Barbara Local Coastal Program Amendment No. MAJ-1-12 (415
Alan Rd. Project)**

Dear Bettie:

On January 10, 2014 the Coastal Commission approved LCP Amendment SBC-MAJ-1-12 with one suggested modification. The Commission's resolution of certification is contained in the staff report dated December 18, 2013. The suggested modification, as approved by the Commission on January 10, 2014, is attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the

local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

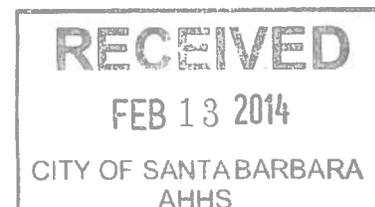
The Commission and staff greatly appreciate the City's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

Charles Lester
Executive Director

By: 
Melissa Ahrens
Coastal Program Analyst

Cc: ✓ Peter Lawson, City of Santa Barbara Community Development Department



Suggested Modifications **LCP Amendment No. MAJ-1-12 (415 Alan Rd. Project)**

Language recommended by Commission staff to be deleted is shown in bold ~~line-out~~. Language proposed by Commission staff to be inserted is shown as bold underlined. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in bold *italics*. **Suggested Modification 1:**

The certified Implementation Plan zoning map shall be revised to show that the 1.03 acre portion of the existing 1.37 acre parcel identified as APN 047-091-024 shall be redesignated from "A-1 One Family Residence Zone" to "A-2 One Family Residence Zone", as generally shown on Exhibit 3 of this staff report.

CALIFORNIA COASTAL COMMISSIONSOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Click here to go to
original staff report

STAFF REPORT ADDENDUM**Item F7a**

January 7, 2014

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: SOUTH CENTRAL COAST DISTRICT OFFICE

RE: City of Santa Barbara Local Coastal Program Amendment No. 1-2012

1. *Under section II on Page 7, the motion for Approval of the Land Use Plan Amendment As Submitted is incorrect and shall be replaced with the following revised motion:*

A. APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION : *I move that the Commission certify the City of Santa Barbara Land Use Plan Amendment SBC-MAJ-1-12, as submitted .*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment (SBC-MAJ-1-12) for the City of Santa Barbara, as submitted, and adopts the findings set forth below on grounds that the Land Use Plan, as amended, conforms with and is adequate to carry out the provisions of the Coastal Act, and certification of the Land Use Plan Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

A. In order to correct inadvertent typographical errors, the following changes are made to the staff report for this item. Language deleted from the staff report and recommendation is shown as **line-out**. Language inserted into the staff report is shown **underlined**, as follows:

2. *The second paragraph of the resolution on page 9 shall be revised as follows:*

The Commission hereby certifies the ~~County~~ **City** of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment STB-MAJ-1-12-B, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended.

3. *The last sentence of the first paragraph of section B on page 12 shall be revised as follows:*

The standard of review for the proposed amendment to the Implementation Plan (IP) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the Implementation Plan, with the proposed amendment, would be in conformance with and adequate to carry out, the provisions of the Land Use Plan portion of Santa Barbara ~~County's~~ **City's** certified Local Coastal Program, as amended.

4. *On Page 19 the Appendix shall be modified as follows:*

A resolution of the Council of the City of Santa Barbara approving a Local Coastal Program Amendment for the property at 415 Alan Road-Parcel B, passed, approved, and adopted by the ~~Board of Supervisors~~ **City Council** October 9, 2013

5. *The second sentence of the last paragraph on Page 16 shall be revised as follows:*

The minimum lot size figure of 1.5 acres for the 1.03 acre portion of the subject site is generated by considering both the base minimum lot size of 1 acre, which requires the underlying minimum lot size to be multiplied by a factor of 1.5 due to the average ~~19.5%~~ **14.4%** slope of the site.

B. The specific changes described in further detail in #6 below are necessary in order to address concerns raised by the City in its letter (attached as an exhibit to this addendum) sent to Commission Staff dated January 2, 2014 (and included as part of this addendum).

6. *The second sentence on page 4 of the staff report, within the Summary of Staff Recommendation Conclusion section, shall be revised as follows:*

However, the City's IP amendment does not **go far enough, in that it fails to update the minimum lot size for the 1.03 acre portion of the site to match the revised LUP and the subdivision proposal. The net result would create IP provisions that could not be satisfied and that would not** conform with ~~and is inadequate to carry out~~ the

relevant provisions of the City's certified Land Use Plan, as proposed, ~~as the City's proposed minimum lot size for the proposed 0.34 acre parcel would still be too small to conform with the LUP, even as amended, and the existing minimum lot size for the proposed 1.03 acre parcel is too large to allow the subdivision.~~ Thus, only as modified pursuant to Suggested Modification One (1) will the proposed IP amendment conform with and be adequate to carry out the relevant provisions of the City's certified Land Use Plan.

C. 7. In addition, Staff received three letters in support of this amendment and one letter in opposition, which have been attached as exhibits of this addendum. The points raised in the submitted letter of opposition have already been addressed in the staff report for this item.

Received

JAN 07 2014

California
Coastal Commission

F7a

California Coastal Commission
89 South California St., Suite 200
Ventura, CA 93001

Agenda Item NO: Fr7a
Steve H Dougherty

I must object to the proposed changes submitted by the City of Santa Barbara on the grounds that subdivision of and new construction on the property at 415 Alan Road would contribute inordinately to neighborhood crowding and traffic noise. Because of nearby (three blocks) Hendry's beach, curb parking and traffic at this end of Alan Road is already a nightmare. Adding more dwellings (the owner has just completed construction of an addition annex to the existing dwelling complex) would only compound the problem. Indeed, in my opinion, traffic conditions in the area have already worsened significantly since the City of Santa Barbara approved the proposed changes - even without additional housing.

But crowding is not the only issue. There's also an aesthetic dimension. The property in question is on a rather steep grade, and three new structures situated on it would perforce resemble a precarious stack of dominoes crowded directly above the street - an affront to the aesthetics of the existing community.

I therefore strongly oppose the changes under discussion and urge the Commission to deny them.



Steve H. Dougherty
414 Alan Road
Santa Barbara, CA
93109

805-450-2435
synecdoche@hushmail.com

F7a

Received

JAN 07 2014

California
Coastal Commission

Silvia Danner
3 Wade Court
Santa Barbara, CA 93109

January 4, 2013

Mr. Steve Kinsey, Chair California Coastal Commission
South Central Coast Area
69 South California Street, Suite 200
Ventura, CA 93001

Reference: January 10, 2014 Agenda Item F7a
City of Santa Barbara LCP Amendment No. MAJ-1-12 - 415 Alan Road Project

Dear Chair Kinsey, Commissioners and Staff:

My property at 3 Wade Court (on the corner of Wade Court and Alan Road) is adjacent to Seybold's property at 415 Alan Road. The new lot and house will be adjacent to my back yard. Over the past years I have supported this project and still believe it is a good fit for the neighborhood and have no objections to the lot approvals being granted and the house being constructed on the proposed new lot.

The Seybolds have worked with me and all of the neighbors through the entire process, making sure that we fully understood their goals and objectives. As the closest neighbor to this pending new lot and house, I believe it will enhance the neighborhood and am convinced that the Seybolds have done everything within their power to minimize any impact to the neighborhood and the neighbors. Therefore I urge you to vote in favor of this project.

Sincerely,

Silvia Danner



RECEIVED
JAN 06 2014
CITY OF SANTA BARBARA

Marion F. Gibson
11 Wade Court
Santa Barbara, CA 93109

January 5, 2014

Mr. Steve Kinsey, Chair California Coastal Commission
Commissioners and Staff
South Central Coast Area
69 South California Street, Suite 200
Ventura, CA 93001

Reference: January 10, 2014 Agenda Item F7a
City of Santa Barbara LCP Amendment No. MAJ-1-12 - 415 Alan Road Project

Dear Chairman Kinsey:

My property, located at 11 Wade Court, backs up to Andy and Linda Seybold's property located at 415 Alan Road. Several years ago, the Seybolds approached me regarding their desire to apply for a new lot and build a new house on that lot. The proposed lot is behind my house, and I would be one of the closest neighbors to the new house.

I have supported this project from the very beginning, writing letters to the City Planning Commission and attending City Council hearings to support this project. I still support it and hope the Coastal Commission will vote in favor of letting the project move forward.

Best regards,

Marion F. Gibson

Marion F. Gibson
Owner, 11 Wade Court

JAN 06 2014

Andrew and Linda M. Seybold
415 Alan Road
Santa Barbara, Ca 93109
Phone: 805-898-2460
Email: Aseybold@andrewseybold.com

January 9, 2014

Mr. Steve Kinsey, Chair California Coastal Commission
South Central Coast Area
69 South California Street, Suite 200
Ventura, CA 93001

**RE: January 10, 2014 Agenda Item F7a
City of Santa Barbara LCP Amendment No. MAJ-1-12 - 415 Alan Road Project**

Dear Chair Kinsey, Commissioners and Staff:

We are the owners of the property at 415 Alan Road in Santa Barbara that is the subject of the proposed Local Coastal Plan Amendment. We ask that the California Coastal Commission approve the staff's recommendation to certify the proposed LUP component of City of Santa Barbara LCP amendment as submitted and the IP/CZO amendment with staff's one suggested modification that the developed 1.03 acre portion of the property be rezoned from A-1 to A-2 to conform to the City's certified local coastal plan.

Since 1999, Linda and I have lived in our home on this property. The house is located at one end of the parcel, which is 1.37 acres. The parcels to the north are part of a 1950's subdivision called the Braemar Tract, and are all about 1/3 acre. The parcels to the south and west are one acre in size. As we have planned for our retirement, we have thought about splitting off the northernmost portion of our property in order to create a new lot and to build a modest-sized house on it. Both the new lot and the house would be compatible with the other homes in the neighborhood.

The proposed lot split would create two parcels. The smaller one will have approximately 0.34 acre. This new lot will meet the minimum lot size requirements for the proposed new E-3 zone (Three Dwelling Units per Acre), including the required increased lot size for lots with slopes over 10 percent (i.e., "slope density requirement"). The larger resulting lot, including our home, would be 1.03 acres in size with an average slope of 14.3 percent. Although this larger lot does not meet the minimum lot size required by the existing A-1 zoning for lots with slopes of 10 to 20 percent, it does meet all requirements of the A-2 zone district. As such, we support the staff recommendation to change the zoning on this remaining lot to from A-1 to A-2.

We have worked extensively with the City planners and the City Council to achieve our goal to construct one in-fill house with a maximum size of 2,000 square feet and an attached garage of 500 square feet. The new house, which will be restricted to a single story, will fit nicely within the existing neighborhood

in terms of size and density of surrounding development, will have no impact on scenic coastal resources, and has the support of a majority of the neighbors.

There would be no adverse impacts to coastal resources and public access with the approval of this LCP amendment as modified. The property is located within an existing developed area of the City with a public road, sidewalk, nearby transit, water and sewer. While Alan Road is used for beach parking when the parking lot at Arroyo Burro Beach is full, the addition of one new home would not impact on-street parking. The new home will comply with the City's IP/CZO requirements for two off-street parking spaces. Further, our existing home has a two-car garage and large driveway that accommodates all of our parking needs.

We believe that the addition of this one new lot within the residentially developed neighborhood will in fact enhance the community. The neighborhood has more than 100 homes of a similar style and appearance as the one we have planned for this new lot. Many of those living in these homes, which were built in the 1950s and 1960s, are upgrading and renovating their homes and this one new home will serve to further enhance the overall appearance of the neighborhood from the street.

If you have any questions regarding this matter, please feel free to contact us at the above address and contact information.

Thank you in advance for your positive vote on this request,



Andrew M. Seybold



Linda M. Seybold



City of Santa Barbara
Community Development Department

www.SantaBarbaraCA.gov

January 2, 2014

Director's Office
Tel: 805.564.5502
Fax: 805.564.5506

Melissa Ahrens
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

Administration, Housing &
Human Services
Tel: 805.564.5461
Fax: 805.564.5477

RE: City of Santa Barbara LCP Amendment: MAJ-1-12, 415 Alan Road Project
Coastal Commission Agenda, Friday, January 10, 2014 Item 7.a.

Building & Safety
Tel: 805.564.5485
Fax: 805.564.5476

Dear Ms. Ahrens – please forward this letter to the Commission as appropriate for the City of Santa Barbara comment on the proposed LCPA referenced above.

Planning
Tel: 805.564.5470
Fax: 805.564.5477

We appreciate your positive recommendation and are prepared to return to City Council to accept the suggested modification with respect to the implementing land use zone of A-2.

I reviewing the report we found a few minor errors and offer the following for correction:

Rental Housing
Mediation Task Force
Tel: 805.564.5420
Fax: 805.564.5477

1. Pages 9 section B. County should be changed to City
2. Page 12 – first paragraph – section B. last sentence change from County to City
3. Page 19 – states Board of Supervisors adopted Resolution it should be changed to acknowledge that the City Council adopted the resolution.
4. Page 4 Conclusion - first paragraph, second sentence: The City's proposed IP amendment for the proposed 0.34 lot meets the City's required minimum lot size. However, the City's IP amendment does not conform with and is inadequate to carry out the relevant provisions of the City's certified Land Use Plan, as proposed, as the City's existing proposed minimum lot size for the proposed 0.34 1.03 acre parcel would still be too small to conform with the LUP, even as amended as and the existing minimum lot size for the proposed 1.03 acre parcel is too large to allow the subdivision.
5. Page 16 last paragraph, second sentence: The minimum lot size figure of 1.5 acres for the 1.03 acre portion of the subject site is generated by considering both the base minimum lot size of 1 acre, which requires the underlying minimum lot size to be multiplied by a factor of 1.5 due to the average ~~19.5%~~ 14.4% slope of the site.

630 Garden Street
PO Box 1990
Santa Barbara, CA
93102-1990

Sincerely,
Bettie Weiss
City Planner/Acting Community Development Director

F7a

DATE: December 18, 2013
TO: Commissioners and Interested Persons
FROM: Jack Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Melissa Ahrens, Coastal Program Analyst
SUBJECT: City of Santa Barbara Local Coastal Program Amendment No. MAJ-1-12 (415 Alan Rd. Project) for Public Hearing and Commission Action at the January, 2014 Commission Meeting in San Diego.

DESCRIPTION OF THE SUBMITTAL

The City of Santa Barbara is requesting an amendment to the certified Coastal Land Use Plan (LUP) and Implementation Plan (IP) portions of its certified Local Coastal Program (LCP) to change the existing Land Use Plan designation from “One Dwelling Unit per Acre” (1du/ac) to “Three Dwelling Units per Acre” (3du/acre) and change the Implementation Plan zoning from “One Family Residence Zone’ (A-1)” to “One Family Residence Zone’ (E-3)” on a 0.34 acre portion of an existing 1.37 acre parcel at 415 Alan Road in the City of Santa Barbara. The proposed amendment would allow for a future subdivision of the existing 1.37 acre lot into two separate legal parcels pursuant to a coastal development permit.

The City of Santa Barbara submitted the subject Local Coastal Program Amendment to the Commission on August 6, 2012 and it was determined to be incomplete on August 20, 2012. The amendment proposal was determined to be complete on October 24, 2013, after the receipt of the required materials. Pursuant to Section 30512 of the Coastal Act and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP that combines changes to the LUP and IP/CZO must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. As such, Staff has scheduled this item for January 10, 2014, which will be the 78th day.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** the proposed LUP component of City of Santa Barbara LCP Amendment No. SBC-MAJ-1-12, as submitted, and **DENY** the proposed IP/CZO component of City of Santa Barbara LCP Amendment No. SBC-MAJ-1-12, as submitted, and **APPROVE** the IP/CZO amendment with one suggested modification. The modification is necessary because the IP/CZO amendment, as submitted, does not conform with and is inadequate to carry out the provisions of the Land Use Plan. The motions and resolutions for Commission action can be found starting on **page 7**. The suggested modification can be found starting on **page 9**.

The proposed LCP amendment is necessary in order to facilitate a future subdivision of the subject 1.37 acre lot into two separate legal parcels (1.03 acres and 0.34 acres in size) pursuant to

a separate coastal development permit. The subject 1.37 acre parcel located at 415 Alan Rd. is developed with an existing single family residence, permitted through a Coastal Development Permit issued by the Coastal Commission in 1976 (CDP No. 100-5). The current property owners of the 1.37 acre lot intend to subdivide the parcel into a 0.34 acre vacant lot and a 1.03 acre lot containing the home authorized through the Commission's 1976 approval. The City, at the request of the property owners, is proposing to modify the certified LUP and IP designations for only the 0.34 acre portion of the subject 1.37 acre parcel, in order to allow that portion of the site to be separated off as a distinct lot and to be able to find future residential development on that 0.34 acre lot consistent with the certified LCP. The current LUP designation for the 1.37 acre site would not allow for development on site to occur at a density greater than one unit per acre and thus would not allow the subdivision of the 1.37-acre parcel. Additionally, the current IP zoning designation for the 1.37 acre site requires a minimum lot size of 1.5 acres¹ and thus would not allow the subdivision of the 1.37-acre parcel.

There is no environmentally sensitive habitat areas on or adjacent to the subject site; thus, the proposed increase in density will not result in any potential adverse impacts to environmentally sensitive habitat areas. The future subdivision of the 1.37 acre lot into two separate lots and residential development of the 0.34 acre lot will require a coastal development permit, which will be processed by the City and will not be appealable to the California Coastal Commission. Further, the proposed modification of the Land Use Plan Designation and Zoning (IP) designation for the 0.34 acre area will allow for a residential density on the site that will be consistent with the pattern and density of development (three residential units per acre) in the residential neighborhood located immediately to the north of the subject site, which would abut the northern property line of the resultant 0.34 acre parcel.. Moreover, given the densely developed character of the area, the increase of density on the subject site will not result in any new adverse impacts to any scenic public views. Thus, the proposed amendment will not result in any potential adverse impacts to coastal resources.

Proposed Land Use Plan Amendment

The existing 1.37 acre parcel currently has a Land Use Plan designation restricting development on the site to one dwelling unit per acre (1du/ac). Therefore, while the proposed 1.03 acre lot would remain consistent with the LUP, the proposed 0.34 acre lot that would result from the planned future subdivision of the site would be too small to be developed legally and thus inconsistent with the 1 du/ac designation. As such, the City's LCP amendment proposal seeks to modify the LUP designation on the 0.34 acre portion of site from "1du/ac" to 3du/ac," which would ensure that the proposed 0.34 acre lot would be consistent with the minimum lot size requirement for the site pursuant to the certified LUP, as amended. The subject 1.37 acre site proposed for future subdivision is surrounded by residential development. The area immediately north of, and partially abutting, the subject site is developed with a residential neighborhood that has been built out at a density of approximately three dwelling units per acre (3du/acre). Thus, the proposed change for the 0.34-acre portion of the site and its independent development would be consistent with the density of adjacent developed areas to the north. In addition, approval of

¹ This minimum lot size figure of 1.5 acres is generated by considering both the base minimum lot size of 1 acre and the IP zoning for the subject site, which requires the underlying minimum lot size to be multiplied by a factor of 1.5 due to the average 14% slope of the subject 1.37 acre site. Staff notes that this means the existing lot is already a non-conforming lot due to its size.

the LUP amendment portion the City's proposed LCP amendment request would be consistent with all applicable Chapter 3 policies of the Coastal Act and would not create a conflict between any existing LUP policies. Additionally, the planned future subdivision of the 1.37 acre property into two parcels (1.03 acres and 0.34 acres in size) and the construction of a new residence on the 0.34 acre portion of the site would not be expected to result in any new significant impacts on coastal resources, due to the surrounding pattern of development and the specific site conditions discussed in further detail in the findings of this staff report.

Proposed Implementation Plan Amendment

Pursuant to the certified Implementation Plan, the subject 1.37 acre site is designated "A-1", which requires a base minimum lot size of 1 acre, and in this case, due to the topography of the site, a minimum lot size of 1.5 acres; The subject 1.37 acre lot is considered legally non-conforming with respect to the required 1.5 acre minimum lot size, as it was subdivided from an original 2.4 acre parent parcel [pursuant to a Coastal Development Permit issued by the regional Coastal Commission in 1976 (71-5)] prior to the establishment of the A-1 zoning certified for the Coastal Zone as part of the City's IP in 1986. Authorizing further subdivision of this lot would create two lots, each of which would be even more inconsistent with the certified A-1 zoning. Thus, the City's LCP amendment request seeks to modify the zoning designation on the .34 acre site from "*One Family Residence Zone - A-1*", which requires a minimum lot size of 1.5 acres in this case, to "*One Family Residence Zone, - E-3*", which requires a minimum lot size of 11,250 sq. ft. at this site². The proposed zoning change to the 0.34 acre portion of the site would be consistent with the denser "E-3" pattern of residential development in the adjacent neighborhood to the north and would be consistent with all applicable LUP policies.

However, as noted above, the City's plan would create not one lot, but two, each of which would be more inconsistent with the certified "A-1" zoning than the current parent lot is. The City's express plan is to divide the 1.37-acre lot into a 0.34 acre lot and 1.03-acre lot and rezone the 0.34 acre portion of the site to allow for the proposed higher density; however, the zoning for the 1.03-acre portion of the site must also be changed as well, in order to allow the creation of that 1.03-acre lot and to avoid exacerbating that lot's non-conformity with the IP. Therefore, in order to ensure that creation of the prospective 1.03 acre parcel can be found consistent with the certified IP zoning, Staff is recommending **approval** of the amendment with **one Suggested Modification** to also change the IP zoning on the 1.03 acre portion of the 1.37 acre parcel from "*One Family Residence Zone - A-1*" (*base minimum lot size of 1 acre, and minimum lot size in this case of 1.5 acres*) to "*One Family Residence Zone - A-2*" (*base minimum lot size of 25,000 sq. ft./0.57 acres, and minimum lot size in this case of 37,500 sq. ft./0.86 acres, due to the slope calculation factor required in the A-2 zoning*

² The A-1 zoning requires a minimum lot size of 1 acre (43,560 sq. ft.) and the E-3 zoning requires a minimum lot size of 7,500 sq. ft. However, as the subject site has an average slope of 14%, both the A-1 and E-3 underlying minimum lot sizes are required to be multiplied by a factor of 1.5 to determine the resulting final required minimum lot size of 1.5 acres and 11,250 sq. ft..

Conclusion

As discussed in the findings set forth in this report, the City's proposed LUP amendment conforms with the requirements of Chapter Three of the Coastal Act. However, the City's IP amendment does not conform with and is inadequate to carry out the relevant provisions of the City's certified Land Use Plan, as proposed,, as the City's proposed minimum lot size for the proposed 0.34 acre parcel would still be too small to conform with the LUP, even as amended, and the existing minimum lot size for the proposed 1.03 acre parcel is too large to allow the subdivision. Thus, only as modified pursuant to Suggested Modification One (1) will the proposed IP amendment conform with and be adequate to carry out the relevant provisions of the City's certified Land Use Plan. Although not part of this LCP amendment, the City of Santa Barbara will be required to process a coastal development permit application subsequent to Commission action on this LCP amendment request to authorize 1. The subdivision of the existing 1.37 acre parcel and 2. Residential development of the .34 acre parcel.

The standard of review for the proposed amendment to the LUP of the certified LCP is that it meets the requirements of, and is in conformity with, the Chapter 3 policies of the Coastal Act. The standard of review for the proposed amendment to the IP/CZO of the certified LCP is consistency with, and adequacy to carry out, the provisions of the Land Use Plan (LUP) portion of the certified City of Santa Barbara LCP, as amended. For the reasons above, and as described in this report, the proposed LUP amendment, as submitted, would meet the requirements of and be in conformity with the Chapter 3 policies of the Coastal Act. Likewise, for the reasons above, and as described in this report, the proposed IP amendment, as modified, would be consistent with and adequate to carry the provisions of LUP, as amended, with respect to the protection of coastal resources.

<p>Additional Information: Please contact Melissa Ahrens at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St., Second Floor, Ventura, CA 93001</p>

TABLE OF CONTENTS

I.	Procedural Issues	6
A.	Standard of Review	6
B.	Public Participation	6
C.	Procedural Requirements	7
II.	STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN AMENDMENT	7
A.	approval of the land use plan amendment.....	7
III.	STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) amendment	8
A.	denial of the implementation plan/coastal zoning ordinance amendment As Submitted.....	8
B.	Certification of the local implementation plan/coastal zoning ordinance amendment with Suggested Modifications.....	9
IV.	SUGGESTED MODIFICATION ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) amendment	9
V.	FINDINGS FOR APPROVAL OF THE LUP AMENDMENT, AS SUBMITTED, AND DENIAL OF THE IP/CZO AMENDMENT, AS SUBMITTED, AND APPROVAL OF THE IP/CZO IF MODIFIED AS SUGGESTED.....	10
A.	Amendment Description	10
B.	Consistency Analysis and Findings.....	12
C.	California Environmental Quality Act	17

EXHIBITS

- Exhibit 1. General Location Map
 - Exhibit 2. Site Plan
 - Exhibit 3. Proposed Subdivision
 - Exhibit 4. Photograph of 6 acre “parent Parcel”
 - Exhibit 5. City Resolution
 - Exhibit 6. Letter from City Clarifying Resolution
-

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (California Public Resources Code Section 30513)

The standard of review that the Commission uses in reviewing the Land Use Plan Map designation changes, as proposed by the City, is whether the changes are consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Zoning Ordinance and Map, which is part of the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Santa Barbara's certified Local Coastal Program. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified City of Santa Barbara's LUP as guiding policies

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held Planning Commission hearings on 6/11/09, 11/10/09 and 3/3/11 and City Council hearings on 1/31/12 and October 8, 2013). Seven (7) comment letters were received regarding the project from concerned parties and members of the public. Five of the letters were in opposition to the proposed LCP amendment and 2 were in support. The hearings were noticed to the public consistent with Sections 13515 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations (“14 CCR”), the City, by resolution, may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The Santa Barbara City Council submittal resolution specified that this amendment shall take effect automatically after Commission action. In this case, because this approval is subject to a suggested modification by the Commission, if the Commission approves this Amendment, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (Section 13544.5; Section 13537 by reference;). Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission’s certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION: *I move that the Commission reject the City of Santa Barbara Land Use Plan Amendment SBC-MAJ-1-12, as submitted .*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Following this staff recommendation with result in failure of this motion and certification of the Land Use Plan Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment (SBC-MAJ-1-12) for the City of Santa Barbara, as submitted, and adopts the findings set forth below on grounds that the Land Use Plan, as amended, conforms with and is adequate to carry out the provisions of the Coastal Act, and certification of the Land Use Plan Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or

alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

III. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. DENIAL OF THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT AS SUBMITTED

MOTION I: *I move that the Commission reject the City of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment SBC-MAJ-1-12, as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the City of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment SBC-MAJ-1-12, as submitted, and adopts the findings set forth below on grounds that the Implementation Program Amendment, as submitted, does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.

B. CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify City of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment SBC-MAJ-1-12 if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the County of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment STB-MAJ-1-12-B, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

IV. SUGGESTED MODIFICATION ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT

Staff recommends the Commission certify the proposed IP/CZO amendment with the modification as shown below. The LCP number indicates the existing section in the certified Santa Barbara City LCP. The existing language of the certified LCP is shown in straight type. Language recommended by Commission staff to be deleted is shown in bold ~~line-out~~. Language proposed by Commission staff to be inserted is shown as bold underlined. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in bold *italics*. **Suggested Modification 1:**

The certified Implementation Plan zoning map shall be revised to show that the 1.03 acre portion of the existing 1.37 acre parcel identified as APN 047-091-024 shall be redesignated from “A-1 One Family Residence Zone” to “A-2 One Family Residence Zone”, as generally shown on Exhibit 3 of this staff report.

V. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT, AS SUBMITTED, AND DENIAL OF THE IP/CZO AMENDMENT, AS SUBMITTED, AND APPROVAL OF THE IP/CZO IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section III (*Suggested Modification*) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

The City of Santa Barbara is requesting an amendment to the certified Coastal Land Use Plan (LUP) and Implementation Plan (IP) portions of its certified Local Coastal Program (LCP) to change the existing Land Use Plan designation from "One Dwelling Unit per Acre" (1du/ac) to "Three Dwelling Units per Acre" (3du/acre) and change the Implementation Plan zoning from "One Family Residence Zone" (A-1) to "One Family Residence Zone" (E-3) on a 0.34 acre portion of an existing 1.37 acre parcel located at 415 Alan Road in the City of Santa Barbara. The proposed amendment would facilitate the future subdivision of the existing 1.37 acre lot into two separate legal parcels of 0.34 acres and 1.03 acres.

Specifically, the proposed LCP amendment is project driven and will facilitate the residential development of a 0.34 acre site located in the western component of the city, immediately inland of Arroyo Burro county beach park. The 1.37 acre subject site is located within a relatively densely developed urban area and the increase in density on the subject site will be consistent with the character and density of the surrounding community. Moreover, the subject site does not contain, and is not adjacent to, any environmentally sensitive habitat area; thus, the proposed increase in density will not result in any potential adverse impacts to environmentally sensitive habitat areas.

The existing 1.37 acre parcel to be subdivided currently has a land use plan designation of one dwelling unit per acre "1 du/ac" and an IP/CZO designation of A-1. The IP/CZO designation is the more restrictive designation of the two, as it requires the minimum lot size for residential development to be 1.5 acres (due to the slope calculation requirements specified in the A-1 zoning). Any proposed subdivision or residential development on the site will be processed by the City pursuant to a Coastal Development Permit Application, which would not be appealable to the CCC. Therefore, as a subdivision of the 1.37 acre lot would be inconsistent with the existing certified LUP and IP designations, the City is proposing to amend both the LUP and IP to find the future subdivision and development of the .34 acre site consistent with the LCP.

Proposed Land Use Plan Amendment.

Specifically, the City of Santa Barbara is proposing to amend their LUP Map to reflect the proposed LUP designation modifications to the 0.34 acre site. The certified LUP Map identifies the subject site as “1dwelling unit/acre”. Other certified LUP residential designations in the City’s Coastal Zone consist of “2 dwelling units/acre”, “3 Dwelling Units/acre”, “5 Dwelling Units/acre”, and “12 Dwelling Units/acre”. The City’s proposed LCP amendment seeks to modify the Land Use Plan Map to designate the 0.34 acre site as “3 Dwelling Units/Acre” which would allow for the development of the resultant 0.34 acre site with one single family residence.

Proposed Coastal Zoning Ordinance/Implementation Plan amendment

The City is also proposing to amend their Implementation Plan Maps to reflect the proposed IP designation modifications to the 0.34 acre site. The Certified IP/CZO maps designate the subject 1.37 acre site as “One Family Residence Zone” A-1. The “One Family Residence Zone” section of the zoning ordinance includes A-1, A-2, E-1, E-2, E-3, and R-1 zones. All of these zoning designations have different minimum lot requirements, which are all subject to increase based on the slope calculation of the subject lot. In the case of the subject 0.34 acre site, the percent average slope is 19.5%. The zoning ordinance for “one family residential zones” (including A-1, A-2, and E-3 zones) contains a slope calculation formula which can increase the required minimum lot size depending on the average slope of a subject site. For a site with an average slope of 10%-20% , the slope calculation formula requires the underlying minimum lot size to be multiplied by a factor of 1.5 . The City is proposing to redesignate the subject 0.34 acre site as “E-3”, which has an underlying minimum lot size of 7,500 sq. ft.; however, pursuant to the slope formula in the zoning ordinance, the minimum lot size for the 0.34 acre site would actually be 11,250 sq. ft. The proposed 0.34 acre lot would be much larger than this minimum lot size and, as such, could be found consistent with the IP, if amended, as proposed by the City herein.

Site Background

The subject 1.37 acre parcel was historically part of a larger 6 acre parcel that was subdivided into four separate parcels in 1976 through Coastal Development Permit No. 71-5. CDP No. 71-5 created four separate parcels with sizes of 1 acre, 1.1 acres, 1.2 acres and 2.4 acres. CDP No. 100-5, also approved in 1976, authorized construction of a single family residence on each of the four lots. Subsequently, in 1978, CDP no. 173-19 authorized the subdivision of the 2.4 acre parcel into a 1.0 acre vacant lot and a 1.37 acre lot with an existing residence (the subject site). The City approved the subdivision and Final Map No. 20,191 through a planning Commission action on 5/4/78 subject to a condition requiring that there be no further subdivision of the 1.0 acre or 1.37 acre parcel. However, this condition was not implemented through a deed restriction or any other type of legally binding document. In their recent actions on this LCP amendment request, the City Council and City Planning Commission were both aware of this previous City condition. Moreover, the City determined through public hearings and discussions that the City’s previously required condition was not applicable or enforceable and that further subdivision of the 1.37 acre property would be consistent with the pattern of residential development in the surrounding area and would not have potential to result in any impacts to coastal resources. None of the previous coastal development permits issued by the Coastal Commission had any conditions restricting future subdivisions of the subject properties.

The original 6 acre parcel bordered Cliff drive in the western area of the City, across the street and immediately northeast from Arroyo Burro County Beach Park (Exhibit 4). The 1.37 acre subject parcel that was split off from this 6 acre parent parcel did not maintain any frontage along Cliff drive and was located further inland, accessible only from Alan Road. The other parcels that were originally part of the 6 acre “parent” parcel are all currently designated as “1 Dwelling Unit/acre” in the LUP and as “A-1” (1 unit/acre) in the IP/CZO. However, the subject 1.37 acre site is located further inland of the other parcels and is situated directly adjacent to a pre-coastal subdivision, which was annexed by the City from the County in the late 1950’s. Upon annexation the pre-coastal subdivision was zoned “One Family Residential - E-3”. This development is considerably denser than the Hope ranch area located further to the west and supports approximately 115 built out residential parcels.

B. CONSISTENCY ANALYSIS AND FINDINGS

The standard of review for the proposed Land Use Plan (LUP) Amendment is whether the Land Use Plan, as amended, would remain consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan (IP) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the Implementation Plan, with the proposed amendment, would be in conformance with and adequate to carry out, the provisions of the Land Use Plan portion of Santa Barbara County’s certified Local Coastal Program, as amended.

The City of Santa Barbara’s Land Use Plan (LUP) was approved and certified by the Commission in 1981. The City of Santa Barbara Implementation Program (Coastal Overlay Zone) was certified subsequently in November 1986 and the City assumed permitting authority at that time. The Implementation Plan included the addition of the S-D-3, Coastal Overlay Zone as a Special District codified in Section 28.44 of the City’s Zoning Ordinance.

The subject LCP amendment includes both LUP and IP components. The proposed amendment’s consistency with the Coastal Act and the certified LUP is detailed below. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified City LUP as guiding policies pursuant to Policy 1.1 of the LUP.

New Development and Cumulative Impacts

Coastal Act Policies

Section 30250 of the Coastal Act states in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251 of the Coastal Act, relating to scenic and visual qualities, states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253, of the Coastal Act, regarding minimization of adverse impacts, states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Policy 5.3 of the City's Land Use Plan states:

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

Policy 9.1 of the City's Land Use Plan states:

The existing views to, and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

- (a) Acquisition of land for parks and open space*
- (b) requiring view easements or corridors in new developments;*
- (c) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;*
- (d) developing a system to evaluate view impairment of new developments in the review process.*

The City of Santa Barbara is requesting an amendment to the certified Coastal Land Use Plan (LUP) and Implementation Plan (IP) portions of its certified Local Coastal Program (LCP) to change the existing Land Use Plan designation from “One Dwelling Unit per Acre” (1du/ac) to “Three Dwelling Units per Acre” (3du/acre) and change the Implementation Plan zoning from “One Family Residence Zone” (A-1) to “One Family Residence Zone” (E-3) on a 0.34 acre portion of an existing 1.37 acre parcel located at 415 Alan Road in the City of Santa Barbara. The proposed amendment would facilitate the future subdivision of the existing 1.37 acre lot into two separate legal parcels of 0.34 acres and 1.03 acres.

If approved as submitted, the LUP amendment would maintain the overlying single family residential designation over the 0.34 acre portion of the subject site but would increase the amount of dwelling units authorized per acre on the 0.34 acre portion of the site (the “3 Dwelling units/Acre” designation implies authorization of a minimum lot size of 0.33 acres). The City’s proposed Land Use Plan amendment seeks to facilitate residential development on the vacant 0.34 acre portion of the site with a new single family residence, which would be consistent with the requirements of the proposed “3 Dwelling Units/acre” LUP designation for the site.

The Commission is not reviewing the direct approval of a subdivision or residential development of the 0.34 acre site, although this amendment request would facilitate both of these actions at a local level. Staff’s recommendation is based on the consistency of the LUP, as amended, with the Chapter 3 policies of the Coastal Act and IP/CZO will be adequate to carry out the provisions of the certified Land Use Plan. The applicable Chapter 3 policies of the Coastal Act, included above, require new development to be sited in an existing developed area where it would avoid or minimize impacts to coastal resource, will be visually compatible with the character of the surrounding area, and will not obstruct existing coastal views.

In this case, there is no native vegetation or environmentally sensitive habitat areas on or adjacent to the subject site; thus, the proposed increase in density will not result in any potential adverse impacts to environmentally sensitive habitat areas. Further, the subject site is located within a relatively densely developed urban area and the increase in density on the subject site will be consistent with the character and density of the surrounding community. Moreover, given the densely developed character of the area, the increase of density on the subject site will not result in any new adverse impacts to any scenic public views. Thus, the proposed amendment will not result in any potential adverse impacts to coastal resources and will serve to locate and cluster new residential development within an existing developed area able to accommodate it, consistent with the Sections 30250 and 30251 of the Coastal Act. However, although the proposed amendment to the certified Land Use Plan (LUP) is consistent with the Chapter 3 policies of the Coastal Act, as proposed, it would also allow for the potential creation of a new lot in non-conformance with the provisions of the City’s Coastal Zoning Ordinance as discussed in more detail below.

The subject 1.37 acre site has already been developed with a single family residence and is located immediately north of 8 other residentially developed lots that have been designated with the same “1 Dwelling Unit/acre” LUP designation and A-1 zoning designation as the subject site. In addition, the subject site is located immediately south of 115 residentially developed lots to

the north of the subject site that are part of a densely built-out subdivision which was annexed by the City from the County in the late 1950's, prior to the effective date of the Coastal Act. The existing residential neighborhood immediately north of the subject site is designated as "One Family Residential - E-3" pursuant to the certified IP. However, the designation of the lots in the neighborhood to the north of the subject site with a zoning designation that allows for three units per acre and a land use plan designation that requires a minimum lot size of not less than 1 unit per acre resulted in an unintentional inconsistency between the LUP and the IP. The City has stated that they intend to resolve this internal inconsistency as part of their upcoming LCP update.

However, in the case of this amendment, in order to ensure consistency between the LUP and IP designations for the subject site to the extent feasible, the LUP designation for the 0.34 acre portion of the subject site would be redesignated "3 Dwelling Units/acre" and the zoning designation would also be changed to "One Family Residential - E-3" in order to allow for development to occur on site at that same density.

This amendment would facilitate the subdivision of the 1.37 acre site into a 1.03 acre parcel, already developed with a residential structure, and a 0.34 acre parcel, where a residence would likely be constructed. The 1.03 acre parcel would be adjacent to the 8 larger parcels to the south with the same "1 Dwelling Unit/acre" LUP designation and the 0.34 acre site would be adjacent to the denser pre-coastal neighborhood to the north with the "3 Dwelling Units/acre" LUP designation. Therefore, the proposed LUP amendment would facilitate the creation of a 0.34 acre lot that was located adjacent to an existing residentially developed area with similar lot sizes. Any residential development on the lot would be keeping with the character of the residential neighborhood and would not have the potential to impact existing coastal views, public access, or other coastal resources. The remaining 1.03 acre lot would remain consistent with the existing "1 Dwelling Unit/acre" Land Use Plan designation and could not be further subdivided without a change to its own LUP designation coming forward as part of a separate LCP amendment request from the City.

Policy 5.3 of the City's LUP provides that new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted. In this case, the subject site is located within a relatively densely developed urban area and the increase in density on the subject site will be consistent with the character and density of the surrounding community. Moreover, given the densely developed character of the area, the increase of density on the subject site will not result in any new adverse impacts to any scenic public views.

Therefore, for the above reasons, the proposed changes to the certified LUP are consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. However, although the proposed amendment would be consistent with the LUP, it would also facilitate the creation of a 1.03 acre parcel that would be considered non-conforming with the zoning for the site pursuant to the certified IP. The subject 1.37 acre site has an existing Implementation Plan (zoning) designation of A-1, which requires a minimum lot size of 1.5 acres (due to the slope

calculation factor required in the A-1 zoning). Specifically, the proposed 1.03 acre site has an average slope of 14.4%. The proposed .34 acre site is steeper than the 1.03 acre site below and has an independent average slope of 19.5%. The certified IP Zoning requires the following regulation to apply for all “one family residence zones” (A-1, A-2, E-1, E-2, E-3, R-1):

With the exception of those parcels having frontage on the Pacific Ocean, the minimum lot areas specified in this section shall be increased by the following factors where the average slope of the parcel falls within the percent of average slope ranges given:

Percent of Average Slope	Factor
10% to 20%	1.5 times min. lot area
20% to 30%	2.0 times min. lot area
Over 30%	3.0 times min. lot area

The underlying minimum lot requirements of the relevant “One family residence zones” are as follows:

Zone	Minimum Lot Requirement	Final Minimum Lot size of 1.37 acre or .34 acre site with Slope Factor
A-1	1 Acre (43,560sq. ft.)	1.5 acres
A-2	25,000 sq. ft.	.86 acres
E-3	7,500 sq. ft.	11,250 sq. ft.

The City’s LCP amendment request seeks to modify the zoning designation on only the 0.34 acre site from “One Family Residence Zone” A-1, which requires a minimum lot size of 1.5 acres, to “One Family Residence Zone - E-3”, which requires a minimum lot size of 11,250 sq. ft. at this site. In this case, the 0.34 acre parcel would be 14,810 sq. ft. in size and exceed the minimum lot size of 11,250 sq. ft. for the “E-3” Zone and would also be consistent with the proposed LUP designation for the site that would allow for three units per acre. Thus, the proposed zoning change on the 0.34 acre portion of the site would be consistent with the denser “E-3” pattern of residential development in the adjacent neighborhood to the north and would be consistent with all applicable LUP policies and all Chapter 3 policies incorporated into the LUP.

However, while the proposed LUP and IP amendment would facilitate the creation of a 0.34 acre parcel where residential development could be authorized through a coastal development permit consistent with the LCP, it would also facilitate the creation of a 1.03 acre parcel that would be non-conforming with the “A-1” zoning for the site which would require a minimum lot size of 1.5 acres. This minimum lot size figure of 1.5 acres for the 1.03 acre portion of the subject site is generated by considering both the base minimum lot size of 1 acre, which requires the underlying minimum lot size to be multiplied by a factor of 1.5 due to the average 19.5% slope of the site. . Thus, the subject 1.37 acre lot is already considered to be a legally non-conforming lot with respect to the required 1.5 acre minimum lot size for the “A-1” zone, as it was subdivided from an original 2.4 acre parent parcel [in a Coastal Development Permit issued by the Coastal Commission in 1976 (71-5)] prior to the establishment of the “A-1” zoning certified in the Coastal Zone as part of the City’s IP in 1986. However, authorizing further subdivision

of this 1.37 acre lot to a 1.03 acre lot would increase non-conformity of the parcel with the certified A-1 IP zoning, which requires a minimum lot size of 1.5 acres.

However, as previously discussed in detail, the proposed increase in density and potential subdivision of the subject site into two parcels would not result in any expected adverse impacts to coastal resources and would serve to locate and cluster development within an existing residentially developed area appropriate for such use. Therefore, in order to avoid creating an internal inconsistency within the LCP through approval of the IP amendment, as proposed, Staff is recommending approval of the IP/CZO amendment with one Suggested Modification to also change the IP zoning on the 1.03 acre portion of the existing 1.37 acre parcel from *One Family Residence Zone- A-1* (minimum lot size of 1.5 acres) to *One Family Residence Zone - A-2* (minimum lot size of 37,500 sq. ft./ .86 acres). **Suggested Modification One (1)** would ensure that the resulting 1.03 acre parcel would conform to the IP designation for the site and would also be in conformance with the LUP designation for the site. Currently, the “A-1” zone requires a minimum lot size for the site of 1.5 acres. The LUP designation requires that only one dwelling unit is constructed per acre. Modifying the IP designation of the site to A-2 “One Family Residence Zone” would require a minimum lot size of 0.84 acres (37,500 sq. ft.) on the site due to the required slope calculations in the IP zoning. Therefore, modifying the IP designation of the 1.03 acre site to A-2 would also be consistent with, and more closely match, the certified “1 du/ac” LUP designation for the site. The increase in density pursuant to the “A-2” zoning designation would not allow for any further subdivision of the site without the Commission approval of a separate LCP amendment to modify the IP zoning and LUP designation of the site. As the subject 1.03 acre site is already developed with an existing residence and further subdivision of the site would not be consistent with the LCP, as amended, decreasing the IP zoning’s minimum required lot size for the site from 1.5 acres to 0.86 acres would not facilitate any additional subdivisions or new residential development and would not result in any potential impacts to coastal resources.

In summary, for the above reasons, the proposed changes to the certified LUP are consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The proposed changes to the IP/CZO, as proposed, will not be fully adequate to carry out the provisions of the certified Land Use Plan, and incorporated Coastal Act policies unless modified as suggested above.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Environmental Quality Act (“CEQA”), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission’s program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, “...if there are feasible alternative or feasible mitigation measures available which would

substantially lessen any significant adverse impact which the activity may have on the environment.”

The proposed amendment is to the City of Santa Barbara’s certified Local Coastal Program Implementation Ordinance and Land Use Plan. The Commission originally certified the City of Santa Barbara’s Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1986, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and feasible alternatives and mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission’s suggested modifications bring the proposed amendment to the Implementation Plan component of the LCP into conformity with the certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

APPENDIX 1

Substantive File Documents

Resolution No. 13-084, City of Santa Barbara of Santa Barbara, *A resolution of the Council of the City of Santa Barbara approving a Local Coastal Program Amendment for the property at 415 Alan Road-Parcel B*, passed, approved, and adopted by the Board of Supervisors October 9, 2013; Letter from City of Santa Barbara planner Bettie Weiss clarifying the intent of Resolution No. 13-084. Coastal Development Permit Nos. 71-5, 100-5, and 173-19.

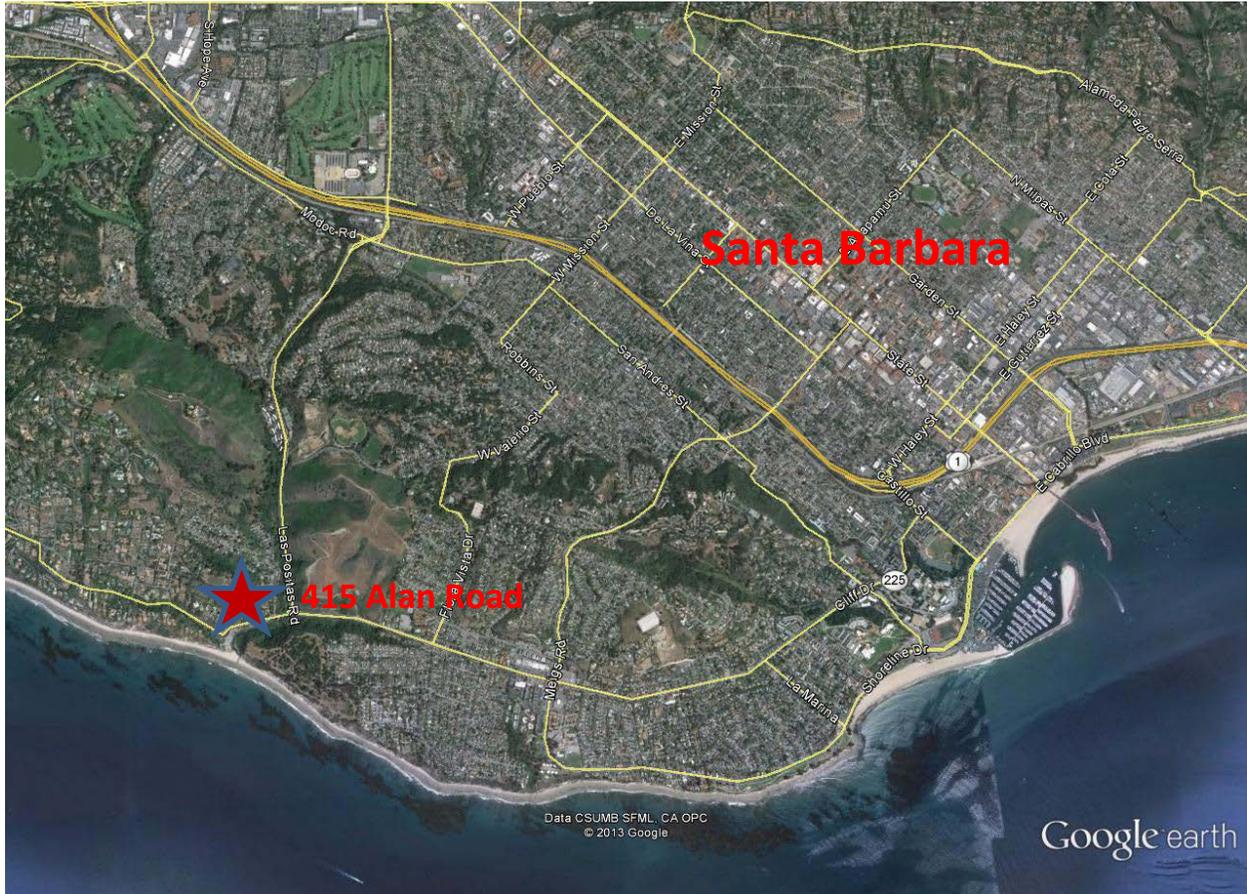


EXHIBIT 1

**City Of Santa Barbara LCP
Amendment SBC-MAJ-1-12**

General Location Map

415 Alan Road



EXHIBIT 2

City Of Santa Barbara LCP
Amendment SBC-MAJ-1-12

**Aerial/Site Plan of 'Parcel B'
subject of the proposed LCP
amendment**

Proposed Land Use Plan Amendment

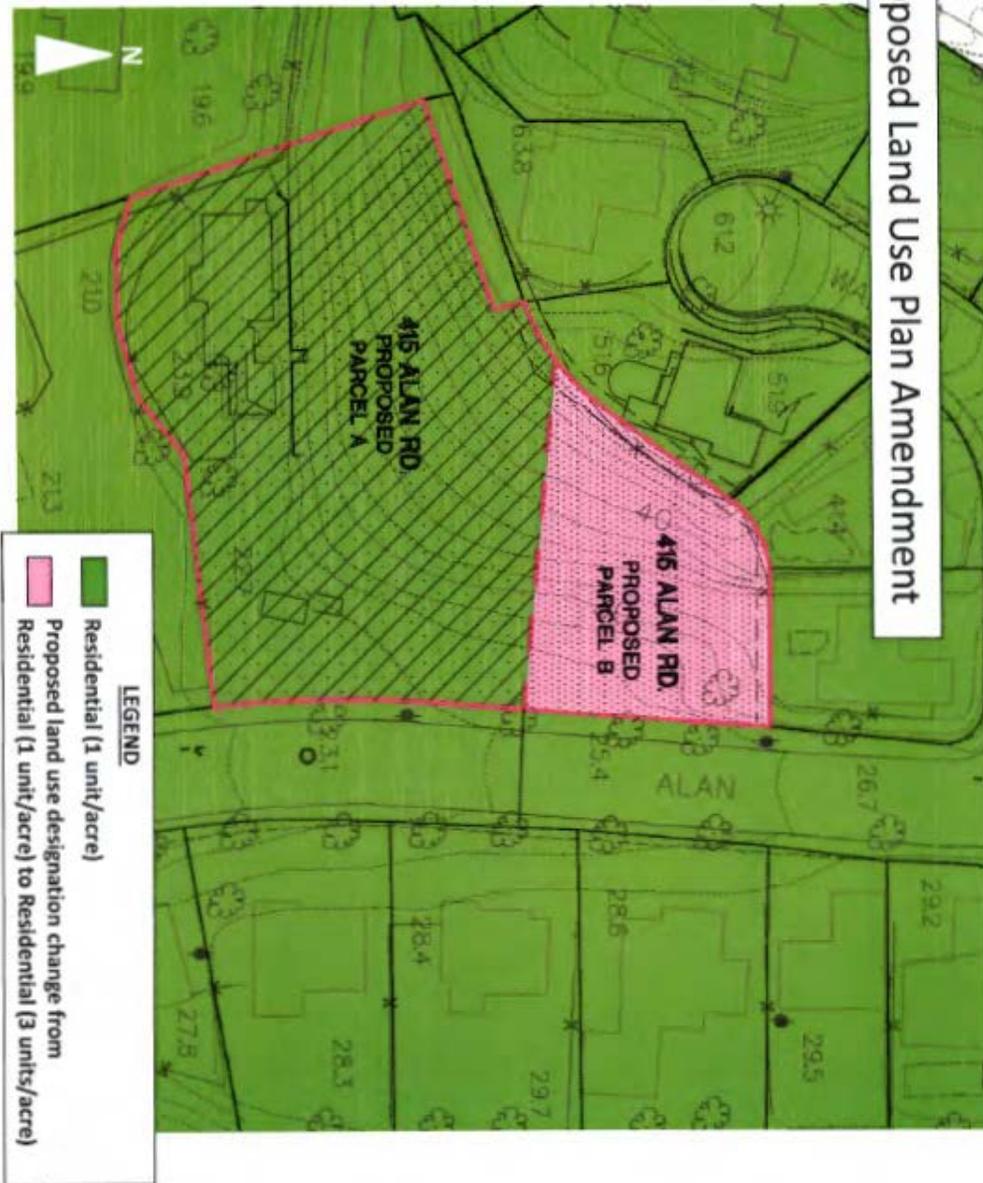


EXHIBIT 3
City Of Santa Barbara LCP
Amendment SBC-MAJ-1-12
Proposed LUP Amendment

**Proposed Local Implementation
Plan Amendment**

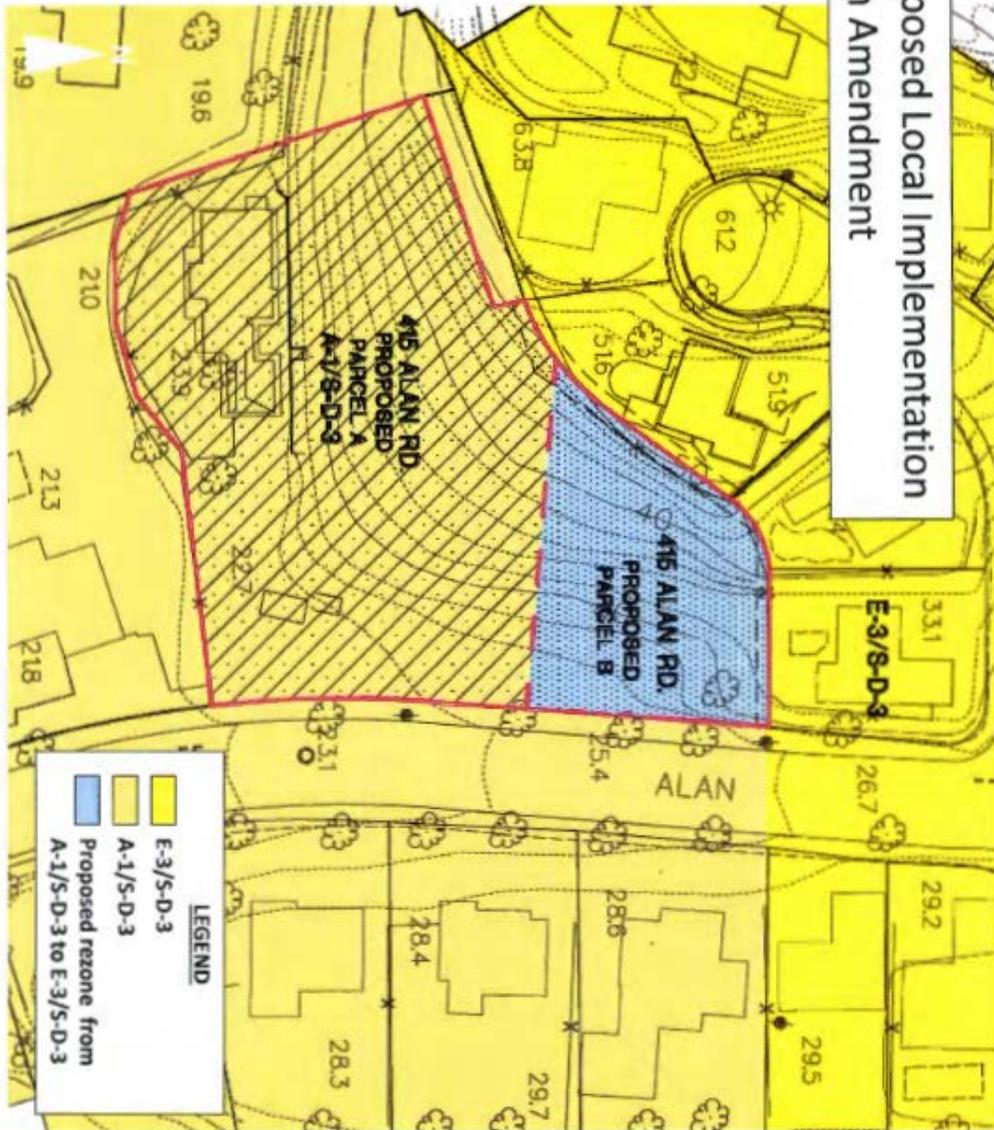


EXHIBIT 4
 City Of Santa Barbara LCP
 Amendment SBC-MAJ-1-12
Proposed IP Amendment

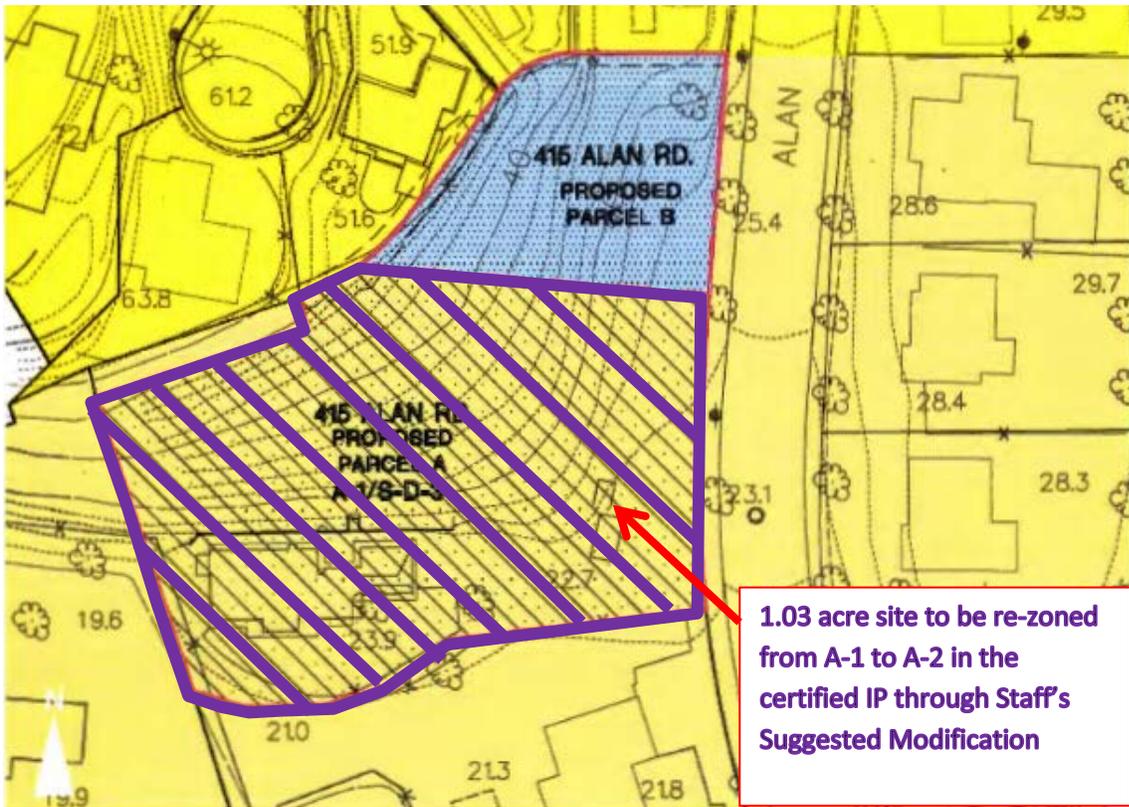


EXHIBIT 5

City Of Santa Barbara LCP
Amendment SBC-MAJ-1-12

Staff's Suggested Modification

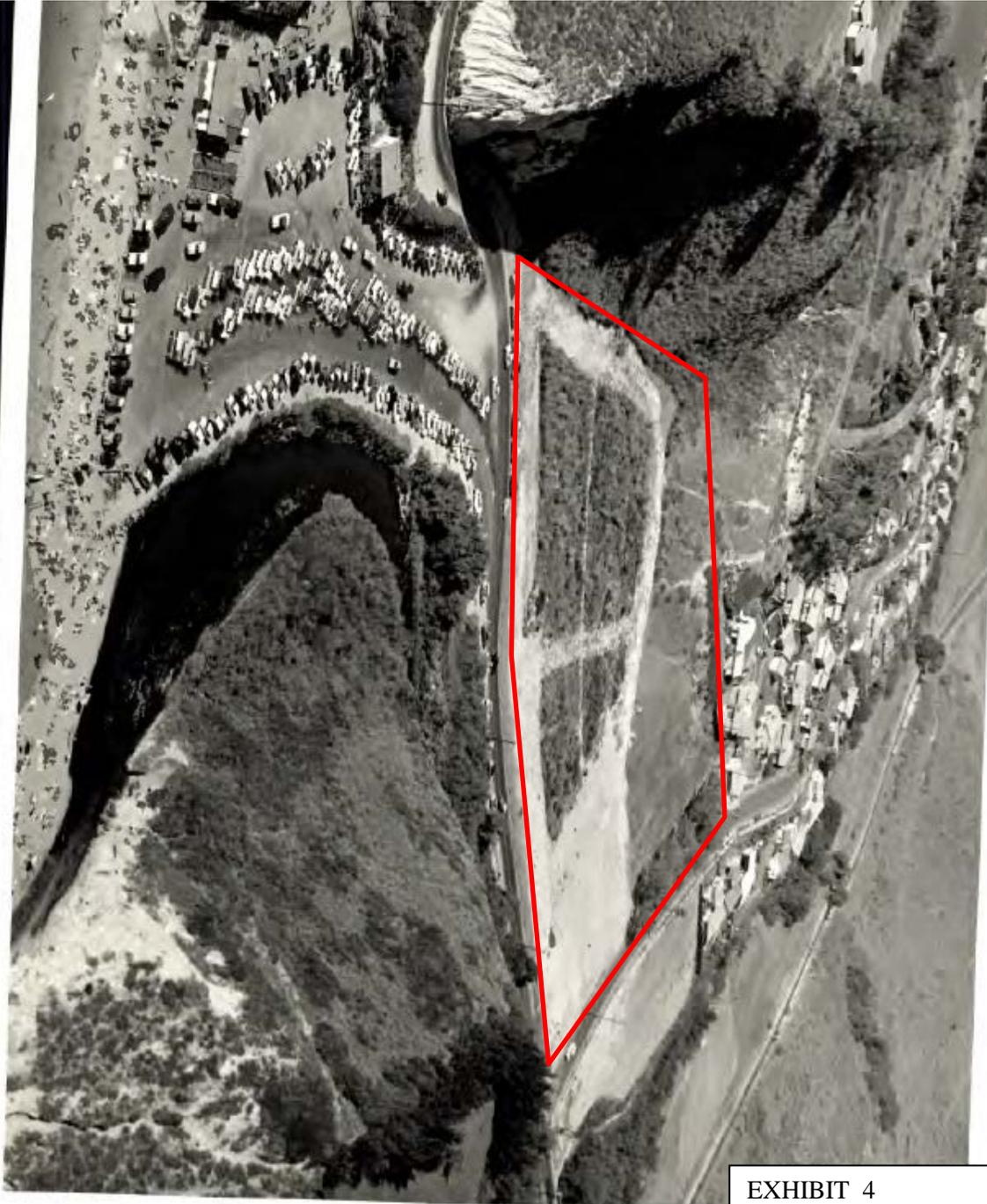


EXHIBIT 4

City Of Santa Barbara LCP
Amendment SBC-MAJ-1-12

**1950's Photograph of 6 acre
"parent Parcel"**

RESOLUTION NO. 13-084

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

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

WHEREAS, on June 11, 2009, the Planning Commission held a duly noticed public hearing to consider a request for initiation of General Plan and Local Coastal Program Amendments, and Rezone and no one spoke regarding the project;

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

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

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

WHEREAS, on March 3, 2011, the Planning Commission held a duly noticed public hearing to consider an application for a Lot Area Modification, Tentative Subdivision Map and Coastal Development Permit, and recommendation to City Council for the General Plan and Local Coastal Program Amendments, and Rezone for the subject parcel and one person spoke regarding the project;

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

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

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

EXHIBIT 5

City Of Santa Barbara LCP
Amendment SBC-MAJ-1-12

City of Santa Barbara Resolution

Page 1 of 3

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

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

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

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

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

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

SECTION 2. The City Council makes the following findings with respect to amending the City's Local Coastal Program:

A. Local Coastal Program Amendment:

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

SECTION 3. With the Rezone Ordinance (City Ordinance Number 5580) duly adopted by the City Council on February 14, 2012, the Local Coastal Program Amendment shall take effect automatically upon the California Coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519

SECTION 4. The City shall carry out the Local Coastal Program Amendment consistent with the California Coastal Act.

SECTION 5. This Resolution supersedes Resolution Number 12-058, which was adopted on February 14, 2012.

RESOLUTION NO. 13-084

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 October 8, 2013, by the following roll call vote:

AYES: Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider

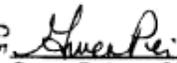
NOES: None

ABSENT: None

ABSTENTIONS: None

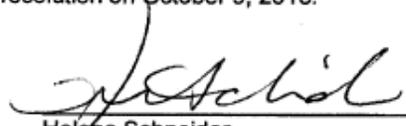
IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on October 9, 2013.





Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on October 9, 2013.



Helene Schneider
Mayor



City of Santa Barbara
Community Development Department

www.SantaBarbaraCA.gov

November 19, 2013

Director's Office
Tel: 805.564.5502
Fax: 805.564.5506

Building & Safety
Tel: 805.564.5485
Fax: 805.564.5476

Housing &
Redevelopment
Tel: 805.564.5461
Fax: 805.564.5477

Planning
Tel: 805.564.5470
Fax: 805.897.1904

Rental Housing
Mediation Task Force
Tel: 805.564.5420
Fax: 805.564.5477

630 Garden Street
PO Box 1990
Santa Barbara, CA
93102-1990

Melissa Ahrens, Coastal Analyst
California Coastal Commission
South Central Coast Area
89 South California St. Ste 200
Ventura, CA 93001

RE: Local Coastal Program Amendment Request – 415 Alan Road (SBC-MAJ-1-12)

Dear Ms Ahrens:

Thank you for your phone call today. Per your conversation with staff, I will clarify the purpose of the City Council Resolution 13-084. This Resolution is for a Local Coastal Program Amendment for both a land use designation change to 3 dwelling units per acre and a zone change to E-3 One Family Residence Zone. Council Resolution 13-084 Section 3 refers to the Rezone Ordinance, adopted by Council on February 15, 2012, wherein it was also stated that this to change the zoning designation is part of the Local Coastal Program and would be contingent upon Coastal Commission action.

The previous Resolution that staff submitted to the Coastal Commission staff was drafted prior to action being taken by City Council on the zone change. The current Resolution was drafted after City Council took action on the rezone and Section 3 was updated to reflect their action. Finally, while the City Council took action on the zone change, Section 3 does clearly state that the rezone will not take effect until the Coastal Commission takes action.

Hopefully we have addressed your concern with the Resolution language. If you have any questions, please contact me, or Peter Lawson, Associate Planner, at 564-5470 or via email at PLawson@SantaBarbaraCA.gov.

Sincerely,

Bettie Weiss, City Planner
City of Santa Barbara Community Development Department

EXHIBIT 6

City Of Santa Barbara LCP
Amendment SBC-MAJ-1-12

Resolution Clarification letter

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO THE REZONING OF PROPERTY AND APPROVING A LOCAL COASTAL PROGRAM AMENDMENT AT 415 ALAN ROAD – PARCEL A

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

WHEREAS, on June 11, 2009, the Planning Commission held a duly noticed public hearing to consider a request for initiation of General Plan and Local Coastal Program Amendments, and Rezone and no one spoke regarding the project;

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

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

WHEREAS, on November 9, 2009, the City Council upheld the appeal of the applicant and initiated the General Plan and Local Coastal Plan Amendments, and Rezone of the subject parcel (Parcel B);

WHEREAS, on March 3, 2011, the Planning Commission held a duly noticed public hearing to consider an application for a Lot Area Modification, Tentative Subdivision Map and Coastal Development Permit for the subject parcel and to consider a recommendation to City Council on a General Plan Amendment, a Rezone and a Local Coastal Program Amendment, and one person spoke regarding the project;

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

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

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

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

WHEREAS, on February 14, 2012 the City Council adopted Ordinance 5580 amending Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code by changing the zoning of the northerly portion of the property located at 415 Alan Road (Parcel B) from A-1/SD-3 to E-3/SD-3;

WHEREAS, on October 9, 2013 the City Council adopted Resolution 13-084, contingent upon final Coastal Commission action, a Local Coastal Program Amendment that amended the land use designation of the northerly portion of the property located at 415 Alan Road (Parcel B) from Residential (one (1) unit per acre) to Residential (three (3) units per acre);

WHEREAS, on January 10, 2014 the California Coastal Commission approved, with a Suggested Modification, the Local Coastal Program Amendment for Parcel B, amending the Land Use Plan designation from Residential (one (1) unit per acre) to Residential (three (3) units per acre) and the zoning designation from A-1 (One Family Residence Zone) to E-3 (One Family Residence Zone);

WHEREAS, on January 10, 2014 the California Coastal Commission approved a Suggested Modification to change the zoning on the southerly portion of the property located at 415 Alan Road (Parcel A) from A-1 (One Family Residence Zone) to A-2 (One Family Residence Zone);

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

WHEREAS, the City Council has received and acknowledged a receipt of the California Coastal Commission's Resolution of Certification; and accepted and agreed to a Suggested Modification for the final certification;

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

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

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

Section 1. Local Coastal Program Amendment:

The Local Coastal Plan Amendment of the City of Santa Barbara is amended to rezone the southern portion of 415 Alan Road (Parcel A) to A-2/SD-3 (One Family Residence Zone/Coastal Zone Overlay).

Section 2. The City Council will carry out the Local Coastal Program Amendment consistent with the California Coastal Act and makes the following findings with respect to amending the City's Local Coastal Program:

A. Local Coastal Program Amendment:

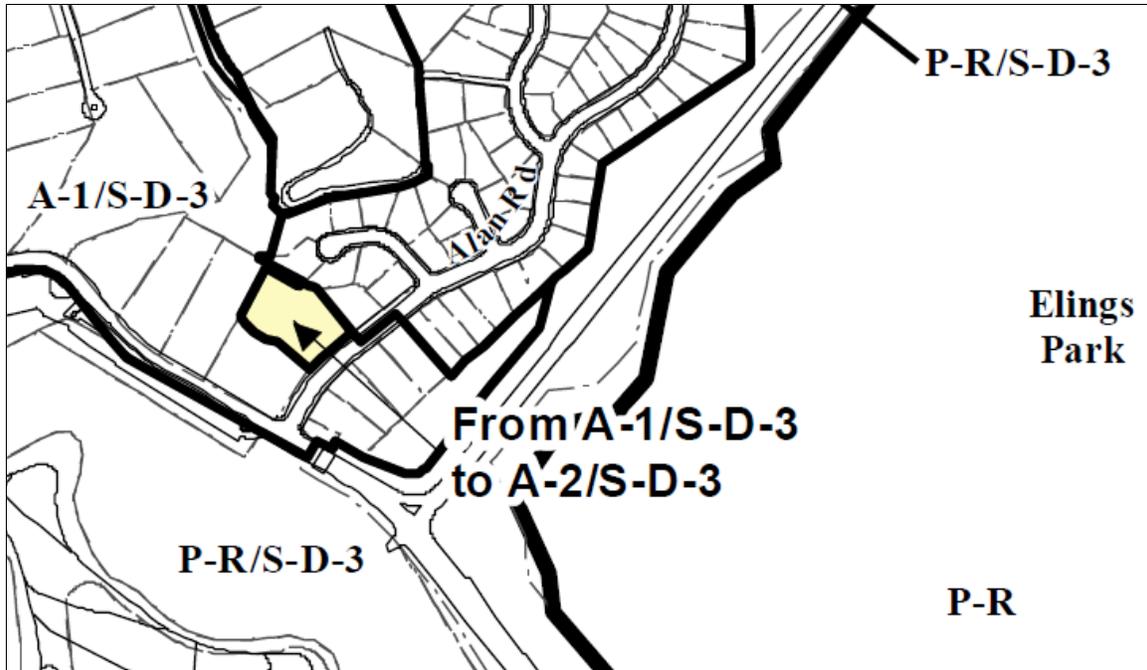
1. The amendment is consistent with the policies of the California Coastal Act.
2. The amendment is consistent with the City of Santa Barbara Local Coastal Plan Map.
3. The amendment is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and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

Section 3. Zoning Map Amendment:

Effective thirty (30) days after Coastal Commission Certification of the Local Coastal Program Amendment for the southern portion of 415 Alan Road (Parcel A) the Sectional Zone Map SE02 of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended by changing the zoning of a portion of the property to A-2/SD-3 (One Family Residence Zone/Coastal Zone Overlay) as indicated in the attached Exhibit A.

Exhibit A

Current Zoning Designation



Proposed Zone Change



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S RESOLUTION OF CERTIFICATION; ACCEPTING AND AGREEING TO A SUGGESTED MODIFICATION FOR THE FINAL CERTIFICATION; AND AGREEING TO ISSUE COASTAL DEVELOPMENT PERMITS FOR THE TOTAL AREA INCLUDED IN THE CERTIFIED LOCAL COASTAL PROGRAM.

WHEREAS, in June 1981, the California Coastal Commission certified the Land Use Plan of the City's Local Coastal Program;

WHEREAS, Section 30514 of the California Coastal Act provides that all amendments to a certified Local Coastal Plan shall be processed in accordance with Sections 30512 and 30513 of the California Coastal Act;

WHEREAS, the project was found to be exempt from further environmental review under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).

WHEREAS, on August 2, 2012, an application for a Local Coastal Program Amendment was submitted to the California Coastal Commission;

WHEREAS, on October 24, 2013, the California Coastal Commission found the application (SBC-MAJ-1-12) complete;

WHEREAS, on January 10, 2014, the California Coastal Commission approved the City's Local Coastal Program Amendment (MAJ-1-12) with a suggested modification;

WHEREAS, on February 13, 2014, said suggested modifications were formally transmitted to the City; and

WHEREAS, on _____, the City Council adopted an ordinance incorporating the Coastal Commission's modification to the City's Local Coastal Program application.

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

SECTION 1. The City Council acknowledges receipt of the California Coastal Commission's resolution of certification, including the modification suggested for final certification, for the Local Coastal Program Amendment MAJ-1-12.

SECTION 2. The City Council accepts and agrees to the modification upon which the Local Coastal Program Amendment has been approved.

SECTION 3. The CEQA determination for the original project under Section 15061(b)(3) is adequate to address the modification suggested by the California Coastal Commission.

SECTION 4. The City Council has introduced and will subsequently adopt an amendment to the Local Coastal Program implementing ordinance to execute Suggested Modification set forth in the approval.

SECTION 5. The City Council agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: Administrative Services Division, Police Department

SUBJECT: Law Enforcement Information Sharing Memorandum Of Understanding

RECOMMENDATION:

That Council authorize the City of Santa Barbara to participate in the Santa Barbara County Information Sharing System node (SBCISS) under the direction of the County of Law Enforcement Chiefs (CLEC), for the purposes of data sharing with the fifteen data sharing nodes throughout the state of California.

DISCUSSION:

In 2008, the County of Santa Barbara Law Enforcement Chiefs (CLEC) acquired the data sharing application called Coplink, which was funded through the County of Santa Barbara Office of Emergency Management with homeland security funds. The Coplink software application was developed by International Business Machine (IBM) to synchronize law enforcement records management systems, and enable law enforcement personnel to search countywide records for investigative purposes. Currently, there are (16) sixteen data sharing regions throughout the State of California called nodes, and the strategic plan is to connect all of the data sharing nodes and expand searches across the entire State of California.

The approval of the Memorandum of Understanding (MOU) authorizes CLEC to enter into MOU's with other counties for the purposes of data sharing without requiring the approval of City Council each time a data sharing connection is planned. CLEC will be the governing body to plan and coordinate the data sharing efforts, and any additional project management personnel would be under the direct supervision of CLEC.

All operational and maintenance expenses will be shared between the agencies that contribute their data to the Coplink system, and the apportioned amounts will be based on the authorized number of sworn officers within each agency. New member agencies joining the SBCISS node will adopt this accounting model or an approved method by the governing board.

BUDGET/FINANCIAL INFORMATION:

There are no financial impacts to the City to activate a node-to-node connection through the Coplink application, as this functionality is covered under the current licensing and maintenance agreement with International Business Machines (IBM).

PREPARED BY: Dennis Diaz, Police Information Technology Manager

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Authorization Of Emergency Underground Recycled Water Line Break Repair

RECOMMENDATION:

That Council approve Emergency Purchase Order No. 78006 with Lash Construction in the total amount of \$31,117.87 for the emergency repair of the El Estero Wastewater Treatment Plant Underground Recycled Water Pipeline.

DISCUSSION:

On Friday, December 8, 2013, at approximately 9:00 p.m., an 18-inch diameter recycled water pipeline break occurred at the El Estero Wastewater Treatment Plant. The break occurred under a section of road within the treatment plant, which damaged the road including sub-grade, asphalt and cross-gutter areas.

City staff took the pump station offline and isolated the broken pipeline within twenty minutes. Lash Construction was called on an emergency basis to repair the pipeline. Damage to the area included the rupture of the pipeline, the soil sub-grade around the line, base material under the roadway, and asphalt roadway. Sections of existing curb, gutter, and sidewalk also had to be removed to properly access the pipeline for repairs, since it was approximately eight feet deep, and other utility lines were above the ruptured line. The emergency repair work was completed within seven days. This Emergency Purchase Order repaired both the recycled water line and a critical access road within the wastewater treatment plant. Council was notified at the time of the emergency repairs were made and further informed that Staff would be seeking authorization for payment once the final costs were received.

BUDGET/FINANCIAL INFORMATION:

There are sufficient appropriated funds in the Wastewater Capital Fund to cover these emergency repair costs.

PREPARED BY: Chris Toth, Wastewater System Manager/CJT/mh

SUBMITTED BY: Rebecca Bjork, Acting Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Purchase Order For Water Treatment Solids Disposal

RECOMMENDATION: That Council:

- A. Find it to be in the City's best interest to waive the formal bidding process, in accordance with Section 4.52.070(L) of the Santa Barbara Municipal Code; and
- B. Authorize the City's General Services Manager to issue a Purchase Order in the amount of \$52,000 to Simi Valley Landfill for disposal of up to 1,000 tons of water treatment solids.

DISCUSSION:

The City's William B. Cater Water Treatment Plant (Cater) provides regional water treatment to the communities of Santa Barbara, Montecito, and Carpinteria. Water treatment solids are a by-product of the water treatment process and must be hauled to an appropriate disposal facility.

With the new ozone treatment process, Cater is producing much cleaner treatment solids that will make solids disposal much easier and cheaper. Staff is currently working to bid hauling and disposal services for these treatment solids. However, there are approximately 1,000 tons of stockpiled "old" treatment solids at Cater that were produced under Cater's former water treatment process. These treatment solids contain constituents that make it expensive and difficult to find a landfill that will accept them. For the past 18 months, these "old" treatment solids were being hauled to Cold Canyon Landfill in San Luis Obispo, California.

Cold Canyon Landfill representatives recently informed Cater staff that it will no longer accept Cater's "old" treatment solids, because the solids are too wet, which makes handling the material too difficult for their equipment. As a result, staff has had to find a new disposal facility for the stock-piled treatment solids. After intensive investigation, staff determined Simi Valley Landfill in Ventura County,

California is the only landfill within a reasonable distance that will accept Cater's "old" treatment solids.

Considering the short cancellation notice from Cold Canyon Landfill and the limited options for solids disposal, staff recommends that Council find it to be in the City's best interest to waive the formal bidding process, in accordance with Section 4.52.070(L) of the Santa Barbara Municipal Code, and authorize the City's General Services Manager to issue a Purchase Order in the amount of \$52,000 to Simi Valley Landfill for disposal of up to 1,000 tons of water treatment solids. This is sufficient funding to remove the stockpiled treatment solids at Cater.

Simi Valley Landfill's disposal costs are \$7.00 per ton more than Cold Canyon Landfill, \$52.00 per ton as compared to \$45.00 per ton. However, Simi Valley Landfill will accept Cater's "old" treatment solids and the amount needing to be disposed is 1,000 tons.

Hauling of the treatment solids is managed under a separate contract that was competitively bid. The contractor has agreed to haul Cater's treatment solids to Simi Valley Landfill based on the contract unit price per truck load.

FINANCIAL INFORMATION:

There are sufficient funds in the Water Fund to cover the costs proposed for water treatment solids disposal.

PREPARED BY: Catherine Taylor, PE, Water System Manager/ng

SUBMITTED BY: Rebecca Bjork, Acting Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Rejection Of El Estero Wastewater Treatment Plant Tertiary Filtration Plant Replacement Project Bids

RECOMMENDATION:

That Council reject the bids for construction of the El Estero Wastewater Treatment Plant Tertiary Filtration Plant Replacement Project, Bid No. 3688, and authorize the Acting Public Works Director to re-bid the project.

DISCUSSION:

PROJECT DESCRIPTION

The 25 year old the Tertiary Filtration Plant is in need of significant refurbishment due to corrosion and needs optimization to allow for the effective production of recycled water. In addition, the existing filter complex is a challenge to operate efficiently and safely.

The project preliminary design consisted of demolishing the existing 1989 constructed Tertiary Filter Plant and constructing a new Microfiltration/Ultrafiltration (MF/UF) Filtration Complex. In the course of design, additional work was found to be necessary, which included rehabilitation of the recycled water storage reservoir; replacement of the chlorine contact basin pumps, motors and variable frequency drives; reconfiguring piping and existing chemical storage sites; and improvements to the storm water drainage system.

CONTRACT BIDS

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

BIDDER	BID AMOUNT
1. Cushman Contracting Corporation, Goleta, CA	\$8,412,000
2. GSE Construction, Livermore, CA	\$8,861,000
3. Stanek Constructors, Inc., Escondido, CA	\$8,870,000
4. C.W. Roen, Danville, CA	\$9,233,000

The City received timely bid protests from the second lowest bidder, GSE Construction (GSE), against Cushman Contracting Corporation (Cushman), and from the third lowest bidder, Stanek Constructors, Inc. (Stanek), against both Cushman and GSE.

GSE asserts that Cushman's bid should be rejected as non-responsive because Cushman's *Proposed Equipment and Material Manufacturer* form is incomplete, and the proposed subcontractor list does not contain all of the required information. Stanek asserts that Cushman's bid should be rejected on grounds similar to those raised by GSE, and raises an additional allegation that Cushman failed to list an asphalt subcontractor. Furthermore, Stanek asserts that GSE's bid should be rejected as non-responsive because GSE listed more than one equipment manufacturer on their *Proposed Equipment and Material Manufacturer* form, GSE's bid is unbalanced, and GSE failed to list an asphalt and demolition subcontractor.

Staff has reviewed and evaluated issues asserted by GSE and Stanek, and the subsequent correspondence received from all parties responding to the issues raised in protest. The analysis has found that the City's project specifications did not properly designate City standardized sole source equipment used at El Estero. It was apparent from reviewing the discrepancies in all the bids that the City's specifications lacked the appropriate statements required by the state's Public Contract Code for sole sourcing City standardized equipment. Due to this, bidders were left to interpret the City's intent as to whether or not an equivalent item, or substitution, would be permitted.

Since the City reserves the right to reject all bids (Charter Section 519), staff feels it prudent to re-bid the project. Revisions will be made to the project specifications, and the project will be promptly re-bid. A new proposed contract will return to Council for approval in the next 60 to 90 days.

Council Agenda Report

Rejection Of El Estero Wastewater Treatment Plant Tertiary Filtration Plant Replacement
Project Bids

March 4, 2014

Page 3

PREPARED BY: Lisa Arroyo, Supervising Civil Engineer/sk

SUBMITTED BY: Rebecca Bjork, Acting Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Average Unit-Size Density Incentive Program Review Process

RECOMMENDATION:

That Council provide direction to the Land Development Team staff related to the review process for Average Unit-Size Density (AUD) Incentive Program rental projects.

EXECUTIVE SUMMARY:

The Planning Commission has been asked to become more involved in reviewing rental projects using the Average Unit-Size Density (AUD) Incentive Program. Potential changes to the AUD project review process were prompted by concern that the design review boards are not comfortable handling larger rental projects developed under the AUD Program. As a result, the City Council requested a re-assessment of the AUD project review process.

In October and November of 2013, Staff held discussions and trainings related to the AUD project review process with the Architectural Board of Review (ABR) and Historic Landmarks Commission (HLC). The intent of these meetings was to provide the ABR and HLC with a review of their purview and experience, a better understanding of the AUD program goals, and reaffirm Staff's commitment to providing additional assistance in reviewing AUD rental projects.

During December 2013, the Planning Commission held two meetings to discuss possible adjustments to the review process of AUD rental projects. The intent of the meetings was to consider review process options for AUD rental projects that involve the Planning Commission, and forward a recommendation for Council consideration. Staff's recommendation is based on input from the Design Review Boards and the Planning Commission.

DISCUSSION:

ABR and HLC Discussion and Training:

Prior to the Planning Commission's discussion of possible adjustments to the AUD project review process, a training and discussion with the ABR and HLC was held focused on their role in reviewing AUD projects. The intent of the AUD Program was explained and the process, including more Staff support, was outlined. In addition, the design review board's ability to forward projects to the Planning Commission for comments was reiterated.

Comments received from the ABR and HLC suggested more understanding and confidence with their role in the process. In addition, the design review boards expressed support for the process and approach outlined and recommended by Planning Staff, which provides increased Staff assistance in reviewing AUD projects (see Attachments 1 and 2).

Planning Commission Discussion:

In December 2013, the Planning Commission discussed possible review process options for rental projects developed under the Average Unit-Size Density (AUD) Incentive Program (see Attachments 3). Specific to this discussion was the Commission's role, and how best to advance the goals and objectives of the AUD Program. A series of questions were considered to determine the degree of involvement the Planning Commission could have in the process as well as formulate a recommendation to the City Council (see Attachment 4).

- ***What type of action should the Planning Commission take?*** – Should the Planning Commission provide direction through a consensus recommendation or grant formal approval with specific findings? The two action approaches are briefly described below.
 1. **Consensus Recommendation:** This approach would allow a project to be referred to the Planning Commission by the ABR, HLC, or Applicant for review of specific issue areas. The Planning Commission would review the project and provide comments with the expectation that a consensus recommendation related to the identified issue areas would be provided. Currently, the ABR and HLC can refer a project to the Planning Commission for comments pursuant to Municipal Code sections 22.22.133 and 22.68.050. An applicant can also request Planning Commission review as part of the development process (see Attachment 5).
 2. **Formal Review and Appealable Action:** This approach would require formal review and action of projects by the Planning Commission. This approach would also establish project criteria (e.g. parcel size, number of units, etc.) to determine which projects would be automatically referred to

the Planning Commission.¹ Amending the recently adopted AUD ordinance would be necessary in order to provide the mechanism for a more formal Planning Commission review and action, including specific findings and appeal requirements.

The majority of the Commissioners supported direction through comments, expressing concern that requiring an approval by the Planning Commission adds more process, resulting in time and cost to the applicant, especially in the case of an appeal. Given the choice between a consensus recommendation through comments and a formal approval with findings, most Commissioners favored comments only. One Commissioner preferred formal review by the Planning Commission, stating that this approach was best in order to achieve community acceptance of AUD projects.

Further, the Planning Commission emphasized the importance of not undermining the program's intent with their involvement. The program has been fully vetted and decided and therefore the AUD development standards are set. If there is a need for the Planning Commission to weigh in on a project, it should be to add value to the review and not to revisit the parameters of the AUD Program. This principle should also hold true for the design review boards when reviewing AUD projects. An effort must be made to stay focused on supporting the policy intent of the AUD Program.

Several Commissioners felt strongly that with more Staff support and assistance, the ABR and HLC will become proficient at reviewing AUD rental projects as intended by the Program. With a set of tools similar to those provided to the Planning Commission, the ABR and HLC would be better equipped to review AUD rental projects. Other Commissioners felt that a set trigger beyond the applicant's ability to self-refer their project and the ABR and HLC's authority to request comments from the Planning Commission is appropriate in order to provide applicants with a degree of certainty in the process.

- ***What should be the scope of review?*** – The Planning Commission considered this question to determine the density tiers that would be subject to Planning Commission review. The majority of the Commission indicated that rental projects proposed in the High Density and Priority Housing Overlay areas should be reviewed by the Planning Commission.
- ***When would Planning Commission review occur?*** All Commissioners supported at least one conceptual design review with either ABR or HLC occur prior to the Planning Commission review. One Commissioner suggested that there be a concurrent review of the ABR/HLC and Planning Commission in order to streamline the process.

¹ There was some support for parcel size as an automatic trigger, but the Planning Commission remained divided with having an automatic trigger.

Recommendation to Council:

As directed by City Council, Staff has discussed with the Planning Commission possible changes to the AUD review process, with specific focus on the level of involvement that the Planning Commission should have in reviewing AUD rental projects. Two possible process approaches were considered by the Planning Commission as described above. One approach (PC Consensus Recommendation) could be implemented immediately, and the other approach (Formal Review and Appealable Action) would require an amendment to the AUD Program Ordinance.

Staff is certainly open to another approach and to follow through with whatever further direction Council provides. An AUD ordinance amendment requires a super majority (5/2) vote by the City Council. Therefore, it is important to get clear direction from Council regarding changes to the AUD review process.

The issues presented below are based on the discussion and comments received from the Design Review Boards and the Planning Commission. Staff recommends the following changes to be implemented immediately and evaluated after nine months to determine their effectiveness:

1. Staff continues to provide additional project review support to ABR and HLC.
2. The ABR, HLC or the project Applicant refers a project to the Planning Commission for review of specific issue areas along with a Staff report.
3. An applicant request for review by the Planning Commission should occur after at least one conceptual design review.
4. The Planning Commission provides clear direction to the ABR, HLC or Applicant through a consensus or majority recommendation only (not individual comments). See attached Consensus Recommendation Process Flow Chart, and AUD Project Consistency Criteria (Attachments 5 and 6).

- ATTACHMENT(S):**
1. ABR Minutes, October 28, 2013.
 2. HLC Minutes, October 23 and November 6, 2013
 3. PC Staff Report, December 12, 2013
 4. PC Minutes, December 12 & 19, 2013
 5. Consensus Recommendation Process Flow Chart
 6. AUD Project Consistency Criteria

PREPARED BY: Irma Unzueta, Project Planner

SUBMITTED BY: Bettie Weiss, Acting Community Development Director

APPROVED BY: City Administrator's Office

Motion: Ratify the Consent Calendar of **October 28, 2013**. The Consent Calendar was reviewed by Kirk Gradin.

Action: Poole/Hopkins, 6/0/0. Motion carried. (Gradin absent).

D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.

Mr. Boughman made the following announcements:

- a) The appeal of 510 N. Salsipuedes Street will be heard by City Council on November 26, 2013, with a site visit on November 25, 2013.
- b) Board members Poole and Cung will be leaving the meeting at 6:00.

E. Subcommittee Reports.

There were no reports.

DISCUSSION ITEM

1. (3:10) AVERAGE UNIT-SIZE DENSITY (AUD) INCENTIVE PROGRAM

Staff: Bettie Weiss, City Planner & Jaime Limón, Design Review Supervisor

(Training on the relationship between Design Review and the Average Unit-Size Density Incentive program. This training will focus on the role of the ABR, key design issues, examples of past projects and standards, and the role of the Planning Commission.)

Presentation made and discussion held.

Board members had the following general questions and comments:

1. The Board supports the approach to have planning staff provide a recommendation to the ABR on when a project should be forwarded to the Planning Commission for comments.
2. Recommends that the 'livability' of units be considered when high density projects are proposed and not just architectural design.
3. Asked about and received confirmation that the lack of open space could be a basis for denial of a project.
4. Asked if other space not used for rental units could be reduced, and at what point is a mixed use project considered too large?
5. Inquired about the maximum height measurement methods when projects exceed 45 feet and are required to get PC approval? What is actually considered 'top of roof'?
6. Asked if outdoor private living space is the same amount regardless of number of units? How is outdoor living space factored in with commercial?

Planning staff provided answers to the questions and thanked Board members for their input.

Planning Commissioner Swartz attended and asked that the Board follow City policy regarding AUD projects regardless of your personal feelings on the subject. The Planning Commission has expressed interest and support of a new review process that would involve PC review of some projects. Asked that they work together to effectively implement the program.

Planning Commissioner Campanella attended and indicated he was looking forward success of the AUD program and wanted to clarify that there are some AUD projects such as for sale (condo) projects would still be in front of the Planning Commission. He pointed out how some of the aspects of the AUD design such as the one space per unit design actually can make the buildings smaller and more compatible for the site. He asked that the Board look at projects carefully to consider trade-offs when considering all design criteria and when it may affect the density for a project.

Planning Commissioner Swartz attended and indicated asked that the Boards follow City policy regardless of your personal feelings on the subject. The Planning Commission has expressed interest and support of a new review process; and asked that they work together to effectively to implement the program.

CONCEPT REVIEW - CONTINUED ITEM

2. RIGHT OF WAY ADJACENT TO 3139 CLIFF

E-1/SD-3

(3:40)

Assessor's Parcel Number: ROW-002-941
 Application Number: MST2013-00117
 Applicant: Cable Engineering Services
 Owner: City of Santa Barbara
 Agent: Peter Hilger

(Proposal to modify an existing microcell antenna site for AT&T. The existing 12-inch panel antennas located on the utility pole in the public right-of-way will be replaced with six larger 4-foot by 12-inch panel antennas on new ten-foot cross arms. The project includes replacement of the existing meter pedestal, new equipment in an existing vault, and new vent stacks.)

(Second review, project last reviewed on August 5, 2013. Action may be taken if sufficient information is provided. Project requires finding of No Visual Impacts and Coastal Review.)

Actual time: 4:17 p.m.

Present: Peter Hilger and Rob Searcy, Agents for Applicant.

Public comment opened at 4:30 p.m., and as no one wished to speak, public comment was closed.

A letter of concern from Paula Westbury regarding was received.

Motion: Continued indefinitely to Planning Commission with comments:

- 1) The Board is unable to make the finding for no adverse visual impact.
- 2) The Board would like to see a stronger effort to conceal the project, including the roadside cabinets.
- 3) The Board expressed concerns about the elimination of roadside landscaping.

Action: Wittausch/Gradin, 6/0/1. Motion carried. (Cung supports the project).

**** THE COMMISSION RECESSED FROM 2:55 P.M. TO 3:00 P.M. ****

DISCUSSION ITEM/TRAINING:

5. AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM

(2:30) Presenter: Jaime Limón, Design Review Supervisor
(First of a two-part training on the relationship between Design Review and the Average Unit-Size Density Incentive program. This training will focus on the role of the HLC, key design issues, and examples of past projects.)

Actual time: 3:00 p.m.

Present: Jaime Limón, Design Review / Historic Preservation Supervisor
Bettie Weiss, City Planner

Staff comments: Mr. Limón and Ms. Weiss gave a Staff PowerPoint presentation. Staff's proposal is that very early on in the review process an internal Land Development Team review would be conducted in order to provide Staff comments for HLC consideration. During the HLC hearing, the HLC/Public would then be encouraged to ask questions and make comments for Staff to return at the next hearing with answers. Expression of Staff recommendation for a project would be a critical change in the process to provide sufficient information for appropriate decision-making by the HLC.

Ms. Weiss clarified that any time the HLC reviews a project that is going to the Planning Commission, the HLC has the purview of challenging the design considerations and development. The HLC has Charter and Ordinance authority and responsibility for review of buildings found within El Pueblo Viejo Landmark District (EPV).

Public comment opened at 4:03 p.m.

Kellam de Forest, local resident, inquired whether the AUD Incentive Program has a cap as an experimental project and only allows up to certain units. He also asked if proposed project plans are reviewed by the HLC first or if Staff does the initial review.

Public comment closed at 4:07 p.m.

Ms. Weiss responded to public comment by saying that the 250 unit cap is in the high density zone. Much of the EPV area was specifically excluded from the high density zone. Staff will continue to review plans for basic submittal and zoning compliance standards before the first HLC concept hearing.

The Commission made the following comments:

1. More complicated projects should have Staff recommendations as is done for the Planning Commission.
2. Inquired as to whether a recommendation could be made by the HLC to the Planning Commission with respect to residential lot line subdivisions/mergers that may affect historic resources.
3. Considered whether it would be better for the Planning Commission to review these projects instead of the HLC. The AUD Incentive Program will result in a workload increase for the HLC.
4. It would be helpful during the concept review process to ask Staff to address HLC concerns.
5. The comprehensive Staff review as early in the process would be helpful for HLC's evaluation.

B. Approval of the minutes of the Historic Landmarks Commission meeting of October 23, 2013.

Motion: Approval of the minutes of the Historic Landmarks Commission meeting of October 23, 2013, with corrections.

Action: La Voie/Orías, 5/0/0. (Boucher/Drury/Shallanberger/Suding absent.) Motion carried.

C. Consent Calendar.

Motion: Ratify the Consent Calendar as reviewed by Donald Sharpe.

Action: Orías/La Voie, 5/0/0. (Boucher/Drury/Shallanberger/Suding absent.) Motion carried.

D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.

1. Ms. Gantz announced that Chair Suding and Commissioners Boucher and Shallanberger would be absent from the meeting.
2. Commissioner Orías requested an update on the Italian Stone Pine Landmark Trees located in front of the Methodist Church on E. Anapamu Street. Mr. Limón responded that a plan is being developed and will then return for an update upon its completion.
3. Commissioner La Voie announced he would be leaving at 4:00 p.m.
4. Commissioner La Voie announced he attended the appeal hearing of the Arlington Village project (to be located at 1330 Chapala Street). The City Council upheld the HLC Project Design Approval decision with additional conditions.

E. Subcommittee Reports.

No subcommittee reports.

DISCUSSION ITEM/TRAINING:

1. **AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM**

(1:45) **Presenter:** Bettie Weiss, City Planner; and Jaime Limón, Design Review Supervisor (Second of a two-part training on the relationship between Design Review and the Average Unit-Size Density Incentive program. This training will focus on the various new development standards of the AUD program and potential changes to refer some AUD projects to the Planning Commission for review and comments.)

Actual time: 1:40 p.m.

Present: Bettie Weiss, City Planner
Jaime Limón, Design Review Supervisor

Staff comments: Mr. Limón and Ms. Weiss gave a Staff PowerPoint presentation. Ms. Weiss explained a new review process for projects over 45 feet in height and the types of average unit density (AUD) projects that will be reviewed solely by the HLC and those that will be reviewed in conjunction with the Planning Commission. The proposed review process changes were discussed.

There will be an AUD discussion item at the Planning Commission on December 12, 2013, where they will be asked to make a recommendation to City Council.

Public comment opened at 2:14 p.m.

Kellam de Forest, local resident, expressed concern on building heights and asked if an HLC decision on an AUD project's height is appealable to the Planning Commission. He also asked if there is currently a height limit in El Pueblo Viejo Landmark District (EPV).

Public comment closed at 2:16 p.m.

Ms. Weiss responded to public comment by saying that a 60-foot height limit is still allowed in commercial zones, even within the EPV. The appeal process has not changed: HLC and Planning Commission decisions are appealed to the City Council.

Ms. Weiss responded to Commission questions. Under the Adaptive Management Program, the effectiveness of the AUD Program will be reported on annually during the Joint City Council/Planning Commission meeting.

The Commission made the following comments:

1. The proposed design review changes for AUD Program projects are sensible provided there is adequate staff assistance. It seems staff's involvement will increase.
2. It will be even more critical for the HLC to make clear and concise comments to provide guidance to the applicant as to whether a comment is a suggestion or a requirement.
3. The HLC's comments shall reflect in which specific way the project meets the compatibility analysis criteria.
4. The Commission agrees with the recommended design review process changes as outlined in the Staff presentation.

**** THE COMMISSION RECESSED FROM 2:29 P.M. TO 2:36 P.M. ****

ARCHAEOLOGY REPORT

2. 474 SCENIC DR

E-3/SD-3 Zone

(2:45) Assessor's Parcel Number: 015-272-003
Application Number: MST2013-00425
Owner: Edward Yates
Architect: Jonathan Villegas

(Proposal for alterations to a one-story five-unit apartment complex. The proposal would relocate an existing front site retaining wall to the front property line, re-grade the driveway entries, replace a wood deck and stairs at the rear of the existing single-family residential unit, replace an existing two-car carport with a two-car garage, and replace an existing three-car carport with a new three-car garage. The existing carports and proposed garages are non-conforming to the interior and rear setbacks. This project will address the violations identified in enforcement case ENF2013-00676 including the as-built installation of vinyl windows. Staff Hearing Officer review is requested for zoning modifications.)

(Review of Phase I Archaeological Resources Report prepared by Conejo Archaeological Consultants.)



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: December 5, 2013
AGENDA DATE: December 12, 2013
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Bettie Weiss, City Planner *BLW*
 Irma Unzueta, Project Planner
SUBJECT: AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM REVIEW
 PROCESS DISCUSSION & RECOMMENDATION TO COUNCIL

RECOMMENDATION: That the Planning Commission consider possible options for adjustments in the review process of rental projects using the Average Unit-Size Density (AUD) Incentive Program. The adjustments should support and streamline the process for these projects, while ensuring a complete review of the projects, including reviews from the Planning Commission when appropriate. Staff recommends Option One as it can begin immediately without the need for an ordinance amendment and has received support from the Architectural Board of Review (ABR) and Historic Landmarks Commission (HLC). Option One addresses the design review board's primary need for more staff support and continues to allow them the opportunity to refer projects to the Planning Commission on a case-by-case basis.

I. BACKGROUND

The Average Unit-Size Density (AUD) Incentive Program is an important General Plan initiative intended to support needed residential development and particularly rental units in the community. Two initial projects that have gone before the HLC and ABR have caused concern that AUD projects do not necessarily require Planning Commission review. As a result, the City Council has requested a re-assessment of the AUD project review process. The following discussion lays out what has occurred to date and presents three process review options for Planning Commission consideration.

The AUD program encourages housing by allowing increased densities based on unit size; the smaller the average unit size for the project, the greater the density allowed. Additionally, development standard incentives related to parking, setbacks, building height, distance between buildings, and open space are provided to help make possible the construction of additional residential units. The approach taken to develop the AUD Program involved policy tradeoffs that naturally make AUD projects potentially more controversial.

One key objective of the AUD Program is to promote non-subsidized rental housing development. Recent development trends indicate that the rental market is becoming more attractive to funding entities and developers. Rental housing demand is very high in Santa Barbara (61% of households are renters), making it an important factor in the jobs/housing equation. All three density tiers of the AUD

Program allow rental housing – Medium High (15-27 du/ac); High (28-36 du/ac); and the Priority Housing Overlay (37-63 du/ac) (see Exhibit A – Map & Exhibit B – Density Table).

Generally, apartment developments do not require specific approvals from the Planning Commission. As a rule, all rental projects are reviewed and approved by the ABR or HLC. Planning Commission action is typically required of housing projects that involve condominiums, or mixed use projects (with rental) if the new commercial space is more than 3,000 square feet. The HLC and ABR have expressed that they are not prepared to handle the controversy and intent of AUD projects, and that the Planning Commission may provide a better forum for community input and working through the policy purpose and controversy. Their primary focus is on the physical building (size, bulk, and scale) and its aesthetics, and ensuring the building is appropriate and “fits” within the context of its neighborhood. As such, Council has requested that a process adjustment be made to include the Planning Commission in the review of larger apartment projects.

II. DISCUSSION

Joint Council and Planning Commission Work Session

On September 12, 2013, the City Council and Planning Commission held a joint work session to discuss major Planning Division work program activities including potential process changes in implementing the AUD Program. Staff presented the intent and objectives of the AUD Program and acknowledged that additional assistance and training was needed by the ABR and HLC to fully understand their role in successfully implementing the program.

The Council and Planning Commission agreed that more staff review of AUD projects that go to the ABR and HLC would be appropriate. Staff’s knowledge and experience with AUD policies and related issues would benefit the review process. In addition, there was general support to include the Planning Commission, to some degree, in the review of AUD projects. At the conclusion of the joint meeting, Staff identified the next step would be to hold discussions with the ABR and HLC to receive input regarding potential adjustments to the AUD Program review process.

In considering adjustments to the review process of AUD rental projects, Staff has identified the following list of objectives:

- The process should further the objectives of the General Plan to support rental housing projects.
- Decision makers should have a full understanding of the AUD Program goals, objectives, tradeoffs, inherent tension, and the mechanisms that have been put in place to achieve the objectives and deal with the tensions.
- Decision makers should understand their roles in the review process.
- Have a coordinated land development staff team review that is appropriate for the project type and size.
- The process should be easily accessible to the public, and where the public concerns/comments are addressed.
- The process should be realistic, within staffing resources and implemented quickly.
- The process should increase certainty for applicants.

ABR and HLC Discussions

On October 28, 2013, a training and discussion focused on the AUD Program was held with the ABR to specifically speak about their role in reviewing AUD projects. Staff explained the intent of the AUD Program and outlined a process that would include more Staff support in reviewing AUD projects and the option to forward projects to the Planning Commission for comments on issues identified by the Board in order to assist them with their final review. Comments received from the ABR suggested more understanding and confidence with their role and stated their support for the process and approach (Option One) recommended by Planning Staff (see Exhibit C – ABR Minutes).

In addition, Planning Commissioners Schwartz and Campanella attended the ABR meeting and offered comments related to the effective and successful implementation of the AUD Program. Commissioner Schwartz expressed support in working together to ensure that the Program meets its objectives. Commissioner Campanella asked the Board to carefully take into account the trade-offs needed to produce workforce housing when considering design criteria that may affect the density of the project.

On October 23, 2013, a similar training and discussion was held with the HLC related to the AUD Program. The HLC expressed concern regarding an increased workload and their lack of experience in reviewing larger, more complex rental projects. On November 6, 2013, Staff returned to the HLC and discussed the proposed adjustments to the review process including increased Staff assistance in reviewing AUD projects. The HLC supported the review process approach (Option One) presented by Staff (see Exhibit D – HLC Minutes).

Review Process Options

Described below are three review process options for consideration. Staff continues to favor Option One – similar to what was presented at the Joint Work Session. However, Staff realizes that the Planning Commission and City Council may want a more definitive trigger for Planning Commission review; therefore we have presented additional options for discussion.

Option One – Staff Recommendation

1. Provide greater Staff involvement with applicant and design review body (ABR or HLC).
2. Assign a Case Planner before the item is scheduled for first Concept Review. The Planner will assist with preparing notices, communicating with applicant and Land Development Team (LDT) contacts, and attending all hearings.
3. Require a coordinated LDT staff review similar to Pre-application Review Team (PRT) for more significant projects (i.e. 10 units or more).
4. Staff will prepare a report to the ABR or HLC with recommendations on General Plan consistency and whether to refer the project to Planning Commission for comments.
5. After reviewing the project and Staff Report, the ABR or HLC determines if the project is referred to the Planning Commission for confirmation of appropriateness of the project in the broader General Plan policy context (in particular with Housing Element and Land Use Element policies) and assistance with considerations of the Project Design Compatibility Criteria as reflected in Exhibit E.
6. The project would be scheduled at the next available Planning Commission meeting consistent with noticing requirements. The Planning Commission would receive the same report that was

provided to ABR or HLC and representatives of the ABR or HLC would also attend the Planning Commission meeting.

7. Planning Commission review is for direction to applicant with the expectation that they render a majority opinion on specific issue areas. The Staff and the design review board may include recommended conditions of approval. No action is taken by the Planning Commission, and their direction to the ABR or HLC is not appealable.
8. The project returns to the ABR or HLC for Project Design Approval and other steps in review process as usual.

Option Two – Criteria for Automatic Referral for Comments

This option would establish specific project criteria regarding what projects are referred to the Planning Commission for comments. The process would be the same as above except that step 5 would not be necessary. This approach may require an amendment to the Municipal Code or could be a policy direction from Council using the current code referral sections as reflected in Exhibit F.

Setting clearer triggers adds certainty to the process for requiring Planning Commission review. When the ABR or HLC refer projects to the Planning Commission for comment, that referral is essentially a judgment call (that is hard to make) to balance the time and resources expended with the value achieved. If the trigger is too far-reaching, it may result in a constraint particularly given the AUD Program is meant to be an incentive. Staff believes a more limiting trigger for Planning Commission review of even a few projects can still be useful to the ABR and HLC’s review of a project.

Possible criteria for an automatic referral could include:

- Property is adjacent to a creek, or;
- Property is adjacent to a designated (or potential) historic resource, or;
- The project lot area is more than 1/2 acre (this is irrespective of mergers or lot divisions; it is the “project” area). For example an AUD projects on a ½ acre (21,780 SF) parcel in the High Density or Priority Housing Overlay could potentially develop the following range of units:

Density Tier	Number of Units
High Density (28-36 du/ac)	14 – 18 units
Priority Housing Overlay (37-63 du/ac)	18 – 31 units

Option Three – Planning Commission Formal Review & Appealable Action

1. Amend the recently adopted AUD Program ordinance and establish a requirement for Planning Commission review. Also consider if certain Staff Hearing Officer (SHO) procedures should be changed to refer projects to the Planning Commission.
2. Provide a mechanism to have a more formal Planning Commission review and action (that is appealable).
3. Develop project design and/or density criteria for new Planning Commission requirement.

4. Allow that a Planning Commissioner may require Planning Commission review by attending a meeting of the ABR or HLC when project review is occurring and assert that the project merits review by the Commission because it raises significant policy considerations (similar to the process for SHO reviews).

Other Discussion Considerations

Staff requests that the Planning Commission consider the following topics as part of the discussion:

1. **Role of Planning Commission:** One of the primary roles of the Planning Commission is to recommend policy and ordinances to the Council. The Planning Commission worked diligently to craft the AUD ordinance based on General Plan policies. Now the City is reviewing projects per the AUD program. Typically in project reviews, the Planning Commission addresses consistency with General Plan policies and makes ordinance required findings. For AUD projects that could be commenting on neighborhood compatibility in terms of General Plan policy, and providing direction for areas that will experience change as a result of AUD projects. What is the role of the Planning Commission in reviewing AUD projects? How is it different than what occurs at ABR & HLC? Based on the Planning Commission's role, what process best addresses the Commission's function.
2. **Trade Offs:** Consider the tradeoffs between a Planning Commission comment review vs. Planning Commission action and additional appeal. What is the balance between incentivizing priority housing and applying the appropriate process? At what point does the process become a disincentive?
3. **AUD Parking Standards:** The AUD parking standard has been an issue area for the design review boards in their review of recent AUD projects. This standard (one parking space per residential unit) was adopted as part of the AUD Program ordinance and is fundamental and critical to the success of providing more units on a project site. How can the AUD permitting process more effectively support implementation of this standard when site specific pressures are pushing for more parking?
4. **Story Poles:** When should story poles be required for AUD projects?
5. **Fees:** There is a substantial fee difference for a project reviewed by the ABR or HLC and the Planning Commission. The LDT Staff spends much more time in the process with site visits, meetings, correspondence, staff reports and hearing participation. To support additional staff review and a Planning Commission comment review, Staff believes it is appropriate to charge applicants the PRT fee and the Planning Commission Concept Review fee. Staff would like the City Council to be aware that the additional review is subsidized by the General Fund, which we believe is appropriate to support priority housing and the AUD process.

New Projects /ABR or HLC

11-20 units	\$3,245
21-30 units	\$3,955
31-50 units	\$4,945

PRT

Subdivisions with 10 or more units/lots	\$2,770
-----------------------------------------	---------

Planning Commission	
Concept Review	\$2,740
Condominiums	
11-20	\$17,010
21-50	\$27,220
>50	\$34,070

III. NEXT STEPS

Staff will schedule this matter at Council early next year to receive formal direction regarding adjustments to the review process for AUD rental projects including how to involve the Planning Commission in the review process for projects that currently do not require such review. The Planning Commission's recommendation will be forwarded to the Council at that time. Depending on Council's direction, the new process can be implemented immediately or may require amendments to the Municipal Code. In the meanwhile Staff is doing what we can to implement Option One.

Exhibits:

- A. AUD Map
- B. AUD Density Table
- C. ABR Minutes
- D. HLC Minutes
- E. Project Compatibility Analysis
- F. SBMC Referral Sections 22.22.133A and 22.68.050A

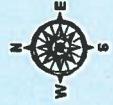
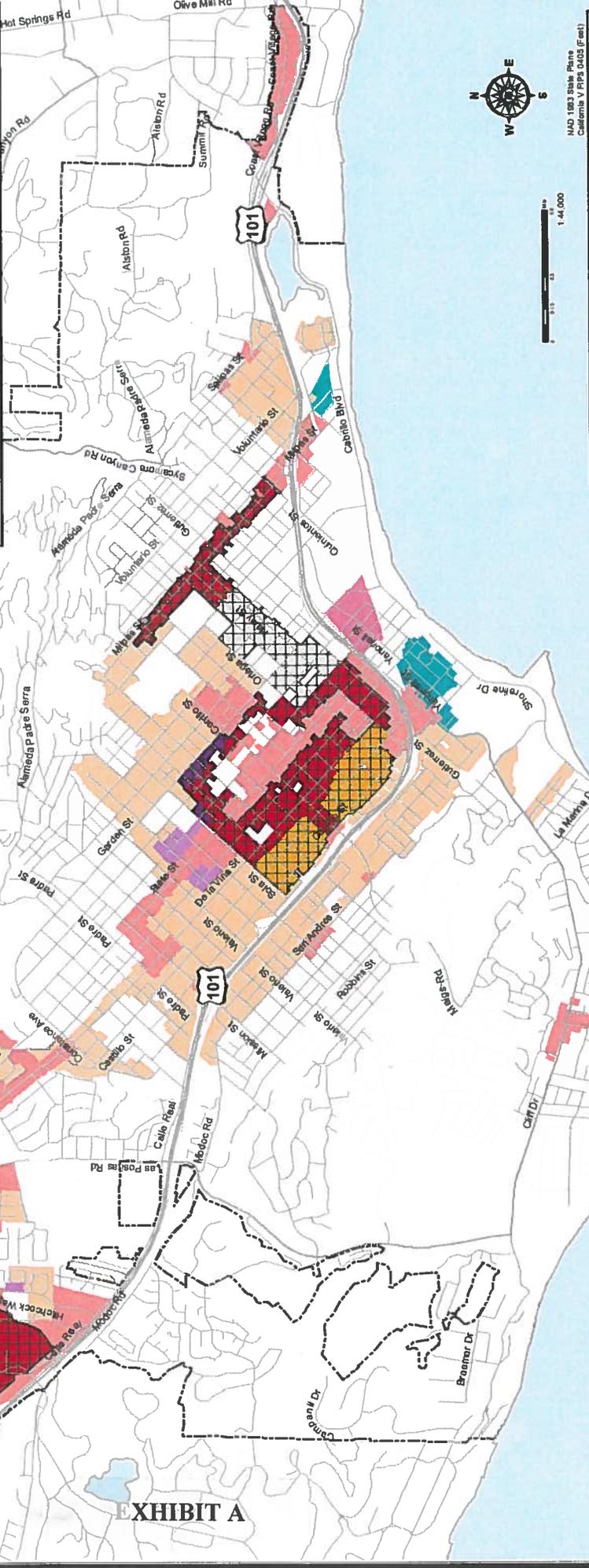
Legend

Medium High Density Residential (15-27 du/acre)

- Medium High Density Residential (15-27 du/acre)
- Hotel/Medium High Residential (15-27 du/acre)
- Office/Medium High Residential (15-27 du/acre)
- Commercial/Medium High Residential (15-27 du/acre)
- Ocean Related/Medium High Residential (15-27 du/acre)
- Commercial Industrial/Medium High Residential (15-27 du/acre)

High Density Residential (28-36 du/acre)

- High Density Residential (28-36 du/acre)
- Office/High Residential (28-36 du/acre)
- Commercial/High Residential (28-36 du/acre)
- Priority Housing Overlay (49-63 du/acre)



NAD 1983 State Plane
California V PPS 0403 (Feet)



**City of Santa Barbara
Average Unit-Size Density
Incentive Program Map**

Map prepared by City of Santa Barbara, Planning Division, June 2013

EXHIBIT A

AVERAGE UNIT-SIZE DENSITY (AUD) INCENTIVE PROGRAM TABLE

Medium-High Density (15-27 du/ac)		High Density (28-36 du/ac)		Priority Housing Overlay (37-63 du/ac)	
Maximum Average Unit Size SF	Density du/ac	Maximum Average Unit Size SF	Density du/ac	Maximum Average Unit Size SF	Density du/ac
1,450	15	1,245	28	970	37
1,360	16	1,200	29	970	38
1,280	17	1,160	30	970	39
1,210	18	1,125	31	970	40
1,145	19	1,090	32	970	41
1,090	20	1,055	33	970	42
1,040	21	1,025	34	970	43
1,005	22	995	35	970	44
985	23	970	36	970	45
965	24			970	46
945	25			970	47
925	26			970	48
905	27			969	49
				960	50
				941	51
				935	52
				917	53
				901	54
				896	55
				880	56
				874	57
				859	58
				845	59
				840	60
				827	61
				825	62
				811	63

ARCHITECTURAL BOARD OF REVIEW
October 28, 2013

DISCUSSION ITEM

1. (3:10) AVERAGE UNIT-SIZE DENSITY (AUD) INCENTIVE PROGRAM

Staff: Bettie Weiss, City Planner & Jaime Limón, Design Review Supervisor

(Training on the relationship between Design Review and the Average Unit-Size Density Incentive program. This training will focus on the role of the ABR, key design issues, examples of past projects and standards, and the role of the Planning Commission.)

Presentation made and discussion held.

Board members had the following general questions and comments:

1. The Board supports the approach to have planning staff provide a recommendation to the ABR on when a project should be forwarded to the Planning Commission for comments.
2. Recommends that the 'livability' of units be considered when high density projects are proposed and not just architectural design.
3. Asked about and received confirmation that the lack of open space could be a basis for denial of a project.
4. Asked if other space not used for rental units could be reduced, and at what point is a mixed use project considered too large?
5. Inquired about the maximum height measurement methods when projects exceed 45 feet and are required to get PC approval? What is actually considered 'top of roof'?
6. Asked if outdoor private living space is the same amount regardless of number of units? How is outdoor living space factored in with commercial?

Planning staff provided answers to the questions and thanked Board members for their input.

Planning Commissioner Swartz attended and asked that the Board follow City policy regarding AUD projects regardless of your personal feelings on the subject. The Planning Commission has expressed interest and support of a new review process that would involve PC review of some projects. Asked that they work together to effectively implement the program.

Planning Commissioner Campanella attended and indicated he was looking forward success of the AUD program and wanted to clarify that there are some AUD projects such as for sale (condo) projects would still be in front of the Planning Commission. He pointed out how some of the aspects of the AUD design such as the one space per unit design actually can make the buildings smaller and more compatible for the site. He

asked that the Board look at projects carefully to consider trade-offs when considering all design criteria and when it may affect the density for a project.

Planning Commissioner Swartz attended and indicated asked that the Boards follow City policy regardless of your personal feelings on the subject. The Planning Commission has expressed interest and support of a new review process; and asked that they work together to effectively to implement the program.

HISTORIC LANDMARKS COMMISSION MEETING MINUTES

October 23, 2013

(First of a two-part training on the relationship between Design Review and the Average Unit-Size Density Incentive program. This training will focus on the role of the HLC, key design issues, and examples of past projects.)

Actual time: 3:00 p.m.

Present: Jaime Limón, Design Review / Historic Preservation Supervisor; and Bettie Weiss, City Planner

Staff comments: Mr. Limón and Ms. Weiss gave a Staff PowerPoint presentation. Staff's proposal is that very early on in the review process an internal Land Development Team review would be conducted in order to provide Staff comments for HLC consideration. During the HLC hearing, the HLC/Public would then be encouraged to ask questions and make comments for Staff to return at the next hearing with answers. Expression of Staff recommendation for a project would be a critical change in the process to provide sufficient information for appropriate decision-making by the HLC.

Ms. Weiss clarified that any time the HLC reviews a project that is going to the Planning Commission, the HLC has the purview of challenging the design considerations and development. The HLC has Charter and Ordinance authority and responsibility for review of buildings found within El Pueblo Viejo Landmark District (EPV).

Public comment opened at 4:03 p.m.

Kellam de Forest, local resident, inquired whether the AUD Incentive Program has a cap as an experimental project and only allows up to certain units. He also asked if proposed project plans are reviewed by the HLC first or if Staff does the initial review.

Public comment closed at 4:07 p.m.

Ms. Weiss responded to public comment by saying that the 250 unit cap is in the high density zone. Much of the EPV area was specifically excluded from the high density zone. Staff will continue to review plans for basic submittal and zoning compliance standards before the first HLC concept hearing.

The Commission made the following comments:

1. More complicated projects should have Staff recommendations as is done for the Planning Commission.
2. Inquired as to whether a recommendation could be made by the HLC to the Planning Commission with respect to residential lot line subdivisions/mergers that may affect historic resources.
3. Considered whether it would be better for the Planning Commission to review these projects instead of the HLC. The AUD Incentive Program will result in a workload increase for the HLC.

4. It would be helpful during the concept review process to ask Staff to address HLC concerns.
5. The comprehensive Staff review as early in the process would be helpful for HLC's evaluation.

**** MEETING ADJOURNED AT 4:12 P.M. ****

HISTORIC LANDMARKS COMMISSION MEETING MINUTES

November 6, 2013

DISCUSSION ITEM/TRAINING:

1. AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM

(1:45) Presenter: Bettie Weiss, City Planner; and Jaime Limón, Design Review Supervisor

(Second of a two-part training on the relationship between Design Review and the Average Unit-Size Density Incentive program. This training will focus on the various new development standards of the AUD program and potential changes to refer some AUD projects to the Planning Commission for review and comments.)

Actual time: 1:40 p.m.

Present: Bettie Weiss, City Planner; and Jaime Limón, Design Review Supervisor

Staff comments: Mr. Limón and Ms. Weiss gave a Staff PowerPoint presentation. Ms. Weiss explained a new review process for projects over 45 feet in height and the types of average unit density (AUD) projects that will be reviewed solely by the HLC and those that will be reviewed in conjunction with the Planning Commission. The proposed review process changes were discussed.

There will be an AUD discussion item at the Planning Commission on December 12, 2013, where they will be asked to make a recommendation to City Council.

Public comment opened at 2:14 p.m.

Kellam de Forest, local resident, expressed concern on building heights and asked if an HLC decision on an AUD project's height is appealable to the Planning Commission. He also asked if there is currently a height limit in El Pueblo Viejo Landmark District (EPV).

Public comment closed at 2:16 p.m.

Ms. Weiss responded to public comment by saying that a 60-foot height limit is still allowed in commercial zones, even within the EPV. The appeal process has not changed: HLC and Planning Commission decisions are appealed to the City Council.

Ms. Weiss responded to Commission questions. Under the Adaptive Management Program, the effectiveness of the AUD Program will be reported on annually during the Joint City Council/Planning Commission meeting.

The Commission made the following comments:

1. The proposed design review changes for AUD Program projects are sensible provided there is adequate staff assistance. It seems staff's involvement will increase.
2. It will be even more critical for the HLC to make clear and concise comments to provide guidance to the applicant as to whether a comment is a suggestion or a requirement.
3. The HLC's comments shall reflect in which specific way the project meets the compatibility analysis criteria.
4. The Commission agrees with the proposed changes in design review recommendations as outlined in the Staff presentation.

**** THE COMMISSION RECESSED FROM 2:29 P.M. TO 2:36 P.M. ****

PROJECT COMPATIBILITY ANALYSIS

Historic Landmarks Commission

22.22.145 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Historic Landmarks Commission and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Historic Landmarks Commission when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Section 22.22.132:

1. Compliance with City Charter and Municipal Code; Consistency with Design Guidelines. Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. Sensitivity to Adjacent Landmarks and Historic Resources. Is the design of the project appropriately sensitive to adjacent Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. Public Views of the Ocean and Mountains. Does the design of the project respond appropriately to established scenic public vistas?

6. Use of Open Space and Landscaping. Does the project include an appropriate amount of open space and landscaping?

Architectural Board of Review

22.68.045 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Architectural Board of Review and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Architectural Board of Review when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Chapter 22.68:

1. Compliance with City Charter and Municipal Code; Consistency with Design Guidelines. Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. Sensitivity to Adjacent Landmarks and Historic Resources. Is the design of the project appropriately sensitive to adjacent Federal, State, and City Landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. Public Views of the Ocean and Mountains. Does the design of the project respond appropriately to established scenic public vistas?

6. Use of Open Space and Landscaping. Does the project include an appropriate amount of open space and landscaping?

REFERRAL TO THE PLANNING COMMISSION

22.22.133 Historic Landmarks Commission Referral of Residential Projects to Planning Commission.

A. **PLANNING COMMISSION COMMENTS.** When the Historic Landmarks Commission determines that a residential development is proposed for a site which is highly visible to the public, the Historic Landmarks Commission may, prior to granting preliminary approval of the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Historic Landmarks Commission in its deliberations.

22.68.050 Architectural Board of Review Referral to Planning Commission.

A. **PLANNING COMMISSION COMMENTS.** When the Architectural Board of Review determines that a project is proposed for a site which is highly visible to the public, the Board may, prior to granting preliminary approval on the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Architectural Board of Review in its deliberations.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Thompson)

Chair Jordan announced the ten calendar day appeal period.

Commissioner Jordan called for a recess at 3:56 P.M and reconvened the hearing at 3:58 P.M

Commissioners Thompson and Bartlett returned to the dais at 3:58 P.M.

V. **DISCUSSION ITEM**

ACTUAL TIME: 3:58 P.M.

AVERAGE UNIT SIZE DENSITY INCENTIVE PROGRAM

Staff will present to the Planning Commission three process review options for rental projects developed under the Average Unit Size Density Incentive Program. The Planning Commission will forward a recommendation to the City Council.

Case Planner: Bettie Weiss, City Planner

Email: BWeiss@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5509.

Bettie Weiss, City Planner, gave the Staff presentation. John Ledbetter, Principal Planner and Rob Dayton, Principal Transportation Supervisor, were available to answer questions.

Chair Jordan opened the public hearing at 4:18 P.M.

The following people commented on the project:

1. Greg Reitz, developer, requested that any decisions made not be retroactive, that any referral to the Planning Commission be limited to projects that do not fit the AUD and that the process not be lengthened.
2. Lisa Plowman, SB4ALL, submitted a letter suggesting an alternative option.
3. Paul Zink, Architectural Board of Review (ABR) Chair, stated that staff reports are helpful to ABR and that approving four story buildings is going to be difficult for ABR.

With no one else wishing to speak, the public hearing was closed at 4:37 P.M.

Commissioner's Comments:

Commissioner Lodge:

- Would like to see an automatic referral to the Planning Commission for formal action.

- Preferred a concept design review prior to proceeding to the Planning Commission.
- Suggested that there be an automatic referral for all projects with 8 or more units.

Commissioner Lodge left the dais at 5:28 P.M.

Commissioner Pujo:

- Supported using a trigger of half an acre for High Density/Priority Housing Overlay projects
- Supported concept review at PC for comments not action.
- Would like one design review meeting before Planning Commission.
- Keep the process timeline down and the cost of projects down. Remove any overlap of listed fees from projects and notice once.

Commissioner Schwartz:

- Proposed an ordinance amendment in the long term to establish formal early review by the Planning Commission.
- The Planning Commission should provide direction, not just comments.
- In the short term, would like a number of parties able to call up a project to the Planning Commission: staff, applicant, review board, or Planning Commission (like the Staff Hearing Officer process).
- Suggested a trigger of 10 units or more for formal Planning Commission review.

Bettie Weiss, City Planner, reminded the Commission that an applicant already has the ability to request a concept review without an ordinance amendment. Any other party calling up a project to the Planning Commission would require an ordinance change.

Commissioner Campanella:

- Recommended looking at the four vacant half acres sites in the commercial zones before deciding on the number of units.
- Did not support going to the Medium-High density tier, or going below 5 units in the High Density/Priority Housing categories.
- Allow the test to work with the established parameters.

Commissioner Thompson:

- Believed the design review boards have the capability of reviewing AUD projects if given the same support that is given to the Planning Commission.
- Felt SB4ALL's alternative makes most sense if the Planning Commission is involved.
- The Applicant always has the option to come to the Planning Commission prior to design review.

Discussion followed on what type of action would the Planning Commission take if the Applicant came to the Planning Commission first. No agreement was made pending further discussion at the next Planning Commission meeting.

Commissioner Jordan:

- Agreed with other Commissioners that design review boards are capable of handling AUD reviews.
- Would like to find a way to keep Planning Commission involvement on a comment level.
- Liked SB4ALL's option, but with some tweaks on triggers and thresholds.
- Did not want an ordinance amendment that would permanently involve the Planning Commission.

Commissioner Bartlett

- Believed that design review boards are capable of reviewing AUD projects and should get the same support the Planning Commission receives.
- Only projects found inconsistent with city policies should be reviewed by the Planning Commission.
- Whatever policy direction is taken should not be retroactive.
- Applicant should have ability to call for an initial PC concept review and combined ABR or HLC.
- Training should be provided to design review boards.

MOTION: Thompson/Bartlett

Continue discussion to December 19, 2013

This motion carried by the following vote:

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

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 6:27 P.M.

D. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report
None.
2. Other Committee and Liaison Reports
None.

ACTUAL TIME: 3:04 P.M.

AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM

Staff will continue discussing with the Planning Commission the three process review options presented December 12, 2013, for rental projects developed under the Average Unit Size Density Incentive Program (AUD). The Planning Commission will forward a recommendation to the City Council.

Case Planner: Bettie Weiss, City Planner

Email: BWeiss@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 5509.

Chair Jordan re-opened the public hearing at 3:04 P.M.

Lisa Plowman, SB4ALL, submitted and read written comments into the record.

With no one else wishing to speak, the public hearing was closed at 3:06 P.M.

Irma Unzueta, Project Planner, gave the Staff presentation.

Commissioner's comments on the scope of review of AUD projects: Commissioners Pujo, Campanella, and Jordan felt Planning Commission review of AUD projects should be limited to high density and priority housing overlay density tiers.

- Commissioners Bartlett and Thompson preferred no automatic triggers, but if AUD projects come to the Planning Commission, they should be limited to high density and priority housing overlay projects, and only for projects requesting modifications.
- Commissioner Lodge would like to see all AUD density tiers come to the Planning Commission.
- Most Commissioners agreed that not all high density and priority housing overlay projects should come for Planning Commission review.

Commissioner's comments on automatic triggers for Planning Commission review:

Number of Units:

- Commissioner Lodge could support eight units as the trigger.
- Commissioners Pujo, Bartlett, and Jordan could not support number of units as a trigger.

Size of Property:

- Commissioner Thompson and Bartlett did not support size of property as a trigger since there are not many vacant half acre and larger properties.
- Commissioner Lodge could support reviewing project sites of 10,000 square feet.
- Commissioner Pujo was in support of size of property because it is a fixed variable. Would like to see the trigger able to catch at least 20 % of the available inventory.
- Commissioner Jordan was in support of size of property as a trigger, but would like to have the trigger reach at least 25-30 % of the available inventory.
- Commissioner Campanella does not support an automatic trigger, but felt that the Planning Commission should not review anything smaller than 10,000 square feet.

Staff provided clarification on the square footage of a third acre as being able to accommodate approximately eight units. In response to the four vacant properties identified by Commissioner Campanella, Staff clarified that there are vacant and underdeveloped properties in the inventory that allow for more projects to qualify for review.

Four Stories

- Commissioner Lodge was in support of reviewing four story AUD projects.
- Commissioner Bartlett felt that this trigger was not needed since the Planning Commission already reviews any project over 45'.
- Commissioner Pujo did not support four stories as a trigger.

Environmental/Historic Constraints:

- Commissioner Pujo did not support this as a trigger and felt that the Historic Landmarks Commission (HLC) would be more appropriate for historic review.
- Commissioner Campanella felt that if a project required a full Environmental Impact Report (EIR) then the Planning Commission should review the full project.
- Commissioner Bartlett could support this trigger if a review board wanted to refer the project to the Planning Commission for review in balancing housing resources with historic resources.

Applicant Request:

- The majority of the Commissioners supported the Applicant's request for a Planning Commission review as a trigger.

Suspension (like Staff Hearing Officer):

- Commissioner Thompson did not support 'suspension' or 'pulling up prior to action' as triggers.
- Commissioner Bartlett did not support this trigger.

- Commissioner Jordan did not support this trigger; preferred a Planning Commissioner Liaison to the AUD process that could bring projects to the Planning Commission, similar to what exists for the Staff Hearing Officer.

“Pulling-up” prior to action

- Commissioner Bartlett did not support this trigger.
- Commissioner Pujo did not support this trigger and felt that only the applicant and the review board should be able to ‘bump up’ a project to the Planning Commission. Commissioner Jordan concurred.

Staff clarified that the existing ordinance gives the design review boards the ability to refer projects to the Planning Commission. The applicant also has the ability to take a project to the Planning Commission for concept review.

Commissioner’s comments on the action to be taken by the Planning Commission in a review:

- A majority of the Commissioners felt that the Planning Commission should offer comments only and not approval.
- Commissioner Lodge supported Planning Commission approval with specific findings.
- Commissioner Thompson did not support either action option and suggested that if the Council would like Planning Commission review, then AUD decisions made by the design review boards should be appealable to the Planning Commission action. Commissioner Jordan concurred.

Commissioner’s comments on when a Planning Commission review should occur:

- A majority of the Commission supported concept review prior to Planning Commission review.
- Commissioner Bartlett advocated for a joint review between the design review board and the Planning Commission.

Based on preliminary assessment of the Commission’s comments, Staff felt that the Commission was more closely aligned with Option One, on page 3, in the Planning Commission Staff Report dated December 5, 2013.

Commissioner’s comments on having an automatic trigger:

- Commissioners Lodge, Pujo, and Jordan were in support of having an automatic trigger.
- Commissioners Campanella, Thompson, and Bartlett were not in support of having an automatic trigger.

Commissioner's comments on appeals:

- Commissioners Campanella and Thompson felt that a third party appeal should come to the Planning Commission.
- Commissioner Thompson felt that any Planning Commission appeals could be appealed to City Council.
- The Commission was evenly split on whether or not the Planning Commission should hear appeals only on an intermediary basis.

Additional Commissioner's comments:

- Commissioner Pujo did not support having many triggers and preferred a clean, up-front expectation of Planning Commission review on some projects.
- Commissioner Thompson agreed that additional staff support, such as staff reports and site visits, should continue to be given to ABR and HLC.
- Commissioner Bartlett recommended that applicants be able to voluntarily request a joint Planning Commission and design review board concept review meeting.
- Commissioners Bartlett and Campanella requested that any changes to the review process not be made retroactive to projects currently being processed.
- Commissioner Pujo requested keeping timelines and additional AUD cost as low as possible.
- Commissioner Thompson asked that we keep operating under the current process until City Council directs otherwise.

Commissioner Jordan offered to represent the Planning Commission's position when this item goes before City Council.

V. **ADMINISTRATIVE AGENDA**

ACTUAL TIME: 5:27 P.M.

E. Committee and Liaison Reports.

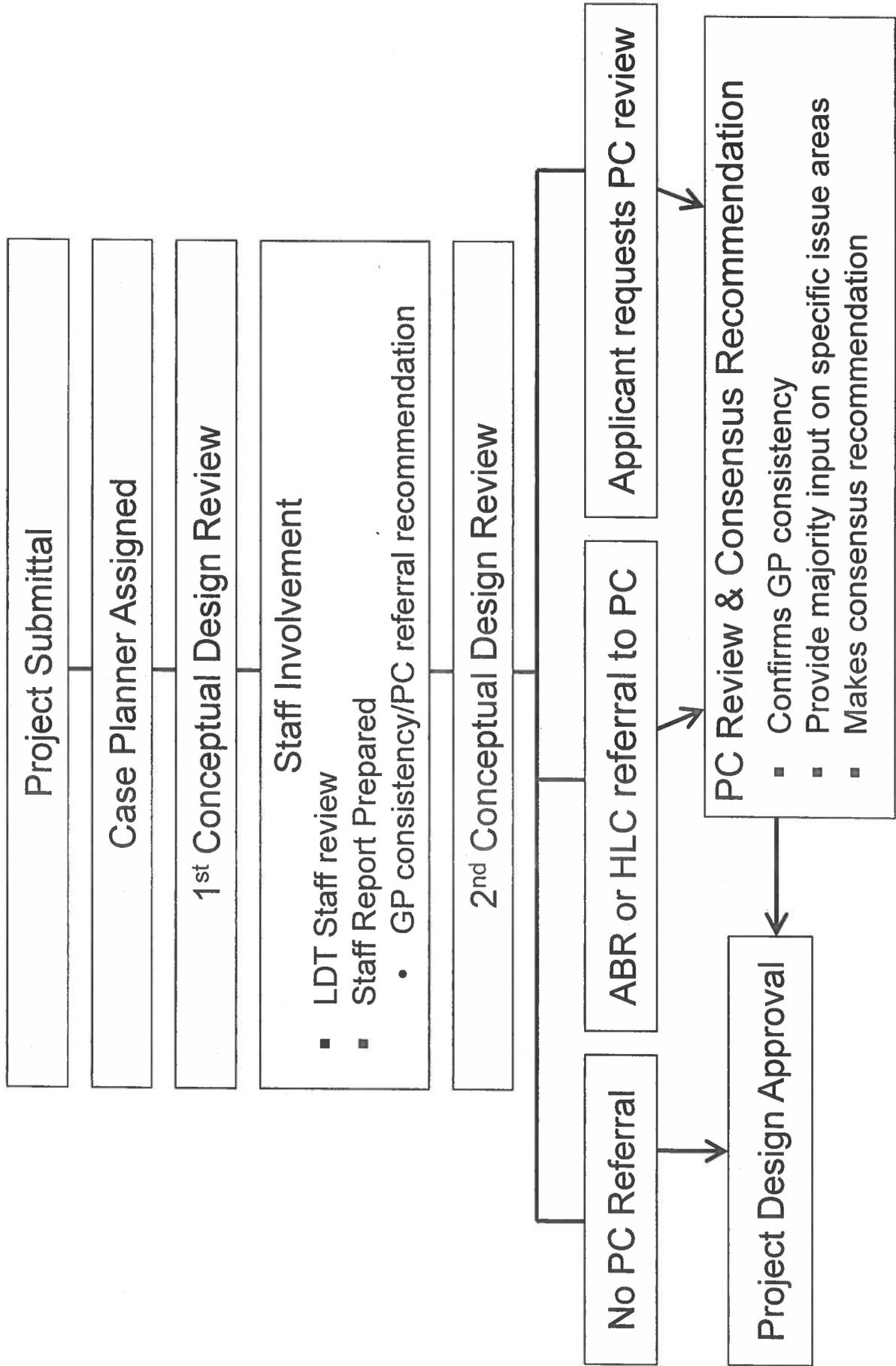
1. Staff Hearing Officer Liaison Report

None was given.

2. Other Committee and Liaison Reports

- a. Commissioner Lodge reported on the Historic Landmarks Commission meeting of December 18, 2013.
- b. Commissioner Thomson reported on the Single Family Design Review Board meeting of December 16, 2013.

Average Unit Size Density Program Planning Commission Consensus Recommendation Process



AUD PROJECT CONSISTENCY CRITERIA

The purpose of this criteria list is to assist the Architectural Board of Review, Historic Landmarks Commission, and/or Planning Commission in reviewing an AUD project for consistency with the General Plan, AUD Program Ordinance intent, and Project Compatibility Criteria.

GENERAL PLAN CONSISTENCY

Principles for Development:

- ***Focus Growth*** – to encourage affordable housing within ¼ mile of frequent transit service and commercial services.
- ***Encourage a mix of land uses*** – to include residential living in commercial centers.
- ***Strengthen mobility options and promote healthy active living*** – to link mixed-use development with transit, encourage the use of bicycles, and reduce need for parking.

REGULATORY ORDINANCES

AUD Ordinance Intent:

- Facilitate the construction of smaller housing units through increased densities.
- Provide appropriate development standard incentives.
- Provide housing types that ensure opportunities to the City's workforce.

Project Compatibility Analysis:

- ***Compliance with City Charter and Municipal Code and consistency with Design Guidelines*** – design consistency with design guidelines applicable to location of project.
- ***Compatible with architectural character of city neighborhood*** – design compatibility with desirable architectural qualities and characteristics.
- ***Appropriate size, mass, bulk, height and scale*** – appropriate size, mass, bulk and scale for location and neighborhood.
- ***Sensitivity to adjacent Landmarks and historic resources*** – appropriately sensitive to adjacent Landmarks and other nearby designated historic structures.
- ***Public views of the ocean and mountains*** – appropriately responsive to established scenic public vistas.
- ***Use of open space and landscaping*** – appropriate amount of open space and landscaping.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Request from Councilmember White and Councilmember Rowse
Regarding City Infrastructure

RECOMMENDATION:

That Council consider the request from Councilmember White and Councilmember Rowse regarding City Infrastructure.

DISCUSSION:

Attached is a memorandum from Councilmember White and Councilmember Rowse requesting that staff present to Council a review of the 2008 Infrastructure Report "Keeping Santa Barbara in Shape."

The Infrastructure Report can be viewed at the following link:

http://services.santabarbaraca.gov/Files/City_Administrator/

Staff will be prepared to provide a summary of the report at the Council meeting.

ATTACHMENT: Memorandum From Councilmember Francisco And
Councilmember Rowse Dated January 27, 2014

PREPARED BY: Jennifer Jennings, Administrator's Office Supervisor

SUBMITTED BY: Jim Armstrong, City Administrator

APPROVED BY: City Administrator's Office



City of Santa Barbara
Mayor and Council Office

Memorandum

DATE: January 27, 2014

TO: James L. Armstrong, City Administrator

FROM: *Bendy White* and *Randy Rowse*

SUBJECT: City Infrastructure

- Summary of Information to be Presented to the City Council

A Recap of "Keeping Santa Barbara in Shape"
Infrastructure Financing Report, 2008

- Statement of Specific Action the Council will be asked to take

- Discuss status, advisability, and strategies for moving forward with further action, as described in the attached memo.

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

Proper Infrastructure maintenance is a fundamental responsibility of City Government. As economic conditions improve, this is an opportune time to resume the Community Dialogue on this critical topic.

Please see the attachment, "Infrastructure 2.4" for more detail.

The foresight and generosity of generations past gave us Santa Barbara's beautiful buildings, boulevards and parks, with the implied promise that they would be maintained in perpetuity. Yet there is a severe backlog of deferred infrastructure maintenance that threatens to degrade our quality of life. Deferred maintenance also damages our ability to generate revenue from tourism, our biggest economic engine.

In 2008, a Taskforce of City leaders released "Keeping Santa Barbara In Shape", which provides an excellent summary of our infrastructure and maintenance needs. The recession of 2008-10 forced the issue to be deferred still further.

We propose that Council take a fresh present-day look at the work of the taskforce and, in collaboration with today's citizen-stakeholders, create a list of priority infrastructure needs. We therefore request that the City Council place this topic on an agenda in the near future. Our hope is that Council can facilitate a community dialogue on the topic to accomplish the following:

Frame the Issue

Convene Stakeholders to develop a strong understanding of the problem

Educate the community

Develop a strategy for making headway that is focused and has a broad base of support.

Implement that strategy.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 4, 2014

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 Kristine Schmidt, Acting Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Units, Hourly Bargaining Unit, Police Management Association, and Firefighters Association, and regarding salaries and fringe benefits for certain unrepresented management and confidential employees.

SCHEDULING: Duration, 30 minutes; anytime

REPORT: None anticipated

PREPARED BY: Kristine Schmidt, Acting Administrative Services Director

SUBMITTED BY: Kristine Schmidt, Acting Administrative Services Director

APPROVED BY: City Administrator's Office