

# 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*

**Ariel Pierre Calonne**  
*City Attorney*

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

## JULY 1, 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](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

# 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 July 31, 2014.

## CHANGES TO THE AGENDA

## PUBLIC COMMENT

## CONSENT CALENDAR

## CITY COUNCIL

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

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of June 24, 2014.

### 3. **Subject: Adoption of Ordinance For Unrepresented Safety Managers Salary Plan Amendment (440.02)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5587, the 2012-2015 Salary Plan Applicable to Certain Unrepresented Safety Managers, To Provide for Employee Payment of PERS Member Contributions and Offsetting Salary Increases.

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

**4. Subject: Community Action Commission CalGrip Grant Funding For Youth Employment (460.08)**

Recommendation: That Council:

- A. Accept a disbursement from the Community Action Commission (CAC) in the amount of \$26,304 for Parks and Recreation Department programs; and
- B. Increase appropriations and estimated revenues in the Fiscal Year 2015 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$26,304.

**5. Subject: Designation Of Voting Delegate For The League Of California Cities Annual Conference (180.01)**

Recommendation: That Council designate Mayor Helene Schneider as the voting delegate for the League of California Cities Annual Conference.

**6. Subject: Introduction Of Ordinance For Lease Agreement With Goleta Building Materials, Inc. (330.04)**

Recommendation: That Council introduce and subsequently adopt by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a 10-year Lease Agreement, With One 5-year Option, With Goleta Building Materials, Inc., a California Corporation, Effective August 7, 2014, For a Monthly Rental of \$10,698, Exclusive of Utilities.

**7. Subject: Goleta Slough Ecosystem Management Plan Update And Estuary Inlet Modeling (560.01)**

Recommendation: That Council:

- A. Accept and authorize the Airport Director to execute a grant, subject to approval as to form by the City Attorney, in the amount of \$30,000 from the County of Santa Barbara Coastal Resource Enhancement Fund (CREF) for estuary inlet modeling for the Goleta Slough Ecosystem Management Plan sea-level rise study;
- B. Accept a US Fish and Wildlife Service Coastal Program grant, subject to approval as to form by the City Attorney, in the amount of \$16,480 to contribute to the preparation of an update to the Goleta Slough Ecosystem Management Plan;

(Cont'd)

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

#### 7. (CONT'D)

- C. Increase appropriations and estimated revenues in the Airport Capital Fund by \$46,480, of which \$30,000 will be funded from the CREF grant, and \$16,480 from the US Fish and Wildlife Service grant; and
- D. Approve and authorize the Airport Director to execute a Contract Amendment with ESA PWA for preparation of additional modeling as a part of the update to the Goleta Slough Ecosystem Management Plan in a total contract amount not to exceed \$141,494.

#### 8. **Subject: Used Oil Collection and Recycling Program Grant (570.03)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Submit an Application to the California Department of Resources Recycling and Recovery (CalRecycle) for the Fiscal Year 2015 Used Oil Payment Program Grant (OPP Grant), in the Amount of \$25,600; and
- B. Increase appropriations and estimated revenues in the Waterfront Operating Fund by \$25,600, for Fiscal Year 2015 based on the fact that the funds have already been allocated and receipt of the funds is only awaiting adoption of the required resolution and submittal of the grant application.

#### 9. **Subject: Integrated Regional Water Management Drought Grant Application For Recycled Water Plant Replacement (540.13)**

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director 1) to Prepare and File an Application to Obtain a 2014 Integrated Regional Water Management Drought Grant of up to \$2 Million for the City of Santa Barbara's Recycled Water Enhancement Project, and 2) to Enter Into an Agreement with the State of California, and Any Amendments Thereto, Subject to Approval as to Form by the City Attorney, to Receive a Grant for the City of Santa Barbara Recycled Water Enhancement Project.

## **CONSENT CALENDAR (CONT'D)**

### CITY COUNCIL (CONT'D)

#### **10. Subject: Authorization For Agreement For Legal Services (540.10)**

Recommendation: That Council authorize the Public Works Director to execute a professional services agreement with the law firm of Best, Best & Krieger, LLP, in a form acceptable to the City Attorney, in an amount not to exceed \$200,000 for special legal services to the City on matters related to the renewal of the National Pollutant Discharge Elimination System Permit for the Desalination Plant.

#### **11. Subject: Adoption Of Ordinance On Second Amendment To Montecito Library Site Lease (570.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Library Director to Execute the Second Amendment to the Montecito Hall Lease Agreement with the County of Santa Barbara and the Montecito Association for the Operation of the Montecito Branch of the Santa Barbara Public Library System.

### SUCCESSOR AGENCY

#### **12. Subject: Increase In Construction Change Order Authority For The Temporary Relocation Of The 9-1-1 Call Center (520.04)**

Recommendation: That the Successor Agency authorize an increase in the Executive Director's Change Order Authority to approve expenditures for extra work for the Temporary Relocation of the 9-1-1 Call Center Project, Contract No. 24,699 in the amount of \$200,000, for a total Change Order expenditure authority of \$292,711.

### NOTICES

13. The City Clerk has on Thursday, June 26, 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.
14. Receipt of communication advising of vacancy created on the Sister Cities Board with the resignation of Barbara Ellis. The vacancy will be part of the next City Advisory Groups Recruitment.

**This concludes the Consent Calendar.**

## **PUBLIC HEARINGS**

### **15. Subject: Update On Municipal Code Amendments Related To Fences, Screens, Walls And Hedges (640.02)**

Recommendation: That Council:

- A. Receive an update from staff on three items following the adoption of Municipal Code amendments related to fences, screens, walls and hedges; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Approve Fences, Screens, Walls and Hedges Guidelines Consistent with Santa Barbara Municipal Code Section 28.87.170.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## **CLOSED SESSIONS**

### **16. 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, Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Unit.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **ADJOURNMENT**



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 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 July 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 July 31, 2014.

**ATTACHMENT:** July 2014 Service Awards  
**PREPARED BY:** Myndi Hegeman, Administrative Specialist  
**SUBMITTED BY:** Kristine Schmidt, Administrative Services Director  
**APPROVED BY:** City Administrator's Office

**JULY 2014 SERVICE AWARDS**

July 1, 2014, Council Meeting

**10 YEARS**

Philip Nevarez, Maintenance Crew Leader, Public Works Department

Craig Hove, Electrician, Public Works Department

Robert Garcia, Custodian, Public Works Department

Esteban Zambrano, Wastewater Collection System Lead, Public Works Department

David De Ponce, Custodial Supervisor, Aripport Department

**15 YEARS**

Christopher Bell, City TV Production Specialist, City Administrator's Office

**20 YEARS**

Marylinda Arroyo, Police Sergeant, Police Department

Alexander Cruz, Police Officer, Police Department

John Stoney, Police Lieutenant, Police Department

**25 YEARS**

Larry Doria, Streets Maintenance Crew Leader, Public Works Department

Chito Macario, Treatment Plant Technician, Public Works Department



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING June 24, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

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

Councilmembers absent: Dale Francisco.

Staff present: City Administrator James L. Armstrong, City Attorney Ariel Pierre Calonne, City Clerk Services Manager Gwen Peirce.

### PUBLIC COMMENT

Speakers: Phil Walker, Ethan Shenkman.

### ITEMS REMOVED FROM CONSENT CALENDAR

**6. Subject: Downtown Organization Maintenance Agreement For Fiscal Year 2015 (530.04)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a one-year agreement in the amount of \$618,250, with the Downtown Organization (DO) for landscape maintenance, sidewalk cleaning, and general maintenance of the 00-1200 blocks of State Street from Victoria Street to Cabrillo Boulevard, including the Highway 101 underpass and various cross streets from July 1, 2014, through June 30, 2015.

(Cont'd)

**6. (Cont'd)**

Councilmember Rowse stated that he would abstain from voting on this item due to a conflict of interest related to his membership in the Downtown Organization.

Documents:

June 24, 2014, report from the Parks and Recreation Director.

Motion:

Councilmembers Hotchkiss/Murillo to approve the recommendation; Agreement No. 24,877.

Vote:

Unanimous voice vote (Abstentions: Councilmember Rowse; Absent: Councilmember Francisco).

**11. Subject: Fiscal Year 2015 Waterfront Fees Resolution (230.05)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Waterfront Harbor Slip, Mooring and User Fees for Fiscal Year 2015.

Councilmembers Rowse and White stated that they would abstain from voting on this item due to a conflict of interest related to their rental of boat slips in the Harbor.

Documents:

- June 24, 2014, report from the City Attorney.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Councilmembers Murillo/Hotchkiss to approve the recommendation; Resolution No. 14-048.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers Rowse, White; Absent: Councilmember Francisco).

**CONSENT CALENDAR (Item Nos. 1 – 5, 7 – 10, 12)**

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

Motion:

Councilmembers Hotchkiss/Murillo to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

**1. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meetings of May 27, 2014 (cancelled), June 10, and June 17, 2014.

Action: Approved the recommendation.

**2. Subject: Adoption of Ordinance For Lease Agreement With MAJCO Corporation, dba Big Brand Tire (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Fifteen Year and Five Month Lease Agreement with Three Five-Year Options, between MAJCO Corporation, a California Corporation, dba Big Brand Tire, for 29,620 Square Feet of Land, Including 4,484 Square Feet of Building 370, at 6010 Hollister Avenue, at the Santa Barbara Airport, Effective July 10, 2014, for a monthly rental of \$7,533, Exclusive of Utilities.

Action: Approved the recommendation; Ordinance No. 5656; Agreement No. 24,878.

**3. Subject: Adoption Of Ordinance For Police And Fire Service Retirement Plan Of 1927 Cost Of Living Increase (430.08)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Increasing the Service Retirement Benefit for the Fire and Police Service Retirement Pension Fund.

Action: Approved the recommendation; Ordinance No. 5657.

**4. Subject: Introduction of Ordinance For Unrepresented Safety Managers Salary Plan Amendment (440.02)**

Recommendation: That Council:

A Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5587, the 2012-2015 Salary Plan Applicable to Certain Unrepresented Safety Managers, to Provide for Employee Payment of PERS Member Contributions and Offsetting Salary Increases; and

(Cont'd)

**4. (Cont'd)**

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Paying and Reporting the Value of Employer-Paid Member Contributions for Unrepresented Police Management Employees Effective June 28, 2014.

Action: Approved the recommendations; Resolution No. 14-049 (June 24, 2014, report from the Administrative Services Director; proposed ordinance and resolution).

**5. Subject: Amendment Of The South Coast Measure A Bicycle And Pedestrian And Safe Routes To School Programs Cooperative Agreement (530.04)**

Recommendation: That Council amend the Cooperative Agreement between the City and the Santa Barbara County Association of Governments for Cycle I of the Measure A South Coast Bicycle and Pedestrian and Safe Routes to School Programs to extend the deadline for timely use of funds for the Bikestation Module at the Transit Center and Cleveland School Pedestrian Improvements Projects to December 30, 2015.

Action: Approved the recommendation; Agreement No. 24,187.2 (June 24, 2014, report from the Public Works Director).

**7. Subject: Contract For Design For The Elings Park Booster Pump Station (540.06)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Penfield & Smith in the amount of \$43,000 for design services for the Elings Park Booster Pump Station Installation, and authorize the Public Works Director to approve expenditures of up to \$4,300 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,879 (June 24, 2014, report from the Public Works Director).

**8. Subject: Parks And Recreation Community Foundation Contributions (570.05)**

Recommendation: That Council:

- A. Accept a contribution from the Parks and Recreation Community (PARC) Foundation in the amount of \$37,000 for the Parks and Recreation Department Summer Fun Drop-in Recreation program; and
- B. Increase appropriations and estimated revenues in the Fiscal Year 2014 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$37,000.

(Cont'd)

**8. (Cont'd)**

Action: Approved the recommendations (June 24, 2014, report from the Parks and Recreation Director).

**9. Subject: May 2014 Investment Report (260.02)**

Recommendation: That Council accept the May 2014 Investment Report.

Action: Approved the recommendation (June 24, 2014, report from the Finance Director).

**10. Subject: Fiscal Year 2014 Interim Financial Statements For The Ten Months Ended April 30, 2014 (250.02)**

Recommendation: That Council accept the Fiscal Year 2014 Interim Financial Statements for the Ten Months Ended April 30, 2014.

Action: Approved the recommendation (June 24, 2014, report from the Finance Director).

NOTICES

12. The City Clerk has on Thursday, June 19, 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.

Councilmember Francisco arrived at 2:10 p.m.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

COMMUNITY DEVELOPMENT DEPARTMENT

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

Recommendation: That Council:

- A. Consider the Ordinance Committee's recommendation on parameters for requiring Planning Commission review of Average Unit-Size Density Incentive Program rental projects; and
- B. Direct staff to prepare an Ordinance Amendment, based on support by a super majority of Council.

Documents:

- June 24, 2014, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff. (Cont'd)

**13. (Cont'd)**

Speakers:

- Staff: Project Planner Allison De Busk, Zoning Supervisor Renee Brooke.
- Members of the Public: Lisa Plowman.

Motion:

Councilmembers Murillo/Hart to retain the current Average Unit-Size Density Incentive Program process.

Substitute Motion:

Councilmembers White/Hotchkiss to approve Recommendations A and B.

Vote on Substitute Motion:

Majority voice vote (Noes: Councilmembers Hart, Murillo).

PUBLIC WORKS DEPARTMENT

**14. Subject: Stage Two Drought Update (540.05)**

Recommendation: That Council receive an update on the status of the current drought.

Documents:

- June 24, 2014, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Acting Water Resources Manager Joshua Haggmark; Acting Water Resources Conservation Specialist Madeline Ward.
- Members of the Public: Phil Walker; Kira Redmond, Santa Barbara Channelkeeper; Ethan Shenkman.

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

**MAYOR AND COUNCIL REPORTS**

**15. Subject: Appointments To City Advisory Groups (140.05)**

Recommendation: That Council make appointments to the City's advisory groups.

Documents:

June 24, 2014, report from the Administrative Services Director.

Speakers:

Santa Barbara Youth Council: Pablo Saleta, Jacqueline Cabral. (Con't)

15. (Cont'd)

Access Advisory Committee:

Motion:

Councilmembers Murillo/White to re-appoint Brian Barnwell.

Vote:

Unanimous voice vote.

Appointment:

Brian Barnwell was re-appointed as a Architectural/Engineering/Building Community representative for a term expiring December 31, 2014.

Building and Fire Code Board of Appeals:

Nominees:

Bonnie Elliott, Karen Johnson, Ken McKellan.

Vote:

- For Elliott: Councilmembers Francisco, Hart, Hotchkiss, Murillo, Rowse, White, Mayor Schneider.
- For Johnson: Councilmembers Hart, Murillo, White.
- For McKellan: Councilmembers Francisco, Hotchkiss, Rowse, Mayor Schneider.

Appointment:

Bonnie Elliott and Ken McKellan were appointed for open terms.

Central Coast Commission for Senior Citizens:

Motion:

Councilmembers Hotchkiss/White to appoint James F. Scafide.

Vote:

Unanimous voice vote.

Appointment:

James F. Scafide was appointed for a term expiring June 30, 2016.

Community Development and Human Services Committee:

Motion:

Councilmembers Francisco/Rowse to appoint Doedy Sheehan Orchowski.

Vote:

Unanimous voice vote.

(Cont'd)

15. (Cont'd)

Community Development and Human Services Committee (Cont'd):

Appointment:

Doedy Sheehan Orchowski was appointed as a Senior Community representative for a term expiring December 31, 2015.

Community Events and Festivals Committee:

Motion:

Councilmembers Murillo/Francisco to appoint Brad Nack.

Vote:

Unanimous voice vote.

Appointment:

Brad Nack was appointed as a Cultural Arts representative for a term expiring December 31, 2015.

Harbor Commission:

Nominees:

Cory Bantilan, Stephen MacIntosh, Mark Rincon-Ibarra.

Vote:

- For Bantilan: Councilmembers Francisco, Hart, Hotchkiss, Rowse, White, Mayor Schneider.
- For MacIntosh: Councilmembers Hart, Hotchkiss, Murillo, Rowse, White, Mayor Schneider.
- For Rincon-Ibarra: Councilmembers Francisco, Murillo.

Appointment:

Cory Bantilan was re-appointed for a term expiring December 31, 2017 and Stephen MacIntosh was appointed for a term expiring December 31, 2015.

Housing Authority Commission:

Motion:

Councilmembers Francisco/Murillo to appoint Dolores Zoila Daniel and Donald D. Olson.

Vote:

Unanimous voice vote.

(Cont'd)

15. (Cont'd)

Housing Authority Commission (Cont'd):

Appointment:

Dolores Zoila Daniel was appointed as a Tenant representative for a term expiring June 30, 2016 and Donald D. Olson as a Member at Large for a term expiring June 30, 2018.

Living Wage Advisory Committee:

Motion:

Councilmembers Francisco/Murillo to appoint Gabe Dominocielo.

Vote:

Unanimous voice vote.

Appointment:

Gabe Dominocielo was re-appointed as a Owner/Manager of a Business within the City representative for a term expiring June 30, 2018.

Mosquito and Vector Management District Board:

Motion:

Councilmembers White/Rowse to appoint Larry Fausett.

Vote:

Unanimous voice vote.

Appointment:

Larry Fausett was appointed for a term expiring January 7, 2015.

Parks and Recreation Commission:

Nominees:

John Abrami, Carolyn Brown, Nichol Clark, Rocky Jacobson, Mark Rincon-Ibarra.

Vote:

- For Abrami: Councilmembers Francisco, Rowse.
- For Brown: Councilmembers Francisco, Hotchkiss, White.
- For Clark: Councilmembers Hart, Murillo, Rowse, White, Mayor Schneider.
- For Jacobson: Councilmember Hotchkiss, Mayor Schneider.
- For Rincon-Ibarra: Councilmembers Hart, Murillo.

(Cont'd)

15. (Cont'd)

Parks and Recreation Commission (Cont'd):

Second Vote:

- For Brown: Councilmembers Francisco, Hotchkiss, Rowse, White, Mayor Schneider.
- For Rincon-Ibarra: Councilmembers Hart, Murillo.

Appointment:

Carolyn Brown was appointed for a term expiring December 31, 2017 and Nichol Clark was appointed for a term expiring December 31, 2016.

Santa Barbara Youth Council:

Motion:

Councilmembers Murillo/Rowse to appoint Katherine Carrillo.

Vote:

Unanimous voice vote.

Appointment:

Katherine Carrillo was appointed as a Local Private High School representative for a term expiring June 30, 2016.

Motion:

Councilmembers Francisco/Murillo to appoint Camille Cosio and Scott Voulgaris.

Vote:

Unanimous voice vote.

Appointment:

Camille Cosio was appointed as a Member at Large and Scott Voulgaris was appointed as a San Marcos High School representative for terms expiring June 30, 2016.

Nominees, Students from Dos Pueblos High School:

Aahat Jain, Zainab Noorsher.

Vote:

- For Jain: Councilmember Hotchkiss.
- For Noorsher: Councilmembers Francisco, Hart, Murillo, Rowse, White, Mayor Schneider.

Appointment:

Zainab Noorsher was appointed as a Dos Pueblos High School representative for a term expiring June 30, 2016. (Cont'd)

**15. (Cont'd)**

Single Family Design Board:

Motion:

Councilmembers Murillo/Francisco to appoint James Zimmerman and Brian Miller.

Vote:

Unanimous voice vote.

Appointment:

James Zimmerman was re-appointed as a Licensed Architect representative and Brian Miller was re-appointed to the Professional Qualifications category for terms expiring June 30, 2018.

**16. Subject: Appointment Of Councilmembers To An Ad Hoc Committee On District Elections (110.03)**

Recommendation: That Council appoint up to three members to an ad hoc committee to discuss the issue of district elections with community groups supporting such a change to the City's election system.

Documents:

June 24, 2014, report from the City Administrator.

Speakers:

Members of the Public: Cruzito Herrera Cruz, Bonnie Raisin.

Motion:

Councilmembers Murillo/Hotchkiss to appoint Councilmembers Murillo and Rowse and Mayor Schneider as members of an ad hoc committee on district elections.

Vote:

Unanimous voice vote.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Councilmember Hotchkiss reported on his attendance at a recent Airport Commission meeting where they discussed a new solar project and power purchase agreement. He also commented on his visit to the Parks and Recreation Department Free Breakfast Program at Franklin Elementary School.
- Councilmember White reported on his attendance at recent meetings of 1) Santa Barbara County Association of Government (SBCAG) where the budget was discussed; and 2) Santa Barbara County Air Pollution Control District Board of Directors, where they discussed a project for reducing the speed of vessels in the channel.

(Cont'd)

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS (CONT'D)**

Information (Cont'd):

- Councilmember Rowse spoke regarding a meeting he attended with neighborhood stakeholders regarding State Street security.
- Councilmember Murillo reported on her attendance at 1) the Metropolitan Transit District Board meeting where the Board appointed Jerry Estrada as Interim Executive Director; and 2) the Living Wage Committee meeting. She also spoke regarding an Awards Ceremony of Don Riders that she attended.
- Councilmember Hart reported on a recent 1) Visit Santa Barbara Board meeting where the Tourism Business Improvement District (TBID) process was discussed; and 2) a Creeks Advisory Committee where enforcement actions were discussed.
- Mayor Schneider commended organizers of the Summer Solstice Parade and Festival.

## **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 4:14 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST:

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING ORDINANCE NO. 5587, THE 2012-2015 SALARY PLAN APPLICABLE TO CERTAIN UNREPRESENTED SAFETY MANAGERS, TO PROVIDE FOR EMPLOYEE PAYMENT OF PERS MEMBER CONTRIBUTIONS AND OFFSETTING SALARY INCREASES

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

SECTION 1. The 2012-2015 Salary Plan Applicable to Certain Unrepresented Safety Managers ("Management Salary Plan 2"), adopted by Ordinance No. 5587 and amended by Ordinance 5623, is hereby amended as reflected in Exhibit C;

SECTION 2. The City Administrator is hereby authorized to implement the terms of the Management Salary Plan referenced in this ordinance without further action by the City Council, unless such Council action is required by state or federal law.

**2012-2015 Management Salary Plan  
Applicable to Certain Unrepresented Safety Managers  
("Management Salary Plan 2")**

1. This Management Salary Plan sets forth a plan for salary and benefit adjustments for unrepresented management employees for the period of July 1, 2012 through June 30, 2015
2. This salary plan will apply only to the following unrepresented safety management employees: Fire Division Chief-Operations, the Fire Chief, the Deputy Police Chief, and the Police Chief. This salary plan shall not apply to police management employees represented by the Police Management Association, nor to the Fire Division Chief-Prevention or the Fire Battalion Chiefs.
3. Across-the-Board Salary Increases
  - A. Effective June 29, 2013: 2.0%
  - B. Effective June 28, 2014: 7.0% ~~2.0%~~
4. PERS Cost-Sharing
  - A. Managers that are part of the PERS Fire Safety Plan:
    - i. Until June 28, 2014 these employees will continue to participate in retirement cost-sharing under the PERS retirement plan in the same amount and through the same method as members of the Santa Barbara City Firefighters Association.
    - ii. Effective June 28, 2014 these employees will pay the full 9% member contribution and the City will cease paying and reporting any portion of the member contribution.
  - B. Managers that are part of the PERS Police Safety Plan:
    - i. Until June 28, 2014 these employees will continue to participate in retirement cost-sharing by paying 3.0% of earnings to the City through post-tax payroll deductions in the manner contemplated by Govt Code § 20516(f). Such payments will not be credited under the retirement system. Such payments will not affect the City's payment of the 9% EPMC. Thereafter, contributions under this method will cease.
    - ii. Effective June 28, 2014 these employees will pay the full 9% member contribution and the City will cease paying and reporting any portion of the member contribution.
5. Vacation Cash Out: The management Vacation Cash-out provision contained in the Management Performance and Compensation Plan will be discontinued indefinitely, subject to the following:

- A. On or before July 30, 2012, all managers will be given a one-time final opportunity to cash out up to 40 vacation hours;
  - B. After the cash out, the City Administrator may distribute total savings from any vacation amounts that eligible safety and non-safety managers elected not to cash out to all unrepresented managers eligible for the cash out (including those who exercise the cash out option) on an equal per capita basis as a lump sum payment; and
  - C. The vacation accrual maximum will be increased to 392 hours effective July 1, 2012.
6. Cafeteria Plan: Effective January 1, 2013, the City's monthly contribution to the cafeteria plan for the purchase of health and welfare benefits will be increased by \$116 per month for both Group 1 and Group 2 managers.
7. The Management Performance and Compensation Plan will be amended, as necessary, to include these changes to compensation and benefits.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Community Action Commission CalGrip Grant Funding For Youth Employment

**RECOMMENDATION:** That Council:

- A. Accept a disbursement from the Community Action Commission (CAC) in the amount of \$26,304 for Parks and Recreation Department programs; and
- B. Increase appropriations and estimated revenues in the Fiscal Year 2015 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$26,304.

**DISCUSSION:**

On December 17, 2013, City Council authorized receipt of a \$500,000 CalGrip grant from the Board of State and Community Corrections. At the same time, the City Administrator was authorized to enter into agreements to accept and distribute the grant funds. By agreement, the South Coast Task Force on Youth Gangs collaborative effort is being coordinated by the Community Action Commission, who was the fiscal recipient of the grant responsible for disbursing funds to service providers. A portion of the funds, \$26,304 over two calendar years, was designated for nine youth employment opportunities annually. These funds will be provided to the Parks and Recreation Department's Neighborhood and Outreach Services Program to coordinate the hiring, training, and placement of the nine youth during the remainder of 2014 and again in 2015.

**BUDGET/FINANCIAL INFORMATION:**

The funding will provide hourly salaries and benefits for 18 employees through December 31, 2015.

**PREPARED BY:** Sarah Hanna, Recreation Manager

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

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

**Council Action Advised by July 31, 2014**

May 1, 2014

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 3 - 5, Los Angeles**

The League's 2014 Annual Conference is scheduled for September 3 - 5 in Los Angeles. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 5, at the Los Angeles Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 15, 2014. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the

-over-

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Los Angeles Convention Center, will be open at the following times: Wednesday, September 3, 9:00 a.m. – 5:30 p.m.; Thursday, September 4, 7:00 a.m. – 4:00 p.m.; and Friday, September 5, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 15. If you have questions, please call Karen Durham at (916) 658-8262.

Attachments:

- 2014 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Mayor and Councilmembers

**FROM:** Business & Property Division, Airport Department

**SUBJECT:** Introduction Of Ordinance For Lease Agreement With Goleta Building Materials, Inc.

### **RECOMMENDATION:**

That Council introduce and subsequently adopt by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a 10-year Lease Agreement, With One 5-year Option, With Goleta Building Materials, Inc., a California Corporation, Effective August 7, 2014, For a Monthly Rental of \$10,698, Exclusive of Utilities.

### **DISCUSSION:**

#### Background

The subject Premises is located north of Hollister Avenue in an Airport Industrial (AI-1) zone.

Goleta Building Materials, Inc. has been an Airport tenant, in good standing, since 1963, operating a rock, sand, and gravel yard with auxiliary retail sales of associated landscaping and hardscape materials, including patio pavers, poured concrete installations, and outdoor kitchen fixtures and equipment.

Goleta Building Materials has seven employees and serves both professional contractors and the general public.

#### Discussion

The initial term of the proposed lease will be ten years, with one five year option, effective August 7, 2014.

The proposed monthly rental is based on a rate of \$.155 per square foot for the land and \$1.09 per square foot for the building space for a total monthly rental of \$10,698. This represents a 3% increase over the prior year. The lease provides for annual CPI increases of no less than three and no greater than eight percent annually.

In addition, there will be a market rate adjustment, by appraisal, at the beginning of year six of the lease, and one prior to the start of the option term. The rental rates are comparable to other land leases at the Airport for similar use and in similar condition.

The proposed Lease Agreement was negotiated based upon the criteria set forth in Resolution 93-127.

Airport Commission

The Airport Commission recommended approval of the lease at their regularly scheduled meeting on April 16, 2014.

**PREPARED BY:** Rebecca Fribley, Sr. Property Management Specialist

**SUBMITTED BY:** Hazel Johns, Airport Director

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE AIRPORT DIRECTOR TO EXECUTE A 10-YEAR LEASE AGREEMENT WITH ONE 5-YEAR OPTION WITH GOLETA BUILDING MATERIALS, INC., A CALIFORNIA CORPORATION, EFFECTIVE AUGUST 7, 2014, FOR A MONTHLY RENTAL OF \$10,698, EXCLUSIVE OF UTILITIES.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain Lease Agreement between the City of Santa Barbara and Goleta Building Materials, Inc., for the premises at for 3,200 square feet of Building 224 at 6100 Francis Botello Road, 31,882 square feet of land, at 91 Frederic Lopez Road, and 14,690 square feet of land at 90 Frederic Lopez Road, at the Santa Barbara Airport, for a monthly rental of \$10,698, exclusive of utilities, is hereby approved.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Mayor and Councilmembers

**FROM:** Facilities Planning & Development Division, Airport Department

**SUBJECT:** Goleta Slough Ecosystem Management Plan Update and Estuary Inlet Modeling

**RECOMMENDATION:** That Council:

- A. Accept and authorize the Airport Director to execute a grant, subject to approval as to form by the City Attorney, in the amount of \$30,000 from the County of Santa Barbara Coastal Resource Enhancement Fund (CREF) for estuary inlet modeling for the Goleta Slough Ecosystem Management Plan sea-level rise study;
- B. Accept a US Fish and Wildlife Service Coastal Program grant, subject to approval as to form by the City Attorney, in the amount of \$16,480 to contribute to the preparation of an update to the Goleta Slough Ecosystem Management Plan;
- C. Increase appropriations and estimated revenues in the Airport Capital Fund by \$46,480, of which \$30,000 will be funded from the CREF grant, and \$16,480 from the US Fish and Wildlife Service grant; and
- D. Approve and authorize the Airport Director to execute a Contract Amendment with ESA PWA for preparation of additional modeling as a part of the update to the Goleta Slough Ecosystem Management Plan in a total contract amount not to exceed \$141,494.

**DISCUSSION:**

Background

In 1991, the Airport Department facilitated the creation of the Goleta Slough Management Committee (Committee) comprised of government agencies, property owners, and interest groups with the intent of working cooperatively to provide for a healthy Goleta Slough. The Committee was originally formed to provide input through the design, permitting, and construction of the Aviation Facilities Plan. In 1997, the Committee prepared the Goleta Slough Ecosystem Management Plan (Plan) with funding from the City. When the Aviation Facilities Plan was adopted in 2003, it included many of the recommended restoration efforts as mitigation measures. The

Airport was able to construct the Airfield Safety Projects and Goleta Slough stakeholders were able to realize over 40 acres of habitat restoration.

The Committee has no regulatory authority and is not an incorporated entity. The Committee exists only as a forum for Goleta Slough stakeholders to work collaboratively.

#### Plan Update

It has been sixteen years since the Goleta Slough Ecosystem Management Plan was originally developed. With the completion of major projects such as creek relocation, tidal circulation, and wetland and upland habitat restoration, the Plan no longer reflects the character of the Slough. Additionally, threats to habitat quality that were not addressed in the Plan, such as climate change and increased upstream development, present new challenges to the Slough.

The current Plan update involves a sea-level rise model, a risk and vulnerability assessment, stakeholder outreach, adaption strategies, and identification of future habitat restoration opportunities. The Plan will produce recommended actions and policies that agencies and property owners in the vicinity of the Slough can adopt to protect and enhance environmental resources. The information in the Plan will be useful in the preparation of the Airport Master Plan Environmental Impact Report.

In 2013, the Santa Barbara County Flood Control District discontinued efforts to renew the permits to maintain the opening of the Goleta Slough channel. The sea-level rise vulnerability analysis assumed an open channel as part of its assessment. As coastal flooding could become trapped in the Slough for an extended period when the mouth is blocked by a sand berm, the sea-level rise impacts to the Goleta Slough and surrounding development (including the Airport) are likely to be more severe than originally assessed. The preparation of an Inlet 13 Model as part of this Contract Amendment will enable the Goleta Slough Management Committee to assess impacts from sea level rise under varied, changing Slough mouth conditions.

#### Consultant Selection

In December 2011, the Goleta Slough Management Committee conducted a Request for Qualifications solicitation for planning and environmental consulting services.

Requests for Qualifications were sent to interested firms, and six responses were received and ranked. The three highest-ranking firms were interviewed in March 2012 by a sub-committee of the Goleta Slough Management Committee and the consulting firm ESA PWA was ranked as having the best qualifications for the work involved. The fee was negotiated after the best-qualified consultant was identified.

#### CREF Grant

In March 2014, the Santa Barbara County Board of Supervisors voted to award a \$30,000 grant to the City of Santa Barbara on behalf of the Goleta Slough Management

Committee for the preparation of inlet models in the Goleta Slough Ecosystem Management Plan update.

US Fish and Wildlife Service Grant

Recently, the US Fish and Wildlife Service approved \$16,480 in funding for coordination of stakeholders and other scientific research in the Plan development. This funding also serves as matching funds for the CREF grant.

**BUDGET/FINANCIAL INFORMATION:**

All of the work proposed to be completed under the Contract Amendment is funded by these two grant offers. Reflective of the collaborative nature of this Plan update, funding comes from multiple sources.

California Coastal Conservancy	\$50,000
<i>County of Santa Barbara</i>	<i>\$30,000</i>
Goleta Valley Land Trust	\$20,000
<i>US Fish and Wildlife Service</i>	<i>\$16,480</i>
Goleta West Sanitary District	\$15,000
<u>Airport Capital Fund</u>	<u>\$10,014</u>
Total Plan Update	\$141,494

**SUSTAINABILITY IMPACT:**

The importance of the Goleta Slough is recognized and reflected in its designation as an Environmentally Sensitive Habitat in the City's Local Coastal Plan. Additionally the California Department of Fish and Game has designated parts of the Slough as an Ecological Reserve and State Marine Conservation Area. By establishing a shared Plan for the Slough, the City and the Goleta Slough Management Committee will increase the potential for preservation, restoration, and enhancement of vanishing coastal wetland habitat. Such efforts will promote the recovery of endangered plant and animal species, improve creek and ocean water quality, protect infrastructure from environmental threats such as sea-level rise, and ensure that the rich plant and animal diversity of the Slough will continue into the future.

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

**SUBMITTED BY:** Hazel Johns, Airport Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Mayor and Councilmembers

**FROM:** Facilities Division, Waterfront Department

**SUBJECT:** Used Oil Collection and Recycling Program Grant

**RECOMMENDATION:** That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Submit an Application to the California Department of Resources Recycling and Recovery (CalRecycle) for the Fiscal Year 2015 Used Oil Payment Program Grant (OPP Grant), in the Amount of \$25,600; and
- B. Increase appropriations and estimated revenues in the Waterfront Operating Fund by \$25,600 for Fiscal Year 2015 based on fact that the funds have already been allocated and receipt of the funds is only awaiting adoption of the required resolution and submittal of the grant application.

### **DISCUSSION:**

CalRecycle provides annual noncompetitive used oil grants to local governments for establishing and enhancing community used oil collection programs. These funds must be directed toward used motor oil collection and include related educational programs that inform the public of locally available used oil recycling opportunities. Grant awards are based on the population size of each jurisdiction. The City was awarded five grants in the total amount of \$105,812 for Fiscal Years 2011-2014, with the funds dedicated to recycle used oil and educate the public about proper management of used motor oil. This level of annual funding is expected for Fiscal Year 2015 through Fiscal Year 2019.

Since Fiscal Year 2011, the Waterfront Department has assumed responsibility for administering and expending all OPP Grant funds. Waterfront staff agreed to this arrangement in large part due to the need for these grant monies to support the Waterfront's Clean Marina Program.

Funds from this OPP Grant - Fifth Cycle will be used to:

- Distribute oil-absorbent pads free to the boating community, keeping bilges free of surface oil and subsequently keeping bilge pumps from creating a sheen on the harbor;
- Conduct public education and outreach, including brochures, pamphlets, signage, and stenciling, regarding the proper disposal of used motor oil;
- Set-up and conduct temporary Hazardous Household Waste collection events at the Harbor, where used oil will be accepted;
- Make facility improvements that help maintain compliance with the requirements of the Waterfront Department's Storm Water Pollution Prevention Plan; and
- Assist with costs for the disposal of used oil from a bilge-water pumpout station and used-oil disposal stations at Marina 2, Marina 4 and the City Pier.

**BUDGET/FINANCIAL INFORMATION:**

With approval of the grant, the project will be fully funded. The term of the grant will begin on July 1, 2014, and end on June 30, 2016. The grant fund allocation for the coming Fiscal Year is \$25,600.

**SUSTAINABILITY IMPACT:**

The program is designed to prevent discharges of used motor oil into the harbor by providing free and easily accessible resources for its safe disposal.

**PREPARED BY:** Karl Treiberg, Waterfront Facilities Manager

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

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE WATERFRONT DIRECTOR TO SUBMIT AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR THE FISCAL YEAR 2015 USED OIL PAYMENT PROGRAM GRANT (OPP GRANT), IN THE AMOUNT OF \$25,600

WHEREAS, Public Resources Code Sections 48690 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to make payments to qualifying jurisdictions for implementation of their used oil programs as required by PRC § 48690 et seq;

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

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

SECTION 1. The Waterfront Director or his designee is authorized to submit a Used Oil Payment Program Grant application to CalRecycle.

SECTION 2. The Waterfront Director or his designee is hereby authorized and empowered to execute in the name of the City of Santa Barbara all documents, including, but not limited to, applications, agreements, and annual reports, including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program.

SECTION 3. This authorization is effective for five (5) years from the date of adoption of this resolution through June 30, 2019.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Mayor and Councilmembers

**FROM:** Water Resources Division, Public Works Department

**SUBJECT:** Integrated Regional Water Management Drought Grant Application  
For Recycled Water Plant Replacement

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Public Works Director 1) to Prepare and File an Application to Obtain a 2014 Integrated Regional Water Management Drought Grant of up to \$2 Million for the City of Santa Barbara's Recycled Water Enhancement Project, and 2) to Enter Into an Agreement with the State of California, and Any Amendments Thereto, Subject to Approval as to Form by the City Attorney, to Receive a Grant for the City of Santa Barbara Recycled Water Enhancement Project.

### **DISCUSSION:**

On June 17, 2014, the City Council adopted the Santa Barbara Countywide Integrated Regional Water Management Plan 2013. State grant programs increasingly require the IRWMP in order to obtain funding for water related projects. The IRWMP establishes objectives for regional water management and identifies a suite of projects to meet those objectives.

On January 17, 2014, Governor Brown proclaimed a Drought State of Emergency and signed legislation to assist drought-affected communities on March 1, 2014. The legislation also provided funding to better use local water supplies, including \$472.5 Million in Proposition 84 IRWMP funding, which is administered by the California Department of Water Resources (DWR).

In response, the Santa Barbara County IRWMP Coordinator solicited projects for consideration into a 2014 Drought Solicitation Application. IRWMP cooperating partners chose the City's Recycled Water Enhancement Project as one of the projects recommended for funding, with a requested funding amount of \$2 million for the project. The City's Recycled Water Enhancement Project was included in a previous round of funding, however, funding was not awarded. The 2014 drought grant is the second opportunity to receive Prop. 84 funding for the high priority IRWMP project.

The Recycled Water Enhancement Project consists of replacing the existing recycled water filtration plant with a new plant. The existing plant technology, constructed in 1989, does not reliably produce water that meets State Title 22 water quality requirements for turbidity. The new plant will be a microfiltration plant, which will consistently produce better quality recycled water.

The IRWMP grant application is required to be submitted by one entity on behalf of all project proponents. The County of Santa Barbara has volunteered to be the lead agency on the grant application. The timeline for grant submittal is short, with applications due July 21, 2014. City staff is currently preparing information for the grant application. One requirement of the application is a resolution authorizing and directing staff to prepare the grant application and execute an agreement with the California Department of Water Resources for funding award. The 2014 drought grants are scheduled to be awarded by October 2014.

**BUDGET/FINANCIAL INFORMATION:**

Partial funding for the Reclaimed Water Enhancement Project is available in the current Water Capital Fund budget. Additional funding is budgeted in Fiscal Year 2015. A successful grant application will significantly offset the need for Water Fund revenues or reserves to fund this project. The total estimated project costs are approximately \$12.3 million. On April 29, 2014, Council authorized contracts for construction of the project.

**PREPARED BY:** Joshua Haggmark, Acting Water Resources Manager/KD/mh

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PUBLIC WORKS DIRECTOR 1) TO PREPARE AND FILE AN APPLICATION TO OBTAIN A 2014 INTEGRATED REGIONAL WATER MANAGEMENT DROUGHT GRANT OF UP TO \$2 MILLION FOR THE CITY OF SANTA BARBARA'S RECYCLED WATER ENHANCEMENT PROJECT, AND 2) TO ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA, AND ANY AMENDMENTS THERETO, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY, TO RECEIVE A GRANT FOR THE CITY OF SANTA BARBARA RECYCLED WATER ENHANCEMENT PROJECT

WHEREAS, the City of Santa Barbara (City) has participated in the development of an Integrated Regional Water Management Plan in response to the California Department of Water Resources Integrated Regional Water Management (IRWM) Program;

WHEREAS, Gerald E. Brown, Governor of California, proclaimed a Drought State of Emergency on January 17, 2014, and, on March 1, 2014, signed legislation to assist drought-affected communities and provide funding to better use local water supplies, including \$472.5 Million in Proposition 84 IRWM funding;

WHEREAS, the City is experiencing its third consecutive dry year, and, in response to below record rainfall and State-wide water shortages, declared a Stage One Drought on February 11, 2014 and, in anticipation of a water supply shortage in a fourth dry year, a Stage Two Drought on May 20, 2014;

WHEREAS, the City plans to increase recycled water use per the adopted City of Santa Barbara 2010 Urban Water Management Plan and the 2011 Long Term Water Supply Plan;

WHEREAS, the City has the opportunity to apply for Proposition 84, Integrated Regional Water Management Drought Grant funding for upgrades to the El Estero Wastewater Treatment Plant Tertiary Filtration Facility (known as the City of Santa Barbara Recycled Water Enhancement Project);

WHEREAS, the City has participated in the County-wide working group and, out of the nine projects that were submitted for consideration for funding, the City's project was ranked in the top two projects;

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

SECTION 1. That the application be made to the California Department of Water Resources to obtain a 2014 Integrated Regional Water Management Drought Grant pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Public Resource Code Section 75001 et

seq.), and to enter into an agreement to receive a grant for the City of Santa Barbara Recycled Water Enhancement Project.

SECTION 2. The Public Works Director of the City of Santa Barbara is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, and to execute, subject to approval as to form by the City Attorney, a grant agreement with the California Department of Water Resources.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Mayor and Councilmembers

**FROM:** Water Resources Division, Public Works Department

**SUBJECT:** Authorization For Agreement For Legal Services

### RECOMMENDATION:

That Council authorize the Public Works Director to execute a professional services agreement with the law firm of Best, Best & Krieger, LLP, in a form acceptable to the City Attorney, in an amount not to exceed \$200,000 for special legal services to the City on matters related to the renewal of the National Pollutant Discharge Elimination System Permit for the Desalination Plant.

### DISCUSSION:

The combined discharges of the Desalination Plant (when operating) and the El Estero Wastewater Treatment Plant are regulated by a National Pollutant Discharge Elimination System (NPDES) permit that is issued by the Regional Water Quality Control Board. The Board is a subsidiary agency to the State Water Resources Control Board (SWRCB) and has been delegated authority for issues related to water quality. The SWRCB retains responsibility for water rights issues.

The maximum term for an NPDES permit is five years. The City's permit was last renewed in 2010 and is scheduled for renewal in 2015. The SWRCB is currently drafting an update to the California Ocean Plan to establish consistent policy for the regulation of desalination plants. It is unlikely that the Ocean Plan amendments will be finalized prior to reissuance of the NPDES permit, and the drafting of a revised permit during a period of changing policy is expected to present a new complexity to the NPDES permit renewal, particularly as it relates to the permitted status of the Desalination Plant, and specifically the intake structure. Because of the complex legal nature of this issue, staff is recommending that a legal firm with expertise in the area of NPDES permitting and the Clean Water Act be retained.

Best, Best & Krieger, LLP (BBK) has done extensive work in support of NPDES permits for wastewater treatment plants and for desalination plants and will provide the City with expert advice in the permit renewal process. BBK will also be asked to provide

assistance in legal matters related to the California Coastal Commission permit, should they arise.

**BUDGET/FINANCIAL INFORMATION:**

Staff is recommending a contract with BBK in the amount of \$200,000. There are sufficient appropriated funds in the Water Drought Fund for this cost. The funds will be taken from budgeted costs for water purchases in Fiscal Year 2015 totaling \$3 million. Staff does not anticipate needing all of these funds.

**SUSTAINABILITY IMPACT:**

The City's NPDES permit regulates the conditions by which the City may discharge treated effluent into the ocean. Operating in compliance with the NPDES permit ensures protection of the offshore marine environment.

**PREPARED BY:** Joshua Haggmark, Acting Water Resources Manager/mh

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE LIBRARY DIRECTOR TO EXECUTE THE SECOND AMENDMENT TO THE MONTECITO HALL LEASE AGREEMENT WITH THE COUNTY OF SANTA BARBARA AND THE MONTECITO ASSOCIATION FOR THE OPERATION OF THE MONTECITO BRANCH OF THE SANTA BARBARA PUBLIC LIBRARY SYSTEM

THE CITY 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, the Second Amendment to the Montecito Hall Lease Agreement with the County of Santa Barbara and the Montecito Association is hereby approved. The Library Director is authorized to execute the Second Amendment to the Montecito Hall Lease Agreement on behalf of the City of Santa Barbara.



# CITY OF SANTA BARBARA

## SUCCESSOR AGENCY TO THE CITY OF SANTA BARBARA REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Successor Agency Members

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

**SUBJECT:** Increase In Construction Change Order Authority For The Temporary Relocation Of The 9-1-1 Call Center

### **RECOMMENDATION:**

That the Successor Agency authorize an increase in the Executive Director's Change Order Authority to approve expenditures for extra work for the Temporary Relocation of the 9-1-1 Call Center Project, Contract No. 24,699 in the amount of \$200,000, for a total Change Order expenditure authority of \$292,711.

### **DISCUSSION:**

#### **BACKGROUND**

On June 28, 2011, Council received and accepted a report from the Ad Hoc Council Subcommittee on the Police Station Building, which included a recommendation to explore options for moving the 9-1-1 Call Center to a better interim location until a long-term plan to address the Police Station building could be implemented. The recommendations were the result of a structural evaluation that raised concerns about the building's seismic performance during a major earthquake.

After review of City owned facilities, the Granada Garage Office Building (Granada) was determined to be the best temporary location for the 9-1-1 Call Center. The Granada is one of the City's newest buildings, offering a back-up generator, sufficient parking, access to fiber optic communication, close proximity to the current Police Station, and newer building systems, which can more easily be modified to meet the stringent demands of a 9-1-1 Call Center. In addition, the Granada's seismic performance is significantly more robust than the current 9-1-1 Call Center location. The move to the Granada is only temporary since the building does not meet the most stringent seismic requirements set by the State for housing a 9-1-1 Call Center. Staff anticipates the

9-1-1 Call Center will remain in this temporary location until a long-term plan to address the Police Station can be implemented.

The Temporary Relocation Of The 9-1-1 Call Center Project (Project) work consists of making tenant improvements to the Granada's second floor to accommodate both the Environmental Services Division, which is currently located in that area, and the 9-1-1 Call Center. The 9-1-1 Call Center relocation entails building an entirely new communication system to support the 9-1-1 Call Center's operations. This aspect of the Project is among the most complicated, as the 9-1-1 Call Center relies on numerous forms of communication to manage emergency responses.

On March 12, 2013, Council approved \$277,942 for design services for the Project, paid for out of the General Fund. These services also included the initial planning for the relocation of all 9-1-1 Call Center equipment that is necessary to completely move operations to the Granada building. Then, on December 17, 2013, the Successor Agency approved funding of \$2,280,000 for construction of the Project from remaining 2001 and 2003 Redevelopment Agency Bond proceeds.

The Successor Agency awarded a contract to Sigma Services, Incorporated (Sigma), for the construction of the Project, and approved extra expenditures up to \$92,711 to cover any cost increases that may result from contract change orders on January 28, 2014. Additionally, on that date the Successor Agency awarded contracts to Newtel Consulting, LLC (Newtel), for systems integration services, including the planning and installation of communications and information technology systems, and Leach Mounce Architects (Leach Mounce) for design support during construction. Council and the Successor Agency awarded contracts to the City of Santa Barbara's Public Works Engineering Division for project management and inspection services, and to the City of Santa Barbara's Public Works Facilities Division for moving services, electrical, radio, telephone, and building support services.

## CURRENT STATUS AND NEED FOR CHANGE ORDER

The 9-1-1 Call Center relocation is a complex project that must be completed without disruption to service. Due to the unique nature and skill set required, the work has been broken into two main elements, based on industry specializations. The tenant improvements to the Granada building are being done by Sigma as they are accustomed to building improvements including electrical, heating and air conditioning, fire suppression, structural modifications, framing and drywall. The relocation and installation of the 9-1-1 Call Center data and communication equipment will be done by Newtel whose specialized team is familiar with the intricacies of a 9-1-1 Call Center setup and operation. The contracts with Sigma and Newtel are managed by the Public Works Engineering Division.

The Uninterruptable Power Supply (UPS) system supporting the new 9-1-1 Call Center is to be installed as part of Sigma's scope of work. The UPS system supports each

dispatcher's phone, radio, and Computer Aided Dispatch system, as well as law enforcement criminal databases accessed by other cities, the County of Santa Barbara, State of California, and the Federal Bureau of Investigation. The UPS system works by providing instantaneous power during an outage allowing time for the Granada's generator to be turned on. On April 16, 2014, the existing UPS system in the Police Station failed and caused damage and outages to the 9-1-1 Call Center systems for several hours. In coordination with the City Police Information Technology Department and Leach Mounce's electrical engineer, Newtel developed an improved UPS system which incorporates the lessons learned from the recent failures. Additional change order authority is required to pay for the extra costs necessary for Sigma to install the improved UPS system.

Further, Newtel has determined that the existing electronics grounding system in the Granada is not sufficient to ground the new electronics equipment to be installed, and that additional grounding improvements are required. The 9-1-1 Call Center area is a hub for telephone, internet, radio, data, and other electronics equipment. Each equipment system is connected by heavy electrical wire to the earth to dissipate any electrical discharges, and to ensure there is no interference between equipment. The solution to these grounding challenges was developed during construction as Newtel worked in conjunction with telephone and radio equipment providers as well as Sigma to assess the Granada's existing grounding capacity. Newtel has proposed various upgrades to the Granada building grounding system so that equipment can operate reliably. Additional Change Order Authority is required to pay for the extra costs necessary for Sigma to install the improved grounding system.

Staff is recommending that the Successor Agency authorize an increase in the Executive Director's Change Order Authority in the amount of \$200,000 to pay for the above-mentioned improvements to the UPS system and electronics grounding system.

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

##### **FUNDING**

The following summarizes the additional expenditures recommended in this report:

### CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Contract Amount	\$927,117	\$92,711	<b>\$1,019,828</b>
Proposed Increase	\$0	\$200,000	<b>\$200,000</b>
<b>Totals</b>	<b>\$927,117</b>	<b>\$292,711</b>	<b>\$1,219,828</b>

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

### ESTIMATED TOTAL PROJECT COST

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

Fund Source	Description	Previous	Proposed
General Fund - Already Expended	Design (by Contract)	\$134,942	\$134,942
	Other Design Costs (Permits, Misc.)	\$18,000	\$18,000
	Project Management (by City Staff)	\$125,000	\$125,000
	<b>Subtotal</b>	<b>\$277,942</b>	<b>\$277,942</b>
Successor Agency Funds	Construction Contract w/ Change Order Allowance	\$1,019,828	\$1,219,828
	System Integrator Contract w/ Extra Services Allowance	\$673,521	\$673,521
	Facilities Support Contract w/Extra Services Allowance (by City Facilities Staff)	\$44,000	\$44,000
	Environmental Services Office Furniture	\$20,000	\$20,000
	Relocation and Miscellaneous Expenses	\$15,000	\$15,000
	<b>Subtotal</b>	<b>\$1,772,349</b>	<b>\$1,972,349</b>
Successor Agency Funds	Construction Management/Inspection Contract w/ Extra Services Allowance (by City Engineering Staff)	\$224,480	\$224,480
	Design Support Services in Construction w/ Extra Services Allowance (by Contract)	\$72,650	\$72,650
	<b>Subtotal</b>	<b>\$297,130</b>	<b>\$297,130</b>
	<b>TOTAL PROJECT COST</b>	<b>\$2,347,421</b>	<b>\$2,547,421</b>

The Successor Agency funds that are already authorized are sufficient to fund the additional Change Order Authority requested and to complete the Project.

The above mentioned proposed total Project cost of \$2,547,421 is within the original estimate of \$2,554,507, which was communicated to Council in the March 12, 2013 Council Agenda Report.

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

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 2014

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Update On Municipal Code Amendments Related To Fences, Screens, Walls And Hedges

**RECOMMENDATION:** That Council:

- A. Receive an update from staff on three items following the adoption of Municipal Code amendments related to fences, screens, walls and hedges; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Approve Fences, Screens, Walls and Hedges Guidelines Consistent with Santa Barbara Municipal Code Section 28.87.170.

**DISCUSSION:**

Background

On March 25, 2014, City Council introduced, and subsequently adopted on April 8, 2014, Municipal Code amendments related to fences, screens, walls and hedges (see Attachment 2). Also adopted was a Resolution to approve the *Fences, Screens, Walls and Hedges Guidelines*. During deliberation of the amended regulations, three topics warranted further discussion. Staff was directed to return within 90 days of ordinance adoption with recommendations regarding: 1) "standing" for someone to file a hedge complaint; 2) administrative procedures for Zoning Information Reports and building permit plan check related to the enforcement of hedges; and 3) measuring the height of hedges separately from retaining walls.

Standing to File a Hedge Complaint

Several Councilmembers expressed a desire to manage hedge complaints in some manner, so that one could not file complaints on multiple properties that seemingly have little to no adverse effect on the reporting party. Staff explored various options to address this concern. For the reasons explained below, Staff continues to recommend that Council maintain the current practice of not requiring special standing for filing a complaint.

Staff believes that the recent increase in allowed hedge height (up to 8' in all required yards), with the option to request up to an additional 4' to 6' through the Administrative Review process, will bring a significant number of existing hedges into compliance and inherently lessen the potential for violations.

Staff considered the suggestion that a reporting party's property be investigated for the same potential hedge violation for which they file a complaint (e.g., the "glass house" rule). This practice may result in fewer complaints, but it would not necessarily deter someone who just recently abated hedge violations on their own property from filing a series of complaints on others out of spite, which was one of the primary reasons to consider altering this administrative practice.

Another idea that was considered, but is not recommended, is to charge a fee for filing a complaint or to charge a fee for filing complaints over a specified number. Staff does not support charging a fee to file a complaint, as it would unfairly burden lower income persons from enjoying the same level of regulatory protection as those who can more easily afford to file complaints, and may deter people from filing higher priority, safety-related complaints.

Staff could limit complaints to only those directly affected by a hedge; however, defining "affected" is challenging. Limiting it to those within a radius of 300 feet, for example, may capture the majority of persons most affected by a hedge, but it would not account for many people who are affected by over-height hedges as they walk, bicycle or drive more than one block from their home. Staff could prioritize complaints received according to the reporting party's physical proximity to the hedge, which would not prohibit someone from filing a complaint, but would place it lower on the priority list. In reality, this may not do much to alter enforcement practices, as a cursory analysis of hedge complaints over the last 12 years indicates that a vast majority are from people who live very near to the offending hedge.

### Hedge Enforcement

The Council expressed a desire to limit the enforcement of hedges to complaints and safety issues. Staff reviewed our past practice for enforcement of hedges, and will make the changes described in this section. Staff has no intention to begin proactively enforcing hedge heights, unless deemed a safety hazard.

Staff is typically made aware of over-height hedges in one of three ways: 1) a complaint received from the public; 2) a violation noted in a Zoning Information Report (ZIR); or 3) during an application review process from a note on project plans, site visit or photos.

Up until recently, staff identified over-height hedges in ZIRs as one of many potential zoning violations on a residential property. A long-standing practice requires building code and zoning violations noted in ZIRs to be abated either along with any other code enforcement action on the property or as part of a subsequent application for a building

permit. In order to better prioritize staff resources and address concerns related to this administrative practice, staff will begin noting over-height hedges in ZIRs as an informational item only and they will not be subject to enforcement unless a complaint is filed or they are deemed a safety hazard (e.g., blocking visibility from a driveway). Ongoing collaboration with the Santa Barbara Association of Realtors will likely result in a change to the overall ZIR format to better prioritize health and safety-related violations and may include an attached list of zoning regulations that typically apply to residential properties (including fence and hedge regulations), as information only.

Similarly, since hedges do not require a building permit to install, unlike walls or fences over 3½' in height, staff recently stopped asking project applicants to identify the location and height of hedges on plans submitted for building permits. We intend to continue that practice, with the exception of hedges, walls, or fences located within ten feet of driveways, as there is a valid public safety concern in that area of a property.

With these recent administrative policy changes, most hedges currently out of compliance with the regulations could presumably remain in place until such time that a complaint is filed and enforcement action results in a lower height.

#### Measuring Hedges Atop Retaining Walls

Since at least 1982, the cumulative height of fences, screens, walls and hedges has been measured from the lowest point of contact with the ground to the highest point of the fence, screen, wall or hedge, unless separated horizontally by at least five feet. At the March 25 meeting, Council directed staff to consider measuring the height of hedges separately when set atop existing retaining walls, particularly those constructed prior to 1957. Although not explicitly stated, staff's understanding is that the Council was primarily referring to walls and hedges along front lot lines, as they are most visible to the public and walls in that location are likely the result of establishing the lot elevations and grade for the downtown street network and older neighborhoods, such as those near the Mission.

The recently amended regulations allow 3½' high walls or 8' high hedges (or up to a 3½' high wall with a hedge on top, for a total combined height of 8') within ten feet of a front lot line (see Attachment 1 for some examples of allowed hedge/wall combinations). With administrative approval, a wall or hedge (or combination thereof) in that location could extend an additional four feet in height. Therefore, without amending the regulations or revising the *Fences, Screens, Walls and Hedges Guidelines* (Guidelines), a 7½' high wall with a 4½' high hedge on top, for a total of 12 feet, could be allowed within ten feet of a front lot line. Along interior setbacks, up to a 12' high wall with a 2' high hedge on top, for a total of 14 feet, could be allowed with administrative approval.

Given the increased heights allowed by the recently amended regulations, flexibility provided by the administrative approval process, and the potential unintended consequences to do otherwise, Staff recommends that hedges atop retaining walls

continue to be measured cumulatively, unless separated horizontally by at least five feet.

To allow for additional flexibility for nonconforming walls specifically, staff proposes revisions to the Guidelines to allow nonconforming walls to make up a larger portion of the allowed height of a wall/hedge combination, so long as the overall height of a nonconforming wall and hedge does not exceed the maximum allowed height of a hedge alone (8' in all required yards, with the option to request up to an additional 4' in the front and 6' along interior setbacks). Through the administrative approval process, this allowance could result in a 1' high hedge atop a nonconforming 11' high wall (or some combination thereof totaling 12') within ten feet of the front lot line, or a 1' high hedge atop a nonconforming 13' high wall (or some combination thereof totaling 14') along interior setbacks (additional diagrams depicting the flexibility for nonconforming walls are shown in Attachment 1 and on pages 10 and 11 of the revised Guidelines).

**ATTACHMENT:**

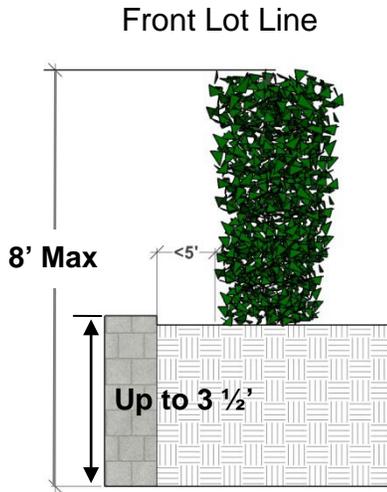
1. Examples of Hedge/Wall Combinations
2. Ordinance No. 5650 Amending Municipal Code Relating to Fences, Walls, and Hedges

**PREPARED BY:** Renee Brooke, AICP, Senior Planner

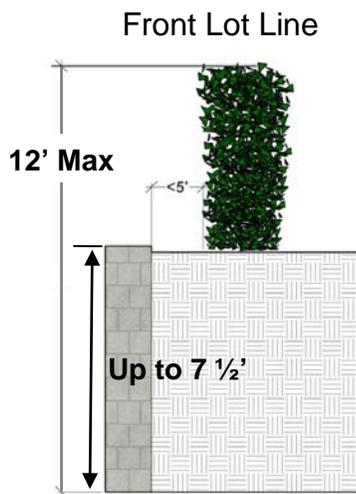
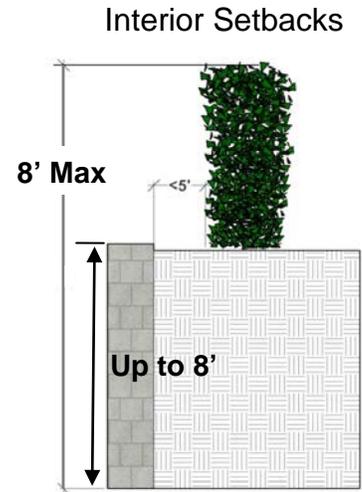
**SUBMITTED BY:** George Buell, Community Development Director

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

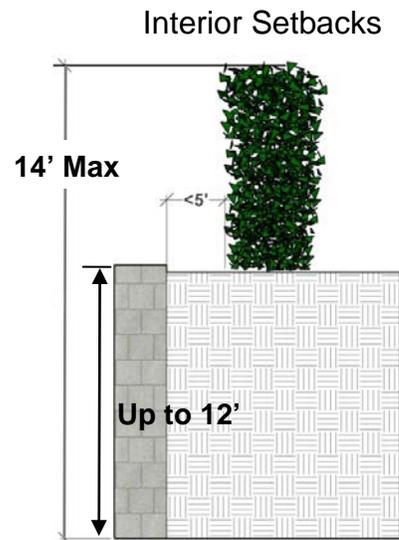
## Examples of Hedge/Wall Combinations



Allowed per  
SBMC §28.87.170

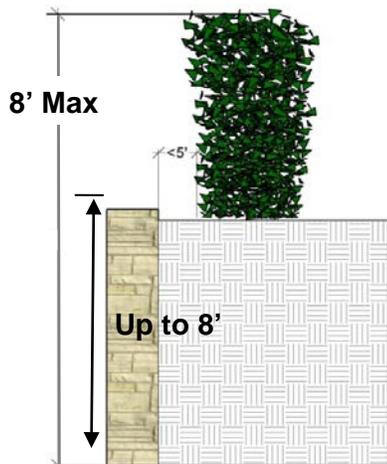


Allowed per  
SBMC §28.87.170,  
with Administrative  
Approval of Minor  
Exception



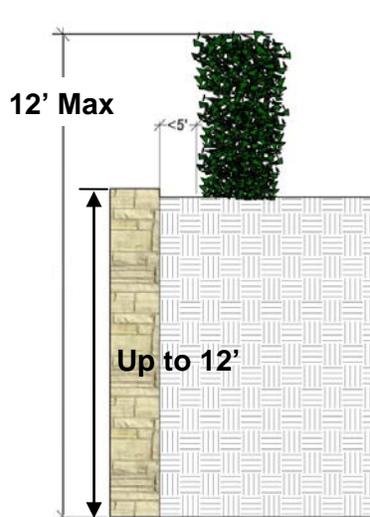
## Proposed Allowance for Nonconforming Walls with Hedges

Allowed per  
SBMC §28.87.170

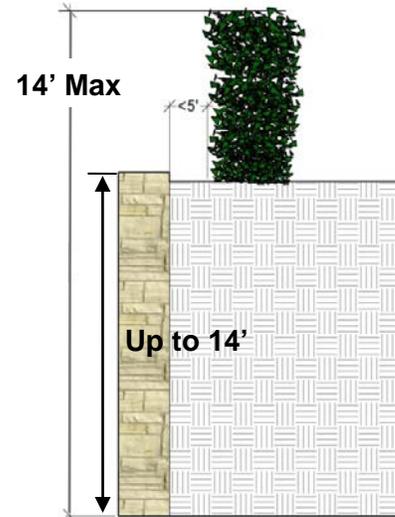


Front Lot Line and Interior Setbacks

Allowed per SBMC §28.87.170, with Admin. Approval



Front Lot Line



Interior Setbacks

ORDINANCE NO. 5650

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTIONS 28.87.170 AND 28.90.050 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO FENCES, SCREENS, WALLS AND HEDGES.

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

**SECTION 1.** Section 28.87.170 of Chapter 28.87 of the Santa Barbara Municipal Code is deleted in its entirety and readopted to read as follows:

**28.87.170 Fences, Screens, Walls and Hedges.**

A. **DEFINITIONS.** As used in this Section 28.87.170, the following terms and phrases shall have the indicated meanings:

1. **Arbor.** An open structure typically constructed of latticework or metal that often provides partial shade or support for climbing plants, sometimes referred to as a trellis or pergola. An arbor is not considered an accessory building.

2. **Fence.** An upright structure serving as an enclosure, barrier, or boundary or that visually divides or conceals a parcel, usually made of posts, boards, wire, or rails.

3. **Hedge.** A row of closely planted shrubs, bushes, or any other kind of plant material that forms a boundary or substantially continuous visual barrier.

4. **Parkway.** An area between the curb and sidewalk in a fully improved right of way, typically landscaped.

5. **Screen.** Vegetation, including but not limited to trees, shrubs, bushes, and other plantings, that visually divides or conceals a parcel.

6. **Wall.** An upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area.

B. **GENERAL RULES.** The following guidelines and standards apply in any zone within the City:

1. **Guidelines.** The Fences, Screens, Walls and Hedges Guidelines, as adopted by resolution of the City Council, shall provide direction and guidance to decision makers and City staff in connection with applications reviewed pursuant to this Section.

2. **Required Reduction for Safety.** If the height of any fence, screen, wall or hedge obstructs the sightlines required for the safe operation of motor vehicles, the Public Works Director (or Director's designee) may declare the fence, screen, wall or hedge to be a public nuisance and require the reduction of the height of the fence, screen, wall or hedge in order to provide for the safe operation of motor vehicles.

3. **Height Measurement.** The height of a fence, screen, wall or hedge shall be measured in a vertical line from the lowest point of contact with the ground directly adjacent to either side of the fence, screen, wall or hedge to the highest point of the fence, screen, wall or hedge along said vertical line.

4. **Separation.** Unless there is a horizontal separation of at least five feet (5') between a fence, screen, wall or hedge, the combined height of a fence, screen, wall or hedge and any adjacent fence, screen, wall or hedge shall be measured from the lowest point of the lowest such fence, screen, wall or hedge to the highest point of other fences, screens, walls or hedges.

5. **Schools.** A chain link or open mesh type fence of any height necessary to enclose an elementary or high school site may be located and maintained in any required yard.

6. **Barbed Wire, Concertina Wire, Sharp Wire or Points.** No barbed wire or concertina wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front or interior lot lines of any lot, or within three feet (3') of said lot lines. No sharp wire or points shall project at the top of any fence or wall less than six feet (6') in height.

C. **RULES APPLICABLE TO FENCES AND WALLS ON RESIDENTIALLY ZONED PARCELS.** On parcels zoned A-1, A-2, A-3, E-1, E-2, E-3, R-1, R-2, R-3, or R-4, the following standards apply to fences and walls:

1. **Required Setbacks.** Except as otherwise provided in this Section, no fence or wall located in the required setbacks shall exceed a height of eight feet (8').

2. **Front Lot Lines.** Except as otherwise provided in this Section, no fence or wall located within ten feet (10') of a front lot line shall exceed a height of three and one-half feet (3-1/2').

3. **Driveways.** Except as otherwise provided in this Section, no fence or wall exceeding a height of three and one-half feet (3-1/2') shall be located within a triangular area on either side of a driveway as follows:

a. When a driveway directly abuts a portion of a street improved with a sidewalk and a parkway, the triangle is measured on two sides by a distance of ten feet (10') from the side of a driveway and ten feet (10') back from the front lot line.

b. When a driveway directly abuts a portion of a street without a sidewalk or parkway, the triangle is measured on two sides by a distance of twenty feet (20') from the side of a driveway and ten feet (10') back from the front lot line.

4. **Corner Lots.** Within the required "Intersection Sight Distance", as depicted in the Fences, Screens, Walls and Hedges Guidelines, no fence or wall may obstruct the sightlines required for the safe operation of motor vehicles. This paragraph does not apply to parcels located adjacent to intersections controlled by an all-way stop.

5. **Guardrails.** A guardrail may extend above the maximum height limit for a fence or wall without requiring an exception or modification, only to the minimum extent required for safety by the California Building Code, and only if the guardrail is predominately transparent.

6. **Decorative Elements.** Notwithstanding the above provisions, decorative elements not wider than nine inches (9") by nine inches (9"), such as pilaster caps, finials, posts, lighting fixtures, or similar decorative features as determined by the Community Development Director (or the Director's designee), may exceed the maximum height of any fence or wall by not more than twelve inches (12"), provided such features are spaced not less than six feet (6') apart, measured on-center.

7. **Entryway Arbors.** Notwithstanding the above provisions, one entryway arbor, substantially open (no solid walls or roof) and not exceeding a maximum of eighteen (18) square feet in area and eight feet (8') in height, is permitted in any front yard. The square footage of the arbor shall be determined by the area located within the rectangle formed around the posts of the arbor or the roof portion of the arbor, whichever dimension is larger. This exception shall only apply to an entryway arbor used in combination with and attached to a fence or wall. No arbor shall be located on a street corner in conflict with the provisions of Section 28.87.170.C.4.

D. RULES APPLICABLE TO SCREENS AND HEDGES ON RESIDENTIALLY ZONED PARCELS. On parcels zoned A-1, A-2, A-3, E-1, E-2, E-3, R-1, R-2, R-3, or R-4, the following standards apply to screens and hedges:

1. **Required Setbacks.** Except as otherwise provided in this Section, no screen or hedge located in the required setbacks shall exceed a height of eight feet (8').

2. **Front Lot Lines.** Except as otherwise provided in this Section, no screen or hedge located within ten feet (10') of a front lot line shall exceed a height of eight feet (8').

3. **Driveways.** Except as otherwise provided in this Section, no screen or hedge exceeding a height of three and one-half feet (3-1/2') shall be located within a triangular area on either side of a driveway as follows:

a. When a driveway directly abuts a portion of a street improved with a sidewalk and a parkway, the triangle is measured on two sides by a distance of ten feet (10') from the side of a driveway and ten feet (10') back from the front lot line.

b. When a driveway directly abuts a portion of a street without a sidewalk or parkway, the triangle is measured on two sides by a distance of twenty feet (20') from the side of a driveway and ten feet (10') back from the front lot line.

4. **Corner Lots.** Within the required "Intersection Sight Distance", as depicted in the Fences, Screens, Walls and Hedges Guidelines, no screen or hedge may obstruct the sightlines required for the safe operation of motor vehicles. This paragraph does not apply to parcels located adjacent to intersections controlled by an all-way stop.

E. ADMINISTRATIVE REVIEW AND APPROVAL OF MINOR EXCEPTIONS.

1. **Exceptions to the Fence and Wall Standards by the Community Development Director.** The Community Development Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to Paragraphs C.1, C.2, C.5, C.6, and C.7 above, if the Community Development Director finds that:

a. If the subject fence or wall is located on, or within the required setback of, an interior property line, the adjacent property owner(s) that share a common property line nearest to the fence or wall have agreed to the requested exception;

b. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles;

c. As applicable, the subject fence or wall will be compatible with other similarly situated and approved structures in the neighborhood; and

d. The granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood.

2. **Exceptions to the Screen and Hedge Standards by the Community Development Director.** The Community Development Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to Paragraphs D.1 and D.2 above, if the Community Development Director finds that:

a. If the subject screen or hedge is located on, or within the required setback of, an interior property line, the adjacent property owner(s) that share a common property line nearest to the screen or hedge have agreed to the requested exception;

b. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles;

c. The screen or hedge will be compatible with the character of the neighborhood (the Community Development Director may seek advice from the appropriate design review body when considering this finding);

d. The proposed height of the screen or hedge will respect the height limitation applicable to structures for the protection of solar access as specified in Section 28.11.020 of this Code; and  
e. The granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood.

**3. Exceptions to Corner Lot and Driveway Sightline Standards by the Public Works Director.** The Public Works Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to Paragraphs C.3, C. 4, D.3 and D.4 above, if the Public Works Director finds that:

a. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles; and

b. The granting of such exception will not be detrimental to the use and enjoyment of the other properties in the neighborhood.

**F. NONCONFORMING.** Any fence, screen, wall or hedge which is nonconforming to the provisions of this section and which existed lawfully on January 10, 1957 (the effective date of the ordinance adopting the provisions of this section) may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence or wall, except as permitted in other sections of this title. A hedge shall be determined to be nonconforming by the Community Development Director upon receipt of sufficient evidence indicating that the hedge existed in its present location on January 10, 1957. Notwithstanding the foregoing, no more than ten percent (10%) of the length of a nonconforming fence or wall may be replaced within any twelve-month period, unless: 1) such fence or wall is a significant structure or feature associated with a designated City Landmark or Structure of Merit and the extent of repair or maintenance occurs pursuant to Santa Barbara Municipal Code Section 22.22.070; or 2) such fence or wall is necessary to retain or support soil in a vertical or near vertical slope of earth. If a nonconforming fence, screen, wall or hedge has been determined to be a safety hazard by the Public Works Director, the Public Works Director (or Director's designee) may declare the fence, screen, wall or hedge to be a public nuisance and require the reduction of the height of the fence, screen, wall or hedge in order to provide for the safe operation of motor vehicles.

**G. RELATIONSHIP WITH THE VIEW DISPUTE RESOLUTION PROCESS.** The fact that a hedge or screen does not violate the standards set forth in this Section 28.87.170 or the fact that a property owner has received an administrative exception or modification from the standards set forth in this Section for a hedge or screen shall not preclude another property owner from alleging an unreasonable obstruction of a view and availing himself or herself of the protections and procedures of the City's View Dispute Resolution Process found in Chapter 22.76 of this Code.

**SECTION 2.** Section 28.90.050 of Chapter 28.90 of the Santa Barbara Municipal Code is amended to read as follows:

**28.90.050 Landscaping and Lighting.**

1. **GENERAL.** In an effort to encourage the development of more attractive parking lots in commercial, industrial, and multiple-family use areas, to provide for attractive and durable screening between such parking lots and adjoining areas, and to lessen the effect of commercial and industrial uses upon adjoining residential uses, the following requirements shall be met. Landscape plans shall be prepared by an architect or landscape architect registered in the State of California, unless said requirement is waived by the Architectural Board of Review, or the Historic Landmarks

Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, in projects containing fewer than twenty (20) parking spaces. The landscaping standards set forth below are required for all parking areas, parking lots, automobile service stations and automobile service stations/mini-markets except for one- or two-family dwellings.

2. **FENCES AND WALLS.** Where any parking area is for commercial, multiple-family residential, or industrial use and the parking area or driveway abuts property used for residential purposes, it shall be separated therefrom by an approved wall or fence at least six (6) feet in height, except no fence or wall shall exceed a height of three and one-half feet (3-1/2') within a triangular area on either side of a driveway as follows:

a. When a driveway directly abuts a portion of a street improved with a sidewalk and a parkway, the triangle is measured on two sides by a distance of ten feet (10') from the side of a driveway and ten feet (10') back from the front lot line.

b. When a driveway directly abuts a portion of a street without a sidewalk or parkway, the triangle is measured on two sides by a distance of twenty feet (20') from the side of a driveway and ten feet (10') back from the front lot line. The design of the wall or fence shall be subject to approval by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, said walls or fences may be lowered or eliminated in proportion to the degree of screening provided by differences in elevation, mounding, existing planting, and other similar factors.

3. **PERIMETER PLANTERS.** Where such parking areas and/or driveways abut a street, a planting area at least five (5) feet in depth shall be provided and an ornamental wall or fence three-and-one-half (3-1/2) feet in height shall be provided, except if the planting area is eight (8) feet or greater in depth and suitable screen planting is provided, the ornamental fence or wall may be omitted. Where parking areas or driveways abut a neighboring building or a property line not adjoining a street, a planting area at least five (5) feet in depth shall be provided. The Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, may reduce or waive the requirement regarding the five (5) foot planting area where alternative landscaping and designs are presented that result in landscaping and designs that are equally effective.

4. **INTERIOR PLANTERS.** In addition to the perimeter planters, there shall be planting areas to relieve the expanse of paving. Said interior planters shall be at least four (4) feet in width, and shall be located in such a way that there will be not more than eight (8) parking spaces without an intervening planter. Said planters shall have trees and either shrubs or ground cover. The Architectural Board of Review, or Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, may reduce or waive the requirement regarding the four (4) foot interior planter where alternative landscaping and designs are presented that result in landscaping and designs that are equally effective.

5. **GRADING.** Grading should be utilized as much as possible to screen parking lots, by lowering or raising the parking area or by providing earth mounds or berms. If approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, mounding or berms may be substituted for an ornamental wall or fence.

6. **ORNAMENTAL WALLS OR FENCES.** Ornamental walls or fences shall be subject to approval by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, and shall be constructed of materials compatible with adjacent buildings and surroundings.

7. **PLANTING.** Planting shall consist of trees, shrubs and ground cover. The use of drought tolerant plants is encouraged, as is the use of flowering vines on fences and walls. Trees shall be planted on a minimum ratio of one (1) tree per five (5) parking spaces, with at least two-thirds of the trees fifteen (15) gallon size or larger, and the balance not less than five (5) gallon.

8. **CURB PROTECTION.** Planters adjoining vehicular traffic areas shall be protected by concrete curbs or the equivalent, as approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The minimum dimensions listed herein may include the protecting curb.

9. **RETAINING WALLS.** Retaining walls shall be set back at least three (3) feet from parking areas and driveways and the footing design shall allow for appropriate planting in such intervening spaces.

10. **PARKING LOT LIGHTING.** Parking lot light fixtures placement shall be subject to approval by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. Excessive glare shall not be permitted and the lights shall be arranged to reflect light away from adjoining residential property and streets.

11. **IRRIGATION PLAN.** A sprinkler system or drip irrigation system designed to provide complete coverage of all planted areas is required.

**ORDINANCE NO. 5650**

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

I HEREBY CERTIFY that the foregoing ordinance was introduced on March 25, 2014, and was adopted by the Council of the City of Santa Barbara at a meeting held on April 8, 2014, by the following roll call vote:

- AYES:                    Councilmembers Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Bendy White; Mayor Helene Schneider
- NOES:                   Councilmember Randy Rowse
- 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 April 9, 2014.



*Susan Tschech*  
\_\_\_\_\_  
Susan Tschech, CMC  
Deputy City Clerk

I HEREBY APPROVE the foregoing ordinance on April 9, 2014.

*Helene Schneider*  
\_\_\_\_\_  
Helene Schneider  
Mayor

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

A RESOLUTION OF THE COUNCIL OF THE CITY  
OF SANTA BARBARA TO APPROVE FENCES,  
SCREENS, WALLS AND HEDGES GUIDELINES  
CONSISTENT WITH SANTA BARBARA MUNICIPAL  
CODE SECTION 28.87.170

WHEREAS, on April 8, 2014, the City of Santa Barbara adopted Municipal Code Ordinance Amendments related to the allowed location and height of fences, screens, walls and hedges on private property;

WHEREAS, maintaining fair and consistent application of regulations within the City is an important goal;

WHEREAS, one of the key tenets to adopting the amended regulations related to fences, screens, walls and hedges is to provide clarity and flexibility in their application;

WHEREAS, the Fences, Screens, Walls and Hedges Guidelines clarify certain aspects of the regulations best explained in layperson's terms, diagrams and pictures;

WHEREAS, the Fences, Screens, Walls and Hedges Guidelines describe and depict how regulations are applied in unique circumstances and provide parameters for which exceptions to the standards may be considered by staff;

WHEREAS, on July 1, 2014, the City Council considered and approved revisions to the Fences, Screens, Walls and Hedges Guidelines to allow additional flexibility for existing or proposed hedges atop nonconforming retaining walls; and

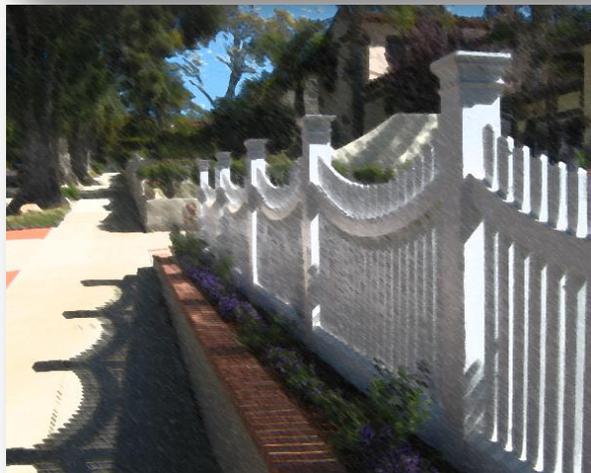
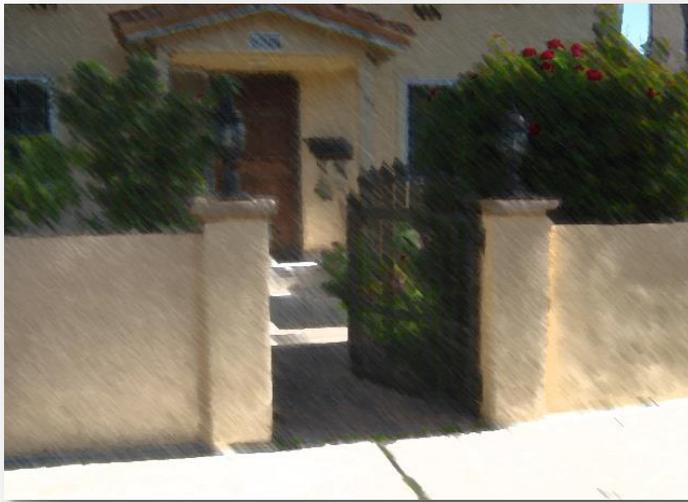
WHEREAS, under the provisions of Article 19, Section 15305 of the California Environmental Quality Act (CEQA) Guidelines; the adoption of guidelines for the implementation of regulations related to fences, screens, walls and hedges has been determined by staff to qualify for a Categorical Exemption.

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

The Fences, Screens, Walls and Hedges Guidelines, attached hereto as an Exhibit, are hereby adopted.

City of Santa Barbara

**Fence, Screen, Wall and Hedge Guidelines**



## INTRODUCTION

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### **Purpose of the Fences, Screens, Walls and Hedges Guidelines**

The Fences, Screens, Walls and Hedges Guidelines have been developed to assist in the implementation of Santa Barbara Municipal Code Section 28.87.170. These guidelines explain, in user-friendly terms and diagrams, the application of the standards in various situations and provide criteria for circumstances that may qualify for Administrative approval of exceptions to the standards.

### **Relationship to Other Documents**

- **Relationship to the Zoning Ordinance.** The Zoning Ordinance (Title 28 of the Municipal Code) contains standards to which development must comply. In the event of a conflict between these Guidelines and the Municipal Code, the Code requirements prevail. These Guidelines are intended to augment the Municipal Code by providing additional detail and some examples of methods available to comply with the Code.
- **Relationship to Other Guidelines.** Many other City Guidelines provide direction regarding physical development, architectural style, site design and landscaping. The Fences, Screens, Walls and Hedges Guidelines are compatible with, and are not meant to contradict or take the place of, other applicable Guidelines. For example, the Fences, Screens, Walls and Hedges Guidelines primarily address the allowed location and height of fences, screens, walls and hedges. The exact material, color, width and style of any of those elements may be subject to other guidelines (e.g., Single Family Design Board General Design Guidelines and Meeting Procedures), as applicable.

## GUIDELINES

### Measuring Height

Per SBMC §28.87.170.B.3, the height of a fence, screen, wall or hedge shall be measured in a vertical line from the lowest point of contact with the ground directly adjacent to either side of the fence, screen, wall or hedge to the highest point of the fence, screen, wall or hedge along said vertical line. [Figure 1]

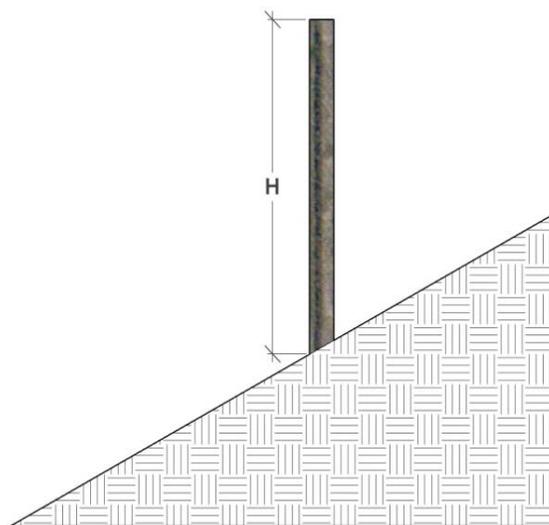


Figure 1

### Horizontal Separation

Per SBMC §28.87.170.B.4, if there is a horizontal separation of **at least** five feet (5') between fences, screens, walls or hedges, the height shall be measured separately for each fence, screen, wall or hedge. The horizontal separation shall be measured from the “back” face of the lower fence, screen, wall or hedge to the “front” face of the higher fence, screen, wall or hedge. [Figure 2]

Also per SBMC §28.87.170.B.4, if there is a horizontal separation **less than** five feet (5') between fences, screens, walls or hedges, the height shall be measured as the cumulative vertical distance from the lowest point of the lowest fence, screen, wall or hedge to the highest point of other fences, screens, walls or hedges. The horizontal separation shall be measured from the “back” face of the lower fence, screen, wall or hedge to the “front” face of the higher fence, screen, wall or hedge. [Figures 3 through 5]

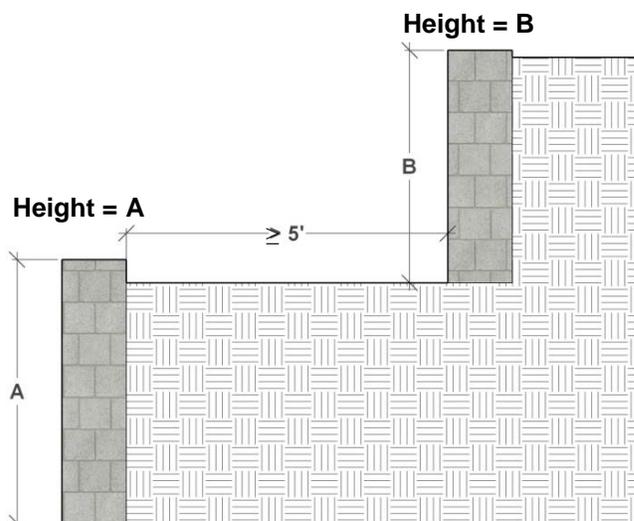


Figure 2

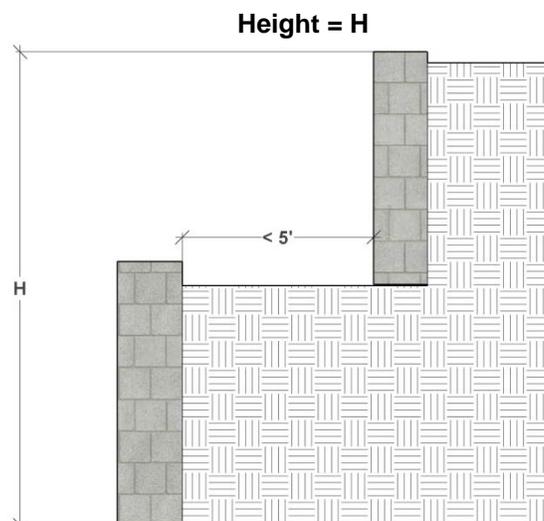


Figure 3

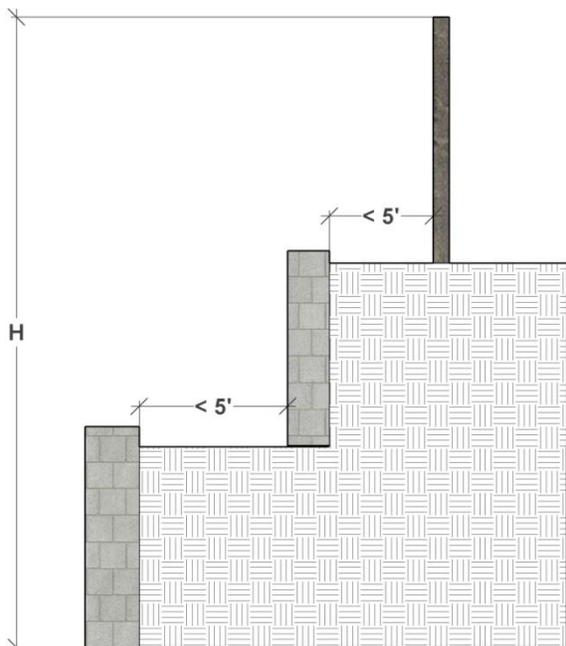


Figure 4

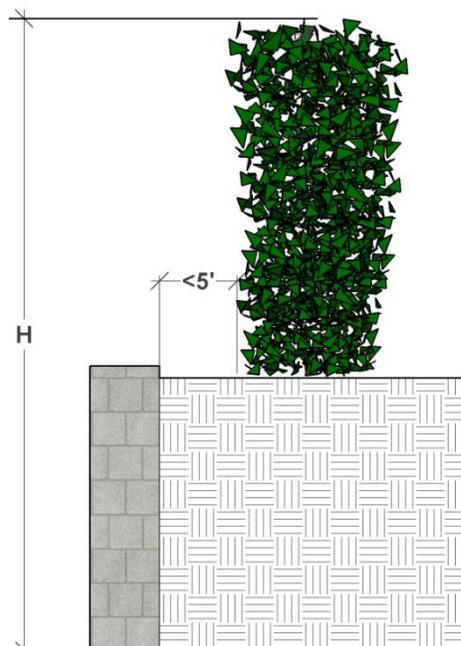


Figure 5

### Retaining Walls

Where fences, screens, walls or hedges are located on retaining walls, the portion of the retaining wall above finished grade shall be considered as part of the overall height of the fence, screen, wall or hedge.

### Guardrails

Per SBMC §28.87.170.C.5, a guardrail may extend above the maximum height of a fence or wall, but only to the minimum extent required for safety by the California Building Code (CBC Section 1013.2). To qualify for this exception to the height limit, safety guardrails themselves must be predominantly transparent. Some examples of guardrails that meet the intent of “predominantly transparent” are shown in Figures 6 through 8, below.



Figure 6

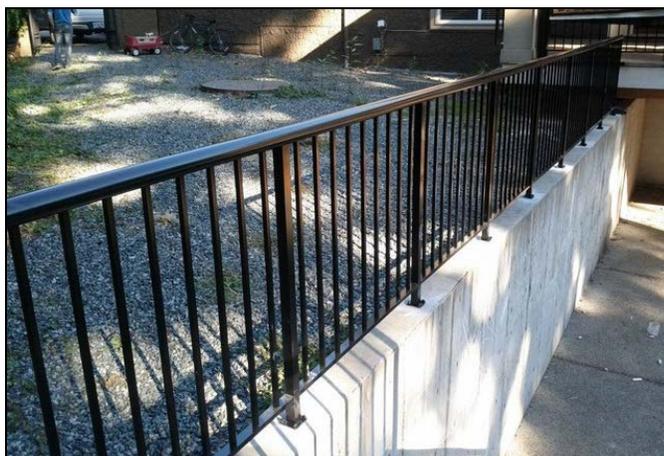


Figure 7

Guardrails or similar features proposed voluntarily to address an abrupt change in grade or perceived safety issue, and not explicitly required by the CBC, may exceed the height limit, subject to Administrative review and approval, and will be evaluated on a case-by-case basis.

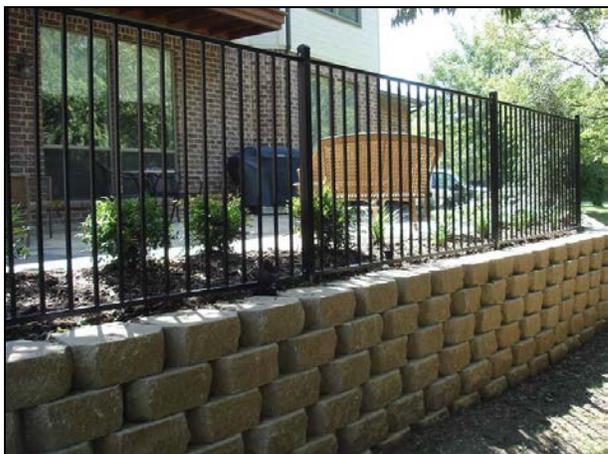


Figure 8



Figure 9

Guardrails that are not predominantly transparent (Figure 9) may exceed the height limit if necessary to achieve consistency with the architectural style of the site, subject to Administrative review and approval, and will be evaluated on a case-by-case basis.

### Driveways

Per SBMC §28.87.170.C.3 and D.3, no fence, screen, wall or hedge exceeding a height of three and one-half feet (3-1/2') shall be located within a triangular area (also referred to as “visibility triangle” or “sightline”) on either side of a driveway, as described in the following scenarios.

When a driveway directly abuts a portion of a street improved with a sidewalk and parkway, the triangle is measured on two sides by a distance of ten feet (10') from the side of a driveway and ten feet (10') back from the front lot line [Figure 10].

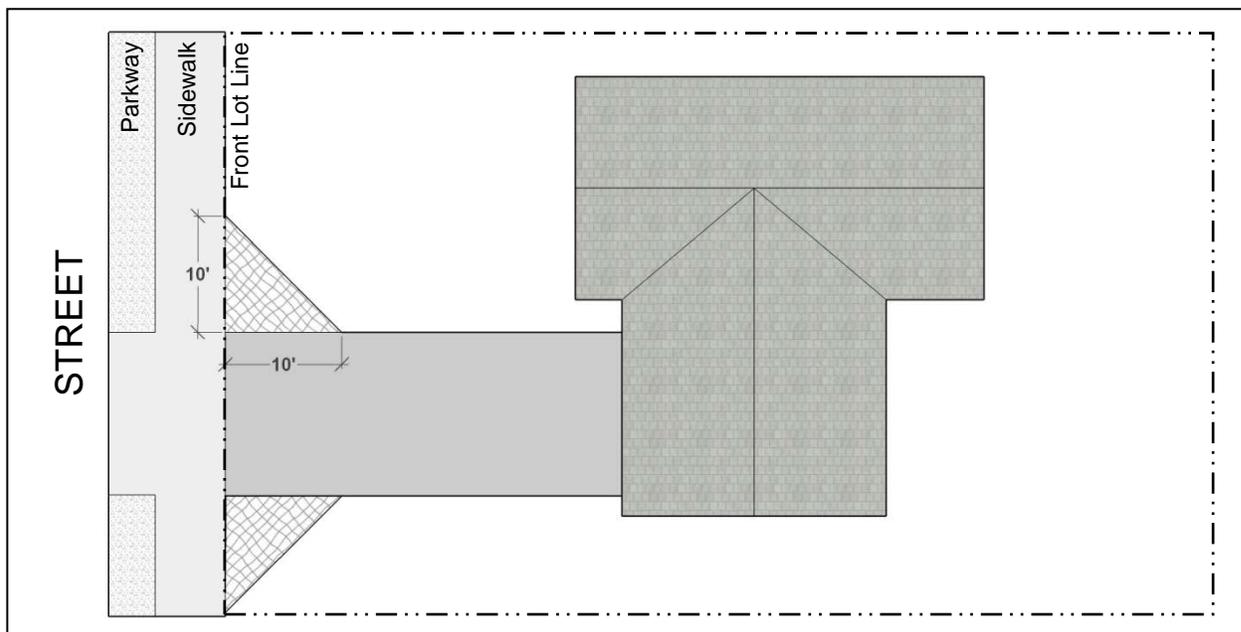


Figure 10

Figure 11 provides an example of how this provision may apply to a driveway not aligned perpendicularly to the street, which occurs in many locations throughout the community.

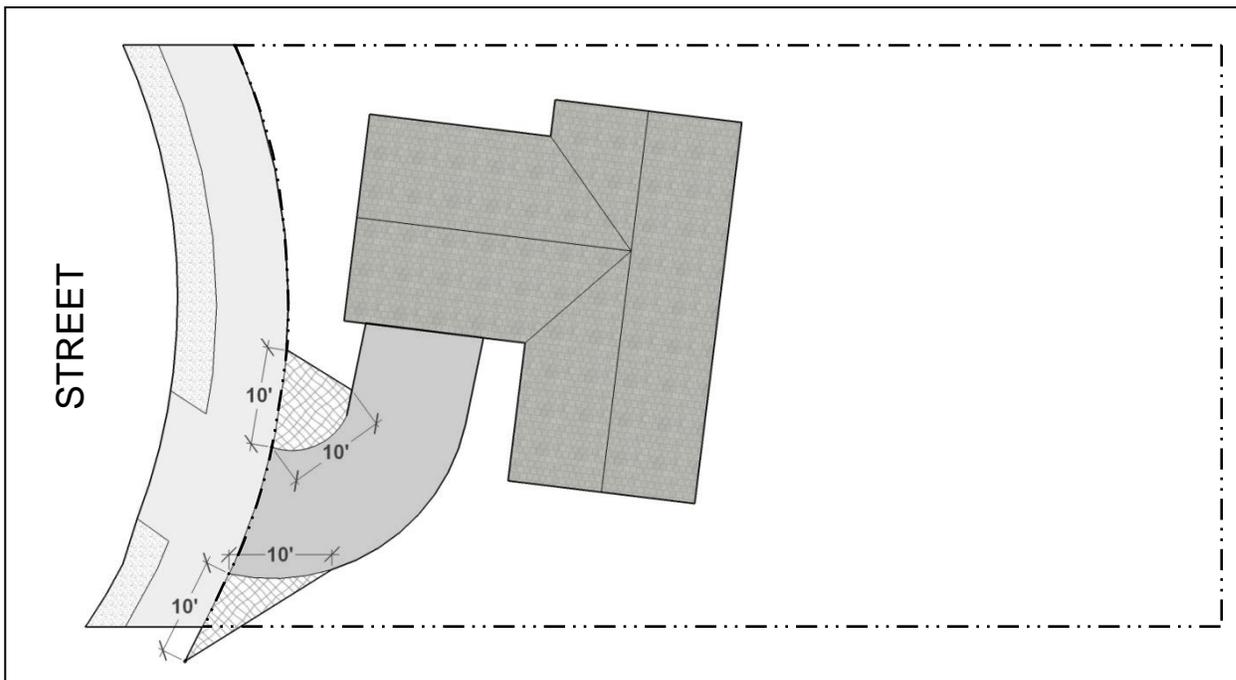


Figure 11

When a driveway directly abuts a portion of a street without a sidewalk or parkway, the triangle is measured on two sides by a distance of twenty feet (20') from the side of a driveway and ten feet (10') back from the front lot line. [Figure 12]

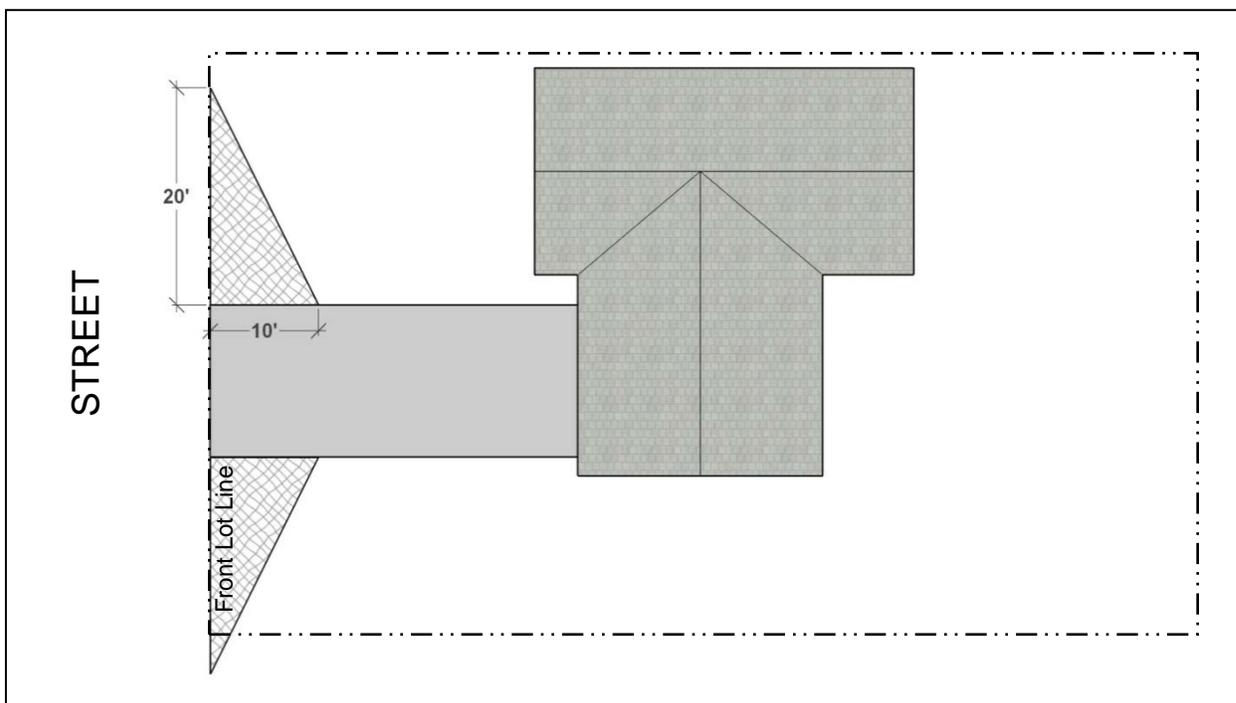


Figure 12

### Corner Lots

Per SBMC §28.87.170.C.4 and D.4, the height and location of fences, screens, walls, or hedges located within the required “Intersection Sight Distance” (see Figure 13) shall be evaluated by Public Works Staff on a case-by-case basis. The required sight distance is established based on legal vehicle speed and the position of the driver’s eye in relation to the intersection. Fences, screens, walls or hedges located adjacent to intersections controlled by an all-way stop are not subject to additional height restrictions pursuant to this subsection. Use of this template does not preclude the need for additional visibility due to site-specific conditions.

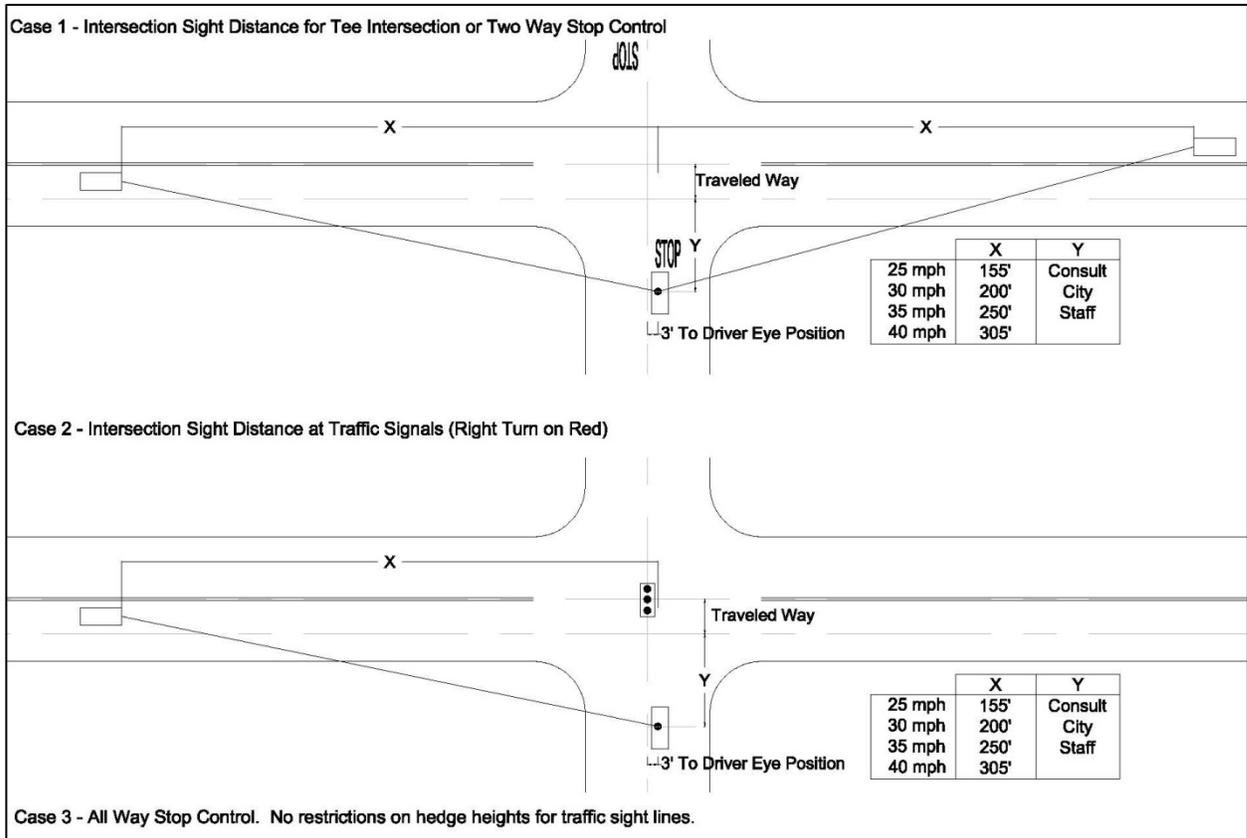


Figure 13

### Entryway Arbor

An entryway arbor is intended to provide a decorative gateway to the property and define the pedestrian entrance from the street. To meet the provisions of SBMC §28.87.170.C.7, an entryway arbor must be used in combination with, and attached to, a fence or wall. A free-standing arbor or similar element is subject to the provisions of SBMC §28.87.062 (Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachment).

The square footage of the arbor shall be determined by the area located within the rectangle formed around the posts of the arbor or the roof portion of the arbor, whichever dimension is larger, as shown in Figures 14 and 15. The height is measured from the lowest point of contact with the ground directly adjacent to the arbor to the highest point of the arbor.

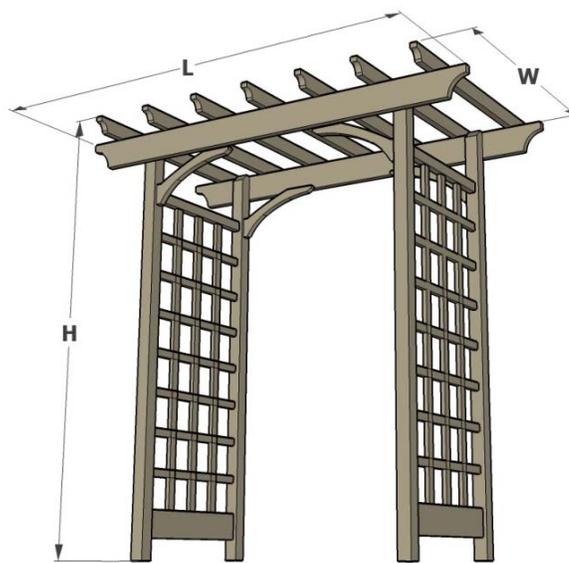


Figure 14

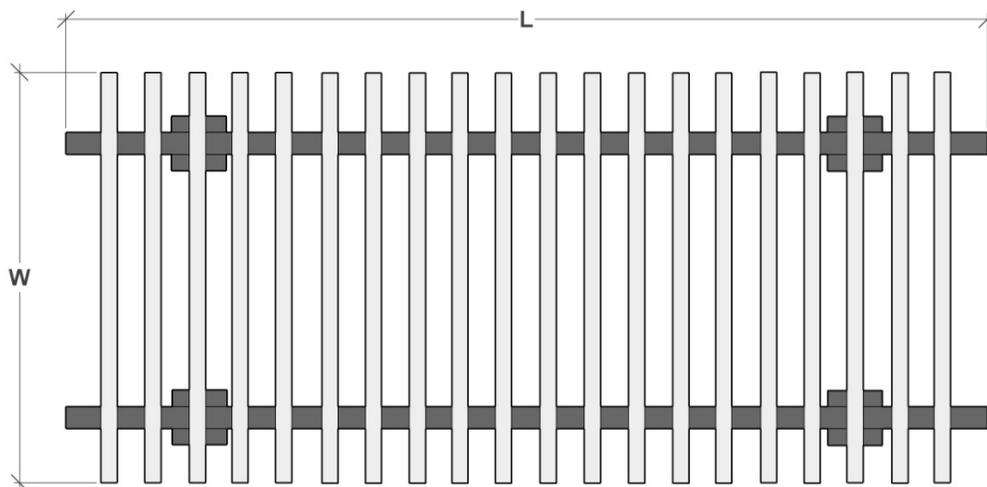


Figure 15

Consistent with SBMC §28.87.170.C.7, an entryway arbor must be substantially open, with no solid walls or roof. Exceptions to this provision may be evaluated on a case-by-case basis, subject to Administrative review and approval.

Gates or doors that meet the location and height limitations of SBMC §28.87.170 may be allowed within the frame of an entryway arbor. A gate or door may exceed the height limit, subject to Administrative review and approval, as long as the height, width, and visual transparency of the gate or door remain consistent with the intent to provide a welcoming entry feature to the property and does not obstruct sight lines for motorists, cyclists, or pedestrians.

## **ADMINISTRATIVE REVIEW AND APPROVAL OF MINOR EXCEPTIONS**

Pursuant to SBMC §28.87.170.E, the following minor exceptions to the subject standards may be considered for approval administratively by the Community Development Director or Public Works Director (or the Directors' designee), if the necessary findings are made. If any of the required findings cannot be made, the owner/applicant has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

### **Exceptions to Height Limits**

Due to variations in lot size, configuration, and topography (both on- and off-site), flexibility in the height of fences, screens, walls or hedges may be warranted to allow an improvement similar to that enjoyed by other properties in the neighborhood. In all cases, the necessary sightlines for driveways and street corners must be met. Some examples of where exceptions may be considered within interior and front setbacks and along front lot lines, and potential conditions for approval, are described below.

#### **Interior Setbacks**

Within interior setbacks (ranging from 5 to 15 feet in residential zones), fences, screens, walls and hedges are limited to eight feet (8') in height. Fences and walls, may, upon granting Administrative approval, exceed the height limit within interior setbacks by no more than four feet (4'). Screens and hedges, may, upon granting Administrative approval, exceed the height limit within interior setbacks by no more than six feet (6'). An owner/applicant who desires a fence or wall to extend more than 12 feet in height within an interior setback has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110. An owner/applicant who desires a screen or hedge to extend more than 14 feet in height within an interior setback has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

Factors that may typically warrant special consideration and a possible exception include, but are not limited to, the following:

- An abrupt difference in elevation on either side of the fence, screen, wall or hedge
- The presence of a retaining wall or series of retaining walls
- The need to install a code-required security fence or wall around a pool
- A desire for additional privacy or security, with the agreement of adjacent property owner(s)

Methods to mitigate the actual or apparent height of the improvement, such as the following, are desirable and may be required as a condition of Administrative approval:

- Provide adequate separation between vertical elements (e.g., retaining wall system) to allow space for plantings between the walls or fences. Refer to the Single Family Residence Design Guidelines for appropriate treatment of retaining walls.
- Use vines or trellises and other climbing plants to screen the additional height

- Incorporate visually transparent elements (e.g., wrought iron, forged steel tubing, wood pickets)
- Use color and/or materials that soften the appearance of the fence or wall
- Undulate or break up the wall or fence into sections, to minimize the overall continuous length

### Front Setbacks

Within front setbacks (ranging from 10 to 35 feet in residential zones), fences, screens, walls and hedges are limited to eight feet (8') in height. A fence, screen, wall or hedge, or combination thereof, located at least ten feet back from the front lot line may, upon granting Administrative approval, exceed the height limit within front setbacks by no more than four feet (4'). An owner/applicant who desires a fence, screen, wall or hedge to extend more than 12 feet in height within a front setback has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

Factors that may typically warrant special consideration and a possible exception include, but are not limited to, the following:

- An abrupt difference in elevation on either side of the fence, screen, wall or hedge
- The presence of a retaining wall or series of retaining walls
- The need to install a code-required security fence or wall around a pool
- A desire/need to secure a secondary front yard
- A desire/need to buffer noise from a busy street

Methods to mitigate the actual or apparent height of the improvement, as outlined above, are desirable and may be required as a condition of Administrative approval.

### Front Lot Lines

Within ten feet (10') of a front lot line, fences and walls are limited to three and one-half feet (3 ½') in height, and screens and hedges are limited to eight feet (8'). A fence, screen, wall or hedge, or combination thereof, may, upon granting Administrative approval, exceed this height limit by no more than four feet (4'). An owner/applicant who desires a fence or wall extend more than 7 ½ feet in height, or a screen or hedge to extend more than 12 feet, within ten feet of a front lot line has the option to request a Modification of the Fences, Screens, Walls and Hedges requirements, pursuant to SBMC §28.92.110.

Elements along front lot lines are typically much more visible to the public and, therefore, require additional scrutiny and consideration beyond approval by staff. This is reinforced by the fact that the Municipal Code (SBMC §22.69.020.C.8) requires review and approval by the Single Family Design Board for walls, fences or gates greater than 3 ½' in height within front yards. Although the installation of screens or hedges may not in all cases trigger design review, as a matter of policy, Staff will refer to the appropriate design review board most applications for requests to exceed the height limit within ten feet of a front lot line.

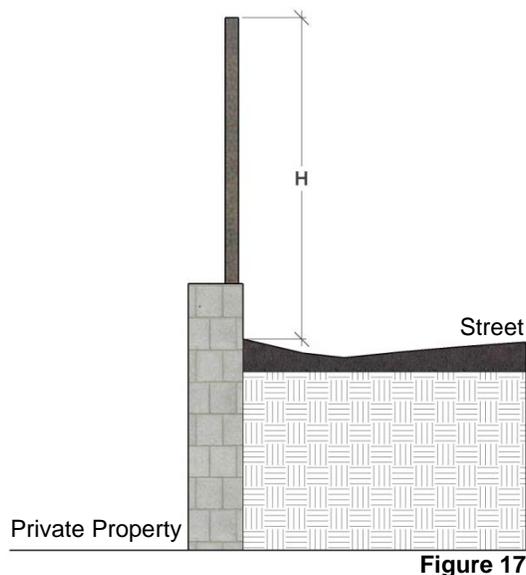
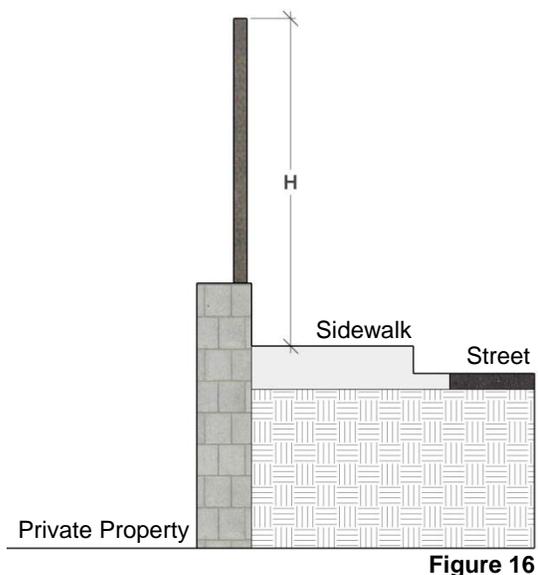
Factors that may typically warrant special consideration and a possible exception include, but are not limited to, the following:

- An abrupt difference in elevation on either side of the fence, screen, wall or hedge, particularly if the elevation of the public right of way is above the elevation of the private property (see Figures 16 and 17 for examples).
- The presence of a retaining wall or series of retaining walls
- The need to install a code-required security fence or wall around a pool
- A desire/need to secure a secondary front yard
- A desire/need to buffer noise from a busy street

Methods to mitigate the actual or apparent height of the improvement, as outlined above, are desirable and may be required as a condition of Administrative approval.

When evaluating requests to exceed the height limit within ten feet of a front property line, the methodology for measuring the maximum height may differ from that stated in SBMC §28.87.170.B.3.

In situations where no obvious public purpose would be served by measuring the height from the lowest point of contact with the ground directly adjacent to the fence, screen, wall or hedge, such improvement may instead be measured from the elevation of the nearest adjacent sidewalk or curb (Figure 16) or, where no sidewalk or curb exists, the elevation of the right-of-way surface nearest to the fence, screen, wall or hedge (Figure 17). This will typically apply in situations where the elevation of the street is above the elevation of the subject property and the most significant portion of the height is visible primarily to the property owner(s), and not the public.



In situations where a hedge exists or is proposed atop a nonconforming retaining wall, and the two are separated by less than five feet (5'), the overall combined height of the nonconforming wall and hedge may not exceed the maximum allowed height of a hedge for that location (see Figures 18 and 19 for examples, where “H” equals the allowed height of a hedge in any given location).

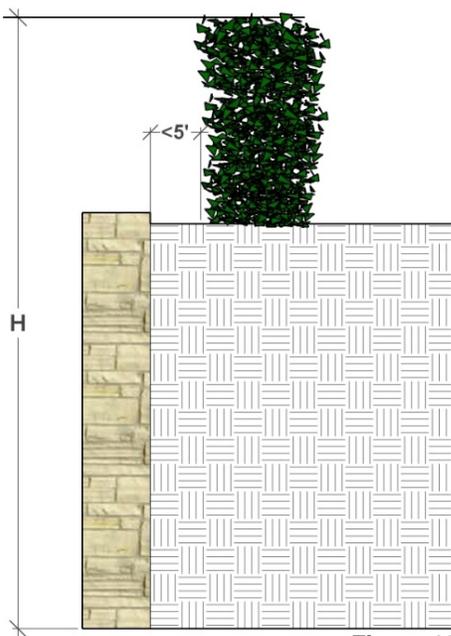


Figure 18

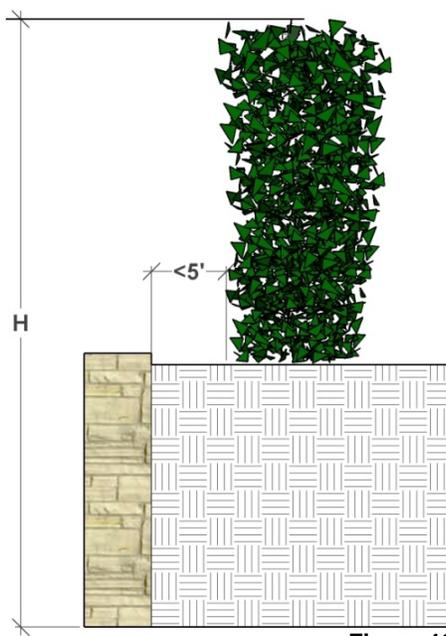


Figure 19

Exceptions for Decorative Elements

Decorative elements (e.g., pilaster caps, finials, posts, lighting fixtures, or similar decorative features) in excess of the size and spacing allowed by SBMC §28.87.170.C.6 may, upon granting Administrative approval, be allowed if the general amount (in terms of volume) of encroachment into the height, over the length of the fence or wall is, on average, relatively the same as allowed by the Municipal Code.

The Code allows decorative elements not wider than nine inches (9”) by nine inches (9”) to exceed the maximum height of any fence or wall by not more than twelve inches (12”), provided such features are spaced not less than six feet (6’) apart, measured on-center. Two examples of generally equivalent exceptions include, but are not limited, to:

- Pilasters that are twelve inches (12”) by twelve inches (12”) wide and that exceed the height limit by six inches (6”) and are spaced six feet (6’) apart
- Lighting fixtures that are seven inches (7”) by seven inches (7”) wide and that exceed the height limit by fifteen inches (15”) and are spaced five feet (5’) apart

## **DESIGN REVIEW**

---

The Municipal Code currently requires design review of certain applications for fences, walls or gates, as outlined below. In cases where an exception request triggers design review, staff will rely to a great extent on the appropriate advisory group to provide input on the aesthetics of an exception request prior to making a final Administrative decision on height.

### **Single Family Design Board**

Pursuant to SBMC §22.69.020.C.7 and 22.69.020.C.8 (excerpts cited below), a building permit to construct, alter, or add to the exterior of a single family residential unit or related accessory structure (including fences and walls) on any lot shall be referred to the Single Family Design Board for design review if the permit involves the following:

7. The construction, alteration or addition of a retaining wall that is six feet (6') or greater in height, or
8. The construction, alteration or addition of a wall fence or gate in the front yard of the lot that is greater than three and one-half feet (3 ½') in height.

### **Historic Landmarks Commission**

Pursuant to SBMC §22.22.130.A, no structure or real property in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark Districts shall be constructed, demolished, moved or altered on its exterior without the approval of the Historic Landmarks Commission (HLC). Further, SBMC §22.22.130.D states that no natural feature (including landscaping) affecting the visual qualities of private property located in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark Districts shall be placed, altered or removed without the approval of the HLC.

### **Architectural Board of Review**

Pursuant to SBMC §22.68.020.B, a building permit to construct, alter or add to the exterior of a duplex or multi-family residential buildings and related accessory structures (including fences and walls) shall be referred to the Architectural Board of Review for design review.



Agenda Item No. 16

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 1, 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, Administrative Services Director, regarding negotiations with the Treatment and Patrol Bargaining Unit.

**SCHEDULING:** Duration, 30 minutes; anytime

**REPORT:** None anticipated

**SUBMITTED BY:** Kristine Schmidt, Administrative Services Director

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