CITY OF SANTA BARBARA
CITY COUNCIL

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

Paul Casey
City Administrator

Ariel Pierre Calonne
City Attorney

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

JULY 21, 2015
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: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

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

ORDER OF BUSINESS

2:00 p.m. - City Council Meeting Begins
5:00 p.m. - Recess
6:00 p.m. - City Council Meeting Reconvenes

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

AFTERNOON SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. Subject:: Proclamation Declaring July 26, 2105 As 25th Anniversary of Americans With Disabilities Act (ADA) (120.04)

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of June 30, 2015.

CONSENT CALENDAR (CONT'D)

3. Subject: Authorization To Amend Agreement For Legal Services With Colantuono, Highsmith & Whatley, PC To Cover The Costs Of The California Supreme Court Hearing in *Jacks v. City of Santa Barbara* (160.01)

Recommendation: That Council:

A. Authorize the City Attorney to amend Legal Services Agreement Number 25,126 with Colantuono, Highsmith & Whatley, PC to increase the not to exceed amount by $62,000 from $45,000 to $107,000 for special counsel services for the City's petition for review in the California Supreme Court on *Rolland Jacks, et al., v. City Of Santa Barbara* SBSC Case No. 1383959 and

B. Allocate $62,000 from General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of the legal services.

4. Subject: Grant Assistance For Training And Enforcement At Alcohol Serving Establishments (520.04)

Recommendation: That Council:

A. Adopt by reading of title only, A Resolution of the Council of the City of Santa Barbara, Authorizing Acceptance of Funding Granted by the Department of Alcoholic Beverage Control for the Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project;

B. Authorize the Police Chief to execute the grant agreement award; and

C. Increase appropriations and estimated revenues by $50,000 in the Police Department Miscellaneous Grants Fund.

5. Subject: Contract With Inter*VISTAS* Consulting Inc. For Air Service Development Services (560.01)

Recommendation: That Council authorize the Airport Director to execute a contract with Inter*VISTAS* Consulting Inc. for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed $56,000.

6. Subject: Proposed Lease Agreement With The Santa Barbara Sailing Club (330.04)

Recommendation: That City Council approve a Five-Year Lease Agreement with the Santa Barbara Sailing Club for 8,677 square feet of dry boat storage area in the Santa Barbara Harbor at a Monthly Rate of $1,600.

CONSENT CALENDAR (CONT'D)

7. Subject: Representative Services Agreement With Carpi & Clay, Inc. (570.03)

Recommendation: That Council authorize the City Administrator to execute a three-year Representative Services Agreement between the City of Santa Barbara and Carpi & Clay Inc., for liaison and contact services with the United States Government, at a rate not-to-exceed $1,750 per month, and in a total amount not-to-exceed $63,000 for Fiscal Years 2016, 2017, and 2018.

8. Subject: Adoption Of The Rental Housing Mediation Board (Former Rental Housing Mediation Task Force) Bylaws (580.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Bylaws of the Rental Housing Mediation Board (Former Rental Housing Mediation Task Force).

9. Subject: City Documents Related To Casa Esperanza Homeless Center/PATH Statutory Merger (660.04)

Recommendation: That Council:

A. Approve the assignment of City Agreements 25,144; 25,145; 25,194 and City purchase order 387931, to PATH (People Assisting the Homeless);

B. Approve amending and restating the 1999 Restricted Use Covenant with an extended term of an additional 16 years; and

C. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary.

10. Subject: Airport Master Plan Contract Amendment For Traffic Analysis (560.09)

Recommendation: That Council approve and authorize the Airport Director to execute an Amendment to Contract No. 23,903 with Coffman Associates for preparation of additional traffic impact analysis for the Airport Master Plan in an amount not to exceed $28,000.

CONSENT CALENDAR (CONT'D)

11. Subject: Sole Source Purchase Order For Emergency Medical Dispatch System (520.02)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Santa Barbara Municipal Code Section 4.52.070 (K) and authorize the City General Services Manager to issue a purchase order to Priority Medical Corporation in an amount not to exceed $62,400 to purchase and install Priority Dispatch Emergency Medical Dispatch software for the City Police Department Combined Communication Center.

12. Subject: Contract For Construction Of North General Aviation Ramp Pavement Panel Replacement Project (560.04)

Recommendation: That Council:

A. Award a contract with Lash Construction, Inc., in their low bid amount of $357,925 for construction of the North General Aviation Ramp Pavement Panel Replacement Project, Bid No. 3790; and authorize the Public Works Director to execute the contract and approve expenditures up to $35,792 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and

B. Authorize the Public Works Director to execute a contract with Kimley Horn in the amount of $54,585 for construction support services, and approve expenditures of up to $5,458 for extra services of Kimley Horn that may result from necessary changes in the scope of work.

13. Subject: Contract For Construction Of Airport Lighting And Safety Project (560.04)

Recommendation: That Council:

A. Award a contract with Cindy Bales Engineering in their low bid amount of $2,143,410 for construction of the Airport Lighting and Safety Project, Bid No. 3763; and authorize the Public Works Director to execute the contract and approve expenditures up to $214,341 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;

B. Authorize the Public Works Director to execute a contract with Mead & Hunt in the amount of $296,800 for construction support services, and approve expenditures of up to $29,680 for extra services of Mead & Hunt that may result from necessary changes in the scope of work; and

CONSENT CALENDAR (CONT'D)

13. (Cont'd)

C. Authorize the General Services Manger to issue a purchase order to ADB Airfield Solutions in the amount of $10,076.73, and authorize the General Services Manager to approve expenditures of up to $2,500 for extra services of ADB Airfield Solutions that may result from necessary changes in the scope of work.

14. Subject: Sole Source Agreement For Sanitary Sewer Chemical Root Control Services (540.13)

Recommendation: That Council authorize the Public Works Director to execute a Sole Source Maintenance Agreement with Duke's Root Control in the amount $128,577.16 for sanitary sewer chemical root cleaning services, and authorize the Public Works Director to approve expenditures of up to $12,857.72 for extra services that may result from necessary changes in the scope of work.

15. Subject: Authorization For Contingency Fee Agreement With Baron & Budd, PC Regarding Legal Services Relating To The Refugio Oil Spill (160.01)

Recommendation: That Council authorize the City Attorney to execute a contingency fee agreement with Baron & Budd, PC for legal services relating to the May 19, 2015 Refugio oil spill and a contingency fee amounting to 20% of any gross recovery.

16. Subject: Community Promotion Contract With Summer Solstice Celebration (180.02)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Summer Solstice Celebration, Inc. in the amount of $66,000 to support year-round administrative expenses for the community event.

17. Subject: Community Promotion Contract With Visit Santa Barbara (230.02)

Recommendation: That Council authorize the City Administrator to execute an annual community promotion contract with Visit Santa Barbara to provide marketing services that promote Santa Barbara as a tourism destination, in an amount of $1,380,000.

CONSENT CALENDAR (CONT'D)

18. Subject: Set A Date For Public Hearing Regarding Appeal Of The Planning Commission Approval For 3425 Sea Ledge Lane (640.07)

Recommendation: That Council:

A. Set the date of August 4, 2015, at 2:00 p.m. for hearing the appeal filed by Chris Krach-Bastian, of the Planning Commission's approval of an application for the construction of a new 400 square-foot pool and spa with associated pool equipment and safety fencing on a 17,490 square-foot lot in the Hillside Design District. This proposal is an amendment to the recent Coastal Development Permit dated May 2, 2013, and revised on August 8, 2014, under MST2012-00135, which approved 2,508 square feet of one- and two-story additions, the demolition of the existing garage, and the conversion of 488 square feet of existing habitable floor area into a new two-car garage. The discretionary application required for this project is an Amendment to the Coastal Development Permit (CDP2012-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC Section 28.44). The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures, which allows for the construction of accessory structures including swimming pools.

B. Set the date of August 3, 2015, at 1:30 p.m. for a site visit to the property located at 3425 Sea Ledge Lane.

19. Subject: Set A Date For Public Hearing Regarding Appeal Of The Single Family Design Board's Final Design Approval For 1912 Mission Ridge Road (640.07)

Recommendation: That Council: Set the date of August 11, 2015, at 2:00 p.m. for hearing the appeal filed by Trevor Martinson on behalf of Rinaldo Brutoco of the Single Family Design Board's Final Design Approval for project owned by Craig Morrison and located at 1912 Mission Ridge Road, Assessor's Parcel No.: 019-083-021, A-1 Zone; Application No. MST2014-00585. This project proposes a 22 square foot first-floor addition and a 530 square foot second-floor addition to an existing 2,146 square foot one-story, single-family residence with an attached 579 square foot garage. The proposal includes one new uncovered parking space, a 194 square foot covered patio at the entry, a 158 square foot second-story deck, a raised pool and surrounding deck, and interior remodel work. It also includes permitting an "as-built" air conditioning condenser unit, relocation of the pool equipment enclosure, and a new driveway and pedestrian gate. The proposed total of 3,251 square feet on a 25,091 square foot lot in the hillside Design District is 69% of the guideline maximum floor-to-lot area ratio.

CONSENT CALENDAR (CONT'D)

NOTICES

20. The City Clerk has on Thursday, July 16, 2015, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

21. Subject: Reactivation Of The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the City of an Installment Sale Agreement in Connection with the Desalination Plant Reactivation Project Drinking Water State Revolving Fund Project No. 4210010-005C;

B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval, Subject to Receipt of SRF Loan For Project No. 4210010-005C, and Execution by the Public Works Director of a Contract to Design, Build, and Operate the Charles E. Meyer Desalination Facility with IDE Americas, Inc., in the Amount of $43,437,234 and Approve Expenditures up to $1,864,420 to Cover any Cost Increases that may Result From Contract Change Orders for Extra Work and Differences Between Estimated Bid Quantities and Actual Quantities Measured for \Payment;

C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Acceptance and Execution by the Public Works Director of a Lease For a Term of 25 Years with the State Of California State Lands Commission for the Continued Use and Maintenance of One 48-inch Diameter Sewer Outfall Pipeline and Maintenance of One 42-inch Diameter Non-operational Outfall Pipeline and Associated Facilities as Further Described on Exhibit "A" Attached Thereto;

D. Authorize the Public Works Director to pay the $500,000 for work on a project to restore the upper Devereaux Slough in accordance with National Pollutant Discharge Elimination System permit special conditions;

E. Approve a purchase order in the amount of $60,000 to Acciona Agua as stipend for submitting a proposal in response to the Request for Proposals for the Recommissioning Of The Charles E. Meyer Desalination Facility;

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

21. (Cont'd)

F. Authorize the City Attorney to execute an Amendment to Legal Services Agreement No. 24,935 with Latham & Watkins LLP to increase the "Do Not Exceed Limit" from $200,000 to $220,000 for legal support related to the local Coastal Development Permit;

G. Authorize the City Attorney to execute a Third Amendment to Legal Services Agreement No.24,835 with Hanson Bridgett LLP to increase the "Do Not Exceed Limit" from $150,000 to $175,000 for legal services related to negotiating and drafting the DBO contract; and

H. Increase estimated revenues and appropriations in the Water State Revolving Fund Loan Fund in the amount of $8,000,000 for the Charles E. Meyer Desalination Facility for a total amount of $55,000,000.

COMMUNITY DEVELOPMENT DEPARTMENT

22. Subject: Response To 2014-2015 Santa Barbara Grand Jury Report On Zoning Information Reports (150.04)

Recommendation: That Council:

A. Receive the Santa Barbara County Grand Jury Report on Zoning Information Reports; and

B. Authorize the Mayor to send a letter forwarding the City's response to the Grand Jury Report.

PUBLIC HEARINGS

23. Subject: Appeal Of Architectural Board Of Review Project Design Approval Of A New Seven-Unit Apartment Building At 1818 Castillo Street (640.07)

Recommendation: That Council

A. Deny the appeal of Brian Barnwell of the Architectural Board of Review's decision to grant Project Design Approval for the proposed new seven-unit apartment building; and

B. Direct Staff to return to Council with Decision and Findings reflecting the outcome of the appeal.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

RECESS

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

24. Subject: Direction To Staff On The 2015 Bicycle Master Plan (670.04)

Recommendation: That Council receive a presentation on preliminary bicycle network improvements developed from the community engagement process and provide input and direction to staff regarding the Draft Bicycle Master Plan Completion.

ADJOURNMENT

City of Santa Barbara

25th ANNIVERSARY
OF
AMERICANS WITH DISABILITIES ACT (ADA)
JULY 26, 2015

***WHEREAS**, On July 26, 1990, the **Americans with Disabilities Act (ADA)** was signed into law to ensure the civil rights of people with disabilities; and*

***WHEREAS**, This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and*

***WHEREAS**, This landmark law affirms that Americans with disabilities are Americans first; and*

***WHEREAS**, The **ADA** has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, and increasing full participation in community life; and*

***WHEREAS**, We recognize the contributions and progress Americans with disabilities have made in our community; and*

***WHEREAS**, the City continues to make improvements to accessibility in its programs and services, facilities, and public rights of way with the advice and participation of its Access Advisory Committee.*

***WHEREAS**, On the 25th anniversary of the **Americans with Disabilities Act**, we rededicate ourselves to empowering every individual with those most American principles of equal access and equal opportunity.*

***NOW, THEREFORE, I HELENE SCHNEIDER**, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California do hereby proclaim **July 26, 2015**, as the **25th Anniversary of the Americans with Disabilities Act**.*

***IN WITNESS THEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 21st day of July 2015.*

HELENE SCHNEIDER
Mayor

CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

REGULAR MEETING
June 30, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Cathy Murillo, Bendy White, Mayor Schneider.
Councilmembers absent: Dale Francisco, Gregg Hart, Randy Rowse.
Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

CHANGES TO THE AGENDA

Item Removed from Agenda

City Administrator Casey recommended that the following item be removed from the agenda, to be resubmitted at a later date:

20. Subject: Memorandum Of Understanding With The Community Action Commission For The South Coast Task Force On Youth Gangs (520.04)

Recommendation: That Council authorize the City Administrator to execute a Memorandum of Understanding with the Community Action Commission related to the City's participation in the South Coast Task Force on Youth Gangs.

(Cont'd)

JUL 21 2015 #2

20. (Cont'd)

Motion:
Councilmembers Hotchkiss/White to continue Item No. 20 to a future date.
Vote:
Unanimous voice vote (Absent: Councilmembers Francisco, Hart, Rowse).

Councilmembers Francisco and Hart arrived at the meeting at 2:04 p.m.

PUBLIC COMMENT

Speakers: Richard Robinson; Scott Spaulding, Santa Barbara County Association of Governments; Phil Walker; Suzanne Peck, County of Santa Barbara Commission for Women; Tom Widroe, City Watch.

ITEM REMOVED FROM CONSENT CALENDAR

12. Subject: Donation From The Santa Barbara Police Foundation For The Department Explorer Program (520.04)

Recommendation: That Council accept a donation of $2,500 from the Santa Barbara Police Foundation for the Department Explorer Program and increase appropriations and estimated revenues in the Fiscal Year 2016 Police Department Explorer Program by $2,500.

Documents:
June 30, 2015, report from the Chief of Police.

Speakers:
Santa Barbara Police Foundation: Mike McGrew.

Motion:
Councilmembers Hart/White to accept the donation and approve the recommendation.
Vote:
Unanimous voice vote (Absent: Councilmember Rowse).

CONSENT CALENDAR (Item Nos. 1 – 11, 13 – 19, 21 – 25)

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

Motion:
Councilmembers Francisco/White to approve the Consent Calendar as recommended.
Vote:

Unanimous roll call vote (Absent: Councilmember Rowse).

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the adjourned regular meeting of June 15, 2015, and the regular meeting of June 16, 2015.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance Approving Supervisors Memorandum Of Understanding, And Salary Plans For Unrepresented Management (Safety and Non-Safety) And City Administrator

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

A. An Ordinance of the Council of the City of Santa Barbara Amending The 2012-2015 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees Bargaining Unit, Adopted by Ordinance No. 5587 and Previously Amended by Ordinance No. 5623, and Extending the Term Through June 30, 2016;

B. An Ordinance of the Council of the City of Santa Barbara Setting Forth and Approving a Salary Plan for Unrepresented Managers and Professional Attorneys for Fiscal Year 2016 and Fiscal Year 2017; and

C. An Ordinance of the Council of the City of Santa Barbara Setting Forth and Approving a Salary Plan for the City Administrator for Fiscal Year 2016 and Fiscal Year 2017.

Action: Approved the recommendations; Ordinance Nos. 5704 - 5706; Agreement No. 24,151.2.

3. Subject: Introduction Of Ordinance Establishing Speed Limits On Certain Portions Of Loma Alta Drive (530.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.60 of the Municipal Code by Amending Section 10.60.015, Establishing Prima Facie Speed Limits on Certain Portions of Loma Alta Drive.

Action: Approved the recommendation (June 30, 2015, report from the Public Works Director; proposed ordinance).

4. Subject: Adoption Of Resolution Relating To The General Municipal Election Of November 3, 2015 (110.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling for the Holding of a Vote-By-Mail General Municipal Election to be Held in the City on Tuesday, November 3, 2015, for the Election of Certain Officers as Required by the Provisions of the Charter and That Certain Settlement Agreement Dated March 10, 2015, in *Banales, et al. v. City Of Santa Barbara.*

(Cont'd)

4. (Cont'd)

Speakers:
- Members of the Public: Robert Burke.
- Staff: City Clerk Services Manager Gwen Peirce.

Action: Approved the recommendation; Resolution No. 15-057 (June 30, 2015, report from the Administrative Services Director and City Attorney; proposed resolution).

5. Subject: Salary And Benefit Continuation For City Employees On Active Military Duty Leave Of Absence (420.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Continuance of Employee Salary and Benefits During a Military Leave of Absence Effective May 18, 2015.

Action: Approved the recommendation; Resolution No. 15-058 (June 30, 2015, report from the Administrative Services Director; proposed resolution).

6. Subject: May 2015 Investment Report (260.02)

Recommendation: That Council accept the May 2015 Investment Report.

Action: Approved the recommendation (June 30, 2015, report from the Acting Assistant City Administrator/Finance Director).

7. Subject: Grant Agreement With South Coast Community Media Access Center (510.04)

Recommendation: That Council authorize the Finance Director to execute a grant agreement, in a form acceptable to the City Attorney, with the South Coast Community Media Access Center for management of the public and educational access television channels in an amount of $303,900 plus an amount for public, educational and government access (PEG) capital expenditures equal to 50% of the actual PEG fees received by the City for Fiscal Year 2016.

Action: Approved the recommendation; Agreement No. 25,231 (June 30, 2015, report from the Acting Assistant City Administrator/Finance Director).

8. Subject: Assignment Of Lease Agreement No. 23,408 - Ocean Aire Electronics (330.04)

Recommendation: That Council approve the assignment of Lease Agreement No. 23,408 from Doug Chessmore, d.b.a. Ocean Aire Electronics, to Jon Payne, for the 339 square-foot retail space located at 125 Harbor Way, Suite #7, at a monthly rent of $1,085.

(Cont'd)

8. (Cont'd)

Action: Approved the recommendation; Agreement No. 23,408.1 (June 30, 2015, report from the Waterfront Director).

9. Subject: Renewal Of Agreement With Major League Softball (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute a two-year agreement with Major League Softball, Inc. (MLS), to perform adult softball league services at an annual cost of $28,000 in Fiscal Years 2016 and 2017.

Action: Approved the recommendation; Agreement No. 25,232 (June 30, 2015, report from the Parks and Recreation Director).

10. Subject: Airline Rates And Charges For Fiscal Year 2016 (560.01)

Recommendation: That Council approve and authorize the Airport Director to establish Airline rates and charges of $99 per square foot annually for Airline Terminal building space, boarding bridge fees of $43 per turn, and landing fees of $3.70 per thousand pounds of gross landed weight, effective July 1, 2015, through June 30, 2016.

Action: Approved the recommendation (June 30, 2015, report from the Airport Director).

11. Subject: Consent To Sublease Agreement Between Ampersand Aviation, LLC, And Plains All American Pipeline, LP (330.04)

Recommendation: That Council approve and authorize the Airport Director to execute a Consent to Sublease Agreement between Ampersand Aviation, LLC, a California Limited Liability Company, and Plains All American Pipeline, LP, whose principal address is 333 Clay Street, Suite 1600, Houston, TX 77002, for the use of 30,240 square feet of office space in Building 245 and associated parking, at 495 South Fairview Avenue, at the Santa Barbara Airport, effective May 29, 2015.

Action: Approved the recommendation; Agreement No. 25,233 (June 30, 2015, report from the Airport Director).

13. Subject: Contract For Influent Flow Monitoring And Sampling Services At The El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Utility Systems, Science and Software, Inc., in the amount of $129,630 for flow monitoring and sampling services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to $19,444 for extra services that may result from necessary changes in the scope of work.

(Cont'd)

13. (Cont'd)

Action: Approved the recommendation; Contract No. 25,234 (June 30, 2015, report from the Public Works Director).

14. Subject: Purchase Order For The California Conservation Corps To Assist With The Invasive Plant Removal Program In City Creeks (540.14)

Recommendation: That Council:

A. Find it in the City's best interest to waive the formal bid process per Municipal Code Section 4.52.070.L, and authorize the City's General Services Manager to issue a Purchase Order to the California Conservation Corps, in the amount of $75,000 for Fiscal Years 2015 and 2016, for labor to assist with the Invasive Plant Removal Program;

B. Authorize the City's General Services Manager to renew the Purchase Order with the California Conservation Corps annually through Fiscal Year 2018, subject to Council approval of the annual Creeks Restoration and Water Quality Improvement Fund budget; and

C. Authorize the Parks and Recreation Director to enter into a Co-Sponsorship Agreement with the California Conservation Corps, subject to review and approval by the City Attorney as to form and content.

Action: Approved the recommendations; Agreement No. 25,235 (June 30, 2015, report from the Parks and Recreation Director).

15. Subject: Downtown Santa Barbara Maintenance Agreement For Fiscal Year 2016 (530.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute a one-year agreement in the amount of $636,798 with Downtown Santa Barbara (DSB) 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, 2015, through June 30, 2016.

Action: Approved the recommendation; Agreement No. 25,236 (June 30, 2015, report from the Parks and Recreation Director).

16. Subject: Request To Amend Affordable Housing Covenant On Property Located At 2612 Modoc Road (Sarah House) (660.04)

Recommendation: That Council:

A. Approve the amendment of the Affordable Housing Covenant on subject property to remove the occupancy and rental restrictions on one of the property's two-bedroom units;

(Cont'd)

16. (Cont'd)

B. Approve the use of the unrestricted unit for administrative and private meeting space; and

C. Authorize the Community Development Director to execute, subject to approval as to form by the City Attorney, such agreements and related City documents as necessary.

Action: Approved the recommendations (June 30, 2015, report from the Community Development Director).

17. Subject: Contract For Construction Of On-Call Sewer Main Point Repairs - Fiscal Year 2016 (540.13)

Recommendation: That Council award a contract with Tierra Contracting in their low bid amount of $305,488 for construction of the On-Call Sewer Main Point Repairs - Fiscal Year 2016, Bid No. 3777, and authorize the Public Works Director to execute the contract and approve expenditures up to $61,100 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendation; Contract No. 25,237 (June 30, 2015, report from the Public Works Director).

18. Subject: Benefit Increase For 1927 Police And Fire Employee Retirement Plan (430.08)

Recommendation: That Council approve an increase in monthly pension benefits paid to the remaining three retirees in the City's 1927 Police and Fire Retirement Plan by 10%, which would increase the total monthly benefits paid to all retirees by $512, from $5,123 to $5,635.

Action: Approved the recommendation (June 30, 2015, report from the Acting Assistant City Administrator/Finance Director).

19. Subject: Increase In Construction Change Order Authority For The De La Vina At Arrellaga Traffic Signal Project (530.05)

Recommendation: That Council:

A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the De La Vina At Arrellaga Traffic Signal Project, Contract No. 24,993, in the amount of $20,803, for a total Project expenditure authority of $112,175;

(Cont'd)

19. (Cont'd)

B. Authorize an appropriation of $46,000 in the Fiscal Year 2015 Streets Fund from reserves to fund a transfer to the Streets Grant Fund; and

C. Authorize an increase in appropriations and estimated revenues by $46,000 in the Fiscal Year 2015 Streets Grant Fund to cover the cost of the extra work for the De La Vina at Arrellaga Traffic Signal Project, funded from a transfer from the Streets Fund.

Action: Approved the recommendations (June 30, 2015, report from the Public Works Director).

21. Subject: Adoption Of Ordinance Regarding Buellton Library Property Lease (570.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Library Director to Execute a Lease Agreement Between the City of Santa Barbara and the City of Buellton for the Buellton Library Property.

Action: Approved the recommendation; Ordinance No. 5707; Agreement No. 25,238.

22. Subject: Increase Grant Revenues And Appropriations For The Anapamu, Cabrillo, De La Guerra, Quinientos, And Gutierrez Street Bridge Replacement Projects (Dept. Head: RJB; Other Depts: APC)

Recommendation: That Council:

A. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of $225,000 for the Anapamu Street Bridge Replacement Project;

B. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by $225,000 for the Anapamu Street Bridge Replacement Project;

C. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of $354,120 for the Cabrillo Street Bridge Replacement Project;

D. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by $354,120 for the Cabrillo Street Bridge Replacement Project;

E. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of $66,398 for the De La Guerra Street Bridge Replacement Project;

F. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by $66,398 for the De La Guerra Street Bridge Replacement Project;

(Cont'd)

22. (Cont'd)

G. Accept Federal Highway Administration Highway Bridge Program Grant funding in the total amount of $225,000 for the Quinientos Street Bridge Replacement Project;

H. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2016 Streets Grant Fund by $225,000 for the Quinientos Street Bridge Replacement Project;

I. Authorize an appropriation of $25,000 from Streets Fund Reserves and transfer to the Streets Grant Fund to cover a portion of the ongoing City share associated with the design phase of the Quinientos Street Bridge Replacement Project; and

J. Authorize an appropriation of $25,000 from Streets Fund Reserves and transfer to the Streets Grant Fund to cover a portion of the ongoing City share associated with the design phase of the Gutierrez Street Bridge Replacement Project.

K. Authorize an increase to appropriations and estimated revenues of $50,000 in the Fiscal Year 2016 Streets Grant Fund for the Quinientos Street Bridge Replacement Project ($25,000) and Gutierrez Street Bridge Replacement Project ($25,000) funded from a transfer of reserves from the Streets Fund.

Speakers:
Staff: Principal Engineer Brian D'Amour.

Action: Approved the recommendations (June 30, 2015, report from the Public Works Director).

23. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 1818 Castillo Street (Dept. Head: GB)

Recommendation: That Council:

A. Set the date of July 21, 2015, for hearing the appeal filed by Brian Barnwell, on behalf of adjacent neighbors, of the Architectural Board of Review approval of an application for property owned by DB Partners, LLC, and located at 1818 Castillo Street, Assessor's Parcel No. 027-012-023, R-4 Hotel-Motel-Multiple Residence Zone, General Plan Designation: Residential (15-27 dwelling units/acre). The project proposes to demolish an existing single-family home, studio apartment, detached garage, and two sheds, and construct a three-story, seven-unit residential apartment building under the Average Unit Size Density Incentive Program. The 12,656 square-foot parcel is designated as Medium High density with a maximum average density project proposed at 27 dwelling units/acre which allows 945 square feet per unit. The average unit size for this project will be 938 square feet; and

(Cont'd)

23. (Cont'd)

B. Set the date of July 20, 2015, for a site visit to the property located at 1818 Castillo Street.

Action: Approved the recommendations (Appeal letter received June 2, 2015).

NOTICES

24. The City Clerk has on Thursday, June 25, 2015, 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.

25. Cancellation of the regular City Council meeting of July 7, 2015.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Member Frank Hotchkiss reported that the Committee met to review proposed improvements to the management and permitting of news racks. The Committee referred the proposed ordinance making these changes back to staff of the City Attorney's Office and Public Works Department for additional discussion with local publishers.

SUCCESSOR AGENCY REPORTS

26. Subject: Status Report And Contract Services For The Cabrillo Pavilion And Bathhouse Renovation Project (570.07)

Recommendation: That the Successor Agency:

A. Receive a status report on the Cabrillo Pavilion and Bathhouse Renovation Project; and

B. Authorize the Executive Director to execute a contract between the Successor Agency and FGI Farnsworth Group, Inc., in the amount of $47,300 to provide LEED commissioning services for the above project, and authorize the Executive Director to approve extra work, as necessary, in an amount not to exceed $4,730.

Documents:

- June 30, 2015, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant Parks and Recreation Director Jill Zachary.

(Cont'd)

26. (Cont'd)

Motion:

Successor Agency members White/Hotchkiss to approve recommendation B; Contract No. 25,239.

Vote:

Unanimous voice vote (Absent: Successor Agency member Rowse).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

27. Subject: Loan To Grace Village Apartments, L.P., For A New Affordable Housing Project At 3869 State Street (Grace Village Apartments) (660.04)

Recommendation: That Council:

A. Approve a request from the Housing Authority of the City of Santa Barbara (Housing Authority) for a $1,000,000 loan to Grace Village Apartments, L.P., to support the development and construction of a new low income senior rental project located at 3869 State Street;

B. Authorize the appropriation of $500,000 from the Socio-Economic Mitigation Program (SEMP) fund and $500,000 from the Housing Successor Entity fund for the requested loan;

C. Authorize the appropriation of $500,000 in the Successor Agency Housing Fund from reserves to fund a portion of the requested loan;

D. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary; and

E. Consider a recommendation from the Finance Committee to transfer $528,797 of unrestricted monies in the Revolving Loan Fund, which originated from the General Fund, back to the General Fund.

Documents:

- June 30, 2015, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Project Planner David Rowell, City Administrator Paul Casey.
- Members of the Public: Tom Widroe, City Watch.
- Housing Authority of the City of Santa Barbara: Deputy Executive Director Skip Szymanski.

Motion:

Councilmembers Francisco/Hotchkiss to approve the recommendations, specifying that the transfer of $528,797 to the General Fund (recommendation E) be dedicated to General Fund Reserves; Agreement No. 25,240.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

PUBLIC WORKS DEPARTMENT

28. Subject: Increase In Construction Change Order Authority For The Recycled Water Treatment Plant Replacement Project (540.13)

Recommendation: That Council:

A. Approve a transfer of $1,342,271.95 from Water Fund Operating Fund Reserves to the Water Capital Fund;

B. Increase appropriations and estimated revenues by $1,342,271.95 in the Water Capital Fund for the Recyled Water Treatment Plant Replacement Project;

C. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 21400193 with Schock Contracting Corporation, in the amount of $879,000, for a total Project change order expenditure authority of $1,758,000;

D. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 24,826, for construction management services with MNS Engineers in the amount of $386,326.00, for a total Project change order expenditure authority of $456,941.40; and

E. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Recycled Water Treatment Plant Replacement Project, Contract No. 24,828, for environmental and support services with Dudek in the amount of $14,945.95, for a total Project change order expenditure authority of $20,976.95.

Document:

June 30, 2015, report from the Public Works Director.

Speakers:

Staff: Principal Civil Engineer Linda Sumansky, City Attorney Ariel Calonne, Public Works Director Rebecca Bjork.

Motion:

Councilmembers Murillo/Hart to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Rowse).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance at a meeting of the South Coast Task Force on Youth Gangs, during which a new initiative called “My Brother’s Keeper” was presented.

(Cont’d)

Information (Cont'd):

- Councilmember White mentioned that new water rates affecting high water users will go into effect on July 1, and he asked those users to make efforts to conserve.
- Mayor Schneider spoke about her attendance at an event to mark the 100th anniversary of the Samarkand Retirement Community, which included the unveiling of an exhibit tracing the history of the community.

RECESS

The Mayor recessed the meeting at 3:08 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 29. She stated that no reportable action is anticipated.

CLOSED SESSIONS

29. Subject: Conference With City Attorney - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Justin Williams v. City of Santa Barbara;* WCAB Case numbers ADJ8592814, ADJ8729223 and ADJ9464749.

Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

Documents:

June 30, 2015, report from the Acting Assistant City Administrator/Finance Director.

Time:

3:10 p.m. – 3:13 p.m. Councilmember Rowse was absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:13 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK

Agenda Item No. 3

File Code No. 160.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Authorization To Amend Agreement For Legal Services With Colantuono, Highsmith & Whatley, PC To Cover The Costs Of The California Supreme Court Hearing in *Jacks v. City of Santa Barbara*

RECOMMENDATION: That Council:

A. Authorize the City Attorney to amend Legal Services Agreement Number 25,126 with Colantuono, Highsmith & Whatley, PC to increase the not to exceed amount by $62,000 from $45,000 to $107,000 for special counsel services for the City's petition for review in the California Supreme Court on Rolland Jacks, et al., v. City Of Santa Barbara SBSC Case No. 1383959; and
B. Allocate $62,000 from General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of the legal services.

DISCUSSION:

The California Supreme Court recently granted the City's petition for review in the Jacks case. Our special counsel estimates that the costs of briefing and argument in the Supreme Court will be approximately $62,000. We are requesting Council authorization for these expenses.

The funding will come from General Fund appropriated reserves.

PREPARED BY: Ariel Pierre Calonne, City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office

Agenda Item No. 4

File Code No. 520.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Patrol Division, Police Department

SUBJECT: Grant Assistance For Training and Enforcement at Alcohol Serving Establishments

RECOMMENDATION: That Council:

A. Adopt by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing Acceptance of Funding Granted by the Department of Alcoholic Beverage Control for the Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project;
B. Authorize the Police Chief to execute the grant agreement award; and
C. Increase appropriations and estimated revenues by $50,000 in the Police Department Miscellaneous Grants Fund.

DISCUSSION:

The Department of Alcoholic Beverage Control (ABC) issues grant funding under their Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project. Grant funds issued to the Police Department will be used to carry on training for alcohol servers and vendors by conducting a LEADS class put on by the ABC. In addition, the Police Department will provide information to the community on the reporting of alcohol-related offenses through the media and establish procedures for better identifying and mitigating law enforcement problems at and near alcohol-vending premises.

Furthermore, through the use of this grant money, the Police Department will employ a full spectrum of State, County, City and local community resources to conduct undercover operations at ABC licensed premises. This will include periodic special alcohol enforcement actions, such as Trap-Door operations and Shoulder-Tap programs. The Police Department will be able to expand on the enforcement of California Business and Professions Code violations frequently occurring at alcohol vending establishments, which include offenses such as minors purchasing alcohol or adults who purchase alcohol for minors.

These grant-funded projects will be supervised by Sergeant Brown and implemented by the Nightlife Enforcement Team. An information system will be used, which will support a multi-task, multi-agency approach to training, enforcement and mitigation, working with a broad range of business and community organizations. The goals are to promote self-policing by alcohol serving establishments, increase community involvement in responsible alcohol use, and to reduce the number of alcohol-related incidents involving minors linked with ABC licensees.

The Santa Barbara Police Department is nationally recognized as a leader in Community Oriented Problem Solving and Community Oriented Policing, and has applied these skills to its Nightlife Enforcement Team presently focused on a large and concentrated number of ABC licensees in its central business district.

PREPARED BY: Lorenzo Duarte, Police Lieutenant

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING ACCEPTANCE OF FUNDING GRANTED BY THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR THE ALCOHOLIC BEVERAGE CONTROL GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROJECT.

WHEREAS, the Santa Barbara Police Department desires to undertake a certain project designated Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project to be funded by funds made available through the Grant Assistance Program to Local Law Enforcement Agencies Project (hereafter referred to as GAP) administered by the Department of Alcoholic Beverage Control (hereafter referred to as ABC).

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

SECTION 1. The Police Chief of the City of Santa Barbara is authorized to submit the GAP Project proposal to ABC and is authorized to sign and approve on behalf of the City Council of the City of Santa Barbara the grant award agreement, in a form approved by the City Attorney, including any extensions of amendments thereof.

SECTION 2. This grant is funded by the ABC GAP project and no matching funds are required from the City of Santa Barbara per the funding and regulations of the ABC.

SECTION 3. The City agrees to indemnify, defend, and save harmless the State, its officers, agents and employees from any and all claims to any person, firm or corporation furnishing work services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses occurring or resulting to any person, firm, or corporation who may be injured or damaged by the City of Santa Barbara in the performance of this grant.

SECTION 4. This consideration to be paid to the City, as provided by the grant, shall be in compensation for the City's expenses incurred in the performance hereof, including travel and per diem.

SECTION 5. The City Council hereby approves and authorizes the City Administrator Police Chief to execute the grant agreement award of $50,000 for the GAP Project through June 30, 2016.

Agenda Item No. 5

File Code No. 560.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Airport Administration, Airport Department

SUBJECT: Contract With Inter*VISTAS* Consulting Inc. For Air Service Development Services

RECOMMENDATION:

That Council authorize the Airport Director to execute a contract with Inter*VISTAS* Consulting Inc. for specialized air service development support for the Santa Barbara Airport, in an amount not to exceed $56,000.

DISCUSSION:

Background

Since 1979 the Airport has contracted with three firms for specialized air carrier development services to assist the Airport in meeting its strategic goals of maintaining existing service and attracting new domestic service.

In 2013 Airport staff solicited Statements of Qualifications (SOQ) from experienced firms providing air service development consulting services. The proposals were evaluated based on the experience and qualifications of the consultant's team, the approach to the project scope of services, the project manager's experience and references.

As a result of the interviews and reference check, Inter*VISTAS* was selected to continue providing air service consulting services for the Department. The project manager, Chris Warren, has 17 years of airline related experience in commercial and financial roles, including American Airlines, Continental Airlines, and Express Jet Airlines. He works closely with airline corporate executives and keeps pace with trends in the airline industry. Additionally, Inter*VISTAS* employs 80 people from a wide range of fields, including airports, airlines, government, academia, and tourism.

Contract Scope of Services

Inter*VISTAS* will work with the Airport to develop and present an effective, comprehensive passenger development program to maintain and improve domestic air service, including:

- Evaluating specific passenger routes and services at SBA and recommending strategic action to address deficiencies and competitive opportunities to the airlines.
- Providing in-depth analysis of the Santa Barbara market and preparing a detailed plan to reach local, target markets to stimulate outbound travel from Santa Barbara.
- Assisting the Airport in scheduling and facilitating meetings at the highest levels with domestic air carriers regarding potential new and/or improved air service routes, including developing detailed, written proposals and professional presentations.
- Preparing additional market analyses and conducting research, as needed, related to airport business and operational issues.
- Assist the Airport with the preparation of a U.S. Department of Transportation, Small Community Air Service Grant to provide an incentive for new air service.

BUDGET/FINANCIAL INFORMATION:

This contract is at the direction of the Airport Director and is charged on a time and materials basis. Funding for the contract is included in the Airport Department's Fiscal Year 2016 operating budget.

PREPARED BY: Hazel Johns, Airport Director

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office

Agenda Item No. 6

File Code No. 330.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Business Services Division, Waterfront Department

SUBJECT: Proposed Lease Agreement With The Santa Barbara Sailing Club

RECOMMENDATION:

That City Council Approve a Five-Year Lease Agreement with the Santa Barbara Sailing Club for 8,677 square feet of dry boat storage area in the Santa Barbara Harbor at a Monthly Rate of $1,600.

DISCUSSION:

The Santa Barbara Sailing Club has maintained dry boat storage space in the Santa Barbara Harbor for many years. The Club itself was established in 1959 as the Santa Barbara Sailing Association and in 1969, was incorporated and officially changed their name to the Santa Barbara Sailing Club. The 8,677 square feet of leased storage space (see Attachment) can accommodate up to approximately 20 sail boats that range in size from ten feet to 27-feet.

The basic terms of the proposed lease agreement are summarized as follows:

- **Term:** Five-year term.
- **Base Rent:** The lease rate will be $1,600 at lease commencement and will increase by 2.5% the first two years or by the Consumer Price Index, whichever is the greater of the two numbers. In the final two years of the lease term the rate will increase by 3% or by the Consumer Price Index, whichever is the greater of the two numbers. The lease structure is as follows:

Initial Rate:	$1,600 per month
April 1, 2016:	$1,640 - a 2.5% increase or by CPI, whichever is greater
April 1, 2017:	$1,681 - a 2.5% increase or by CPI, whichever is greater
April 1, 2018:	$1,731 - a 3.0% increase or by CPI, whichever is greater
April 1, 2019:	$1,783 - a 3.0% increase or by CPI, whichever is greater

- **Site:** Lease site shall be an 8,677 square feet of dry boat storage area in the Santa Barbara Harbor.

- **Insurance:** Lessee shall maintain a general liability insurance policy in the amount of $2,000,000.

All other terms and conditions are similar to the previous lease agreement. For example, the proposed agreement includes a clause that will permit the City to relocate the dry boat storage area to a comparable location in the harbor, provided that such relocation shall be at Landlord's expense and the new site shall be of similar size and configuration necessary for its intended uses. However, staff does not foresee a situation that would require relocation of the space.

The Santa Barbara Sailing Club has been prompt with payments and has successfully operated at the current dry boat storage yard for many years. The tenant is in good standing with the Department and holds many successful community sailing events each year.

The Harbor Commission recommended that the City Council approve the lease agreement at their May 21, 2015, meeting. A copy of the lease is available for review at the Waterfront Administration office and the City Clerk's Office.

ATTACHMENT: Santa Barbara Sailing Club Proposed Lease Area

PREPARED BY: Brian J. Bosse, Waterfront Business Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

Santa Barbara Sailing Club
118 Harbor Way
8,677 SF

Lease Area
Exhibit "A"

REVISIONS	DATE: 3/27/2008	SCALE: 1" = 40'	APPROVED BY:	DRAWN BY: T. LAWLER
	ADDRESS: 118 Harbor Way			SHEET NO. 1 OF 1
	City of Santa Barbara Waterfront Department			DRAWING NAME: 1180-001

Agenda Item No. 7

File Code No. 570.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Business Services Division, Waterfront Department

SUBJECT: Representative Services Agreement With Carpi & Clay, Inc.

RECOMMENDATION:

That Council authorize the City Administrator to execute a three-year Representative Services Agreement between the City of Santa Barbara and Carpi & Clay Inc., for liaison and contact services with the United States Government, at a rate not-to-exceed $1,750 per month, and in a total amount not-to-exceed $63,000 for Fiscal Years 2016, 2017 and 2018.

DISCUSSION:

The Waterfront Department retained Carpi & Clay beginning in Fiscal Year 1990 to assist in dealing with significant issues regarding federal assistance in the Waterfront, including the successful return of the Naval Reserve Center to the City and continued maintenance dredging of the Harbor by the U.S. Army Corps of Engineers. Funding for ongoing maintenance dredging of the Santa Barbara Harbor continues in large part due to the coordination and assistance of Carpi & Clay. The approved funding from U.S. Army Corps of Engineers for the coming fiscal year is approximately $2.2M and is essential to keep the Harbor fully operational.

Although Waterfront Department staff continues to work directly with federal officials and the California Marine Affairs and Navigation Conference, the retention of Carpi & Clay provides a more direct and continuous approach to our federal representatives in Washington, D.C. and has proven successful since 1990.

A copy of the agreement is available for public review in the City Clerk's Office.

PREPARED BY: Brian J. Bosse, Waterfront Business Manager

SUBMITTED BY: Scott Riedman, Waterfront Department

APPROVED BY: City Administrator's Office

Agenda Item No. 8

File Code No. 580.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Administration, Housing and Human Services, Community Development

SUBJECT: Adoption Of The Rental Housing Mediation Board (Former Rental Housing Mediation Task Force) Bylaws

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Bylaws of the Rental Housing Mediation Board (Former Rental Housing Mediation Task Force).

BACKGROUND:

In 1975, the Rental Housing Mediation Task Force (Task Force) began as a grassroots effort to provide a forum for landlords and tenants to resolve rental housing disputes out of court. It was formally established by the City of Santa Barbara Community Relations Commission in February 1976. Financial support was made available through general revenue sharing funds appropriated by the City Council to support human and social service agencies. The City also contributed office space and a telephone at the Franklin Neighborhood Center. The Task Force was initially staffed only by volunteer mediators, but in 1978-79 the City began using its Community Development Block Grant administrative funds to pay for two full-time Rental Housing Mediation (Program) employees. Due to a significant reduction in Community Development Block Grant administrative funds, since July 2012, the City has provided general funds to support Program services to City of Santa Barbara residents. Jurisdictions receiving Program and/or Task Force services for their residents contract with the City for these services. Additional financial support has been received from City Human Service grants and from other sources.

The Program currently functions under the City Community Development Department, Administration, Housing and Human Services Division. Program goals and objectives are not amended by the proposed bylaws.

The Task Force currently functions as one of the City's volunteer boards with support from Program staff. The Task Force appointed an Ad Hoc Committee to update and amend its bylaws. Upon City Council approval of the amended bylaws, the name of the Task Force will be changed to the Rental Housing Mediation Board (Board). The Board will continue to receive Program staff support. Please note that a version of the bylaws showing changes made has been placed in the Mayor and Council reading file and is available for review at the City Clerk's office.

PREPARED BY: Deirdre Randolph, Community Development Programs Supervisor

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. 15 - ___

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE BYLAWS OF THE RENTAL HOUSING MEDIATION BOARD (FORMER RENTAL HOUSING MEDIATION TASK FORCE)

WHEREAS, in 1975 there was a grassroots effort to provide a forum for landlords and tenants to resolve rental housing disputes out of court;

WHEREAS, the grassroots effort led to the City of Santa Barbara Community Relations Commission to establish the Rental Housing Mediation Task Force (Task Force) in February 1976;

WHEREAS, the Task Force was initially staffed by volunteer mediators, but in 1978-79 the City began using its Community Development Block Grant administrative funds to pay for Rental Housing Mediation Task Force (RHMTF) Program staff;

WHEREAS, jurisdictions receiving Rental Housing Mediation services for their residents contract with the City for these services;

WHEREAS, the RHMTF Program has received additional support from City Human Services funds and from other sources;

WHEREAS, due to a significant reduction in Community Development Block Grant administrative funds, since July 2012, the RHMTF program has received City general funds to support staff services to City of Santa Barbara residents;

WHEREAS, the RHMTF Program currently functions under the City Community Development Department, Administration, Housing and Human Services Division;

WHEREAS, the Rental Housing Mediation Task Force currently functions as one of the City Council-appointed volunteer boards with support from RHMTF Program staff; and

WHEREAS, as one effect of this Resolution amending the By Laws, the Task Force has proposed to change its name from the Rental Housing Mediation Task Force to the Rental Housing Mediation Board.

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

Section I. Purpose

The purpose of the Rental Housing Mediation Board is to provide mediation services to landlords, tenants, roommates, and neighbors in an effort to resolve disputes relating to rental housing.

Section II. Membership

A. Number of Members

The Rental Housing Mediation Board (Board) will consist of fifteen (15) member-mediators (variously referred to as Members or Mediators) appointed by the City Council of the City of Santa Barbara.

B. Board Member Categories:

At the time of appointment, an appointee to the Board shall meet the definition of at least one of the three categories below:

Tenant:	A Tenant Mediator must rent or lease his or her residence. A Tenant Mediator may not own residential property.
Homeowner:	A Homeowner Mediator must own his or her residence. A Homeowner Mediator may not own any other residential property.
Landlord:	A Landlord Mediator must own or manage residential properties for consideration or compensation**,** whether single or multiple units.

To the greatest extent possible, Board membership will be equally representative of the three (3) mediator categories. However, once appointed, a member is eligible to remain on the Board for his or her appointed term, even if the member has a change in his or her category. The majority of members must be residents of the City of Santa Barbara. Non-City resident members must reside in a jurisdiction which contracts with the Rental Housing Mediation Program for services.

C. Term of Membership

A term of office for a Mediator is four (4) years. The terms are staggered so that all terms do not expire in any one year. Members are appointed in accordance with the Guidelines for City of Santa Barbara Advisory Groups approved by resolution of the City Council.

D. Grounds for Removal

Members of the Board serve at the pleasure of the City Council of the City of Santa Barbara.

The occurrence of two (2) or more unexcused absences from meetings or mediation sessions within a period of one (1) calendar year may be reason for the Board to recommend that the City Council remove a mediator from the Board.

E. Recommendation for Removal

A recommendation to the Santa Barbara City Council for the removal of a Mediator from the Board must be made by a two-thirds ($^2/_3$) majority vote of the Board members present at the meeting.

Section III. Officers

Board officers shall consist of the following:

1. A Chair
2. A Vice Chair
3. A Secretary

A meeting of the Board shall be held between October and December of each year for the purpose of electing officers for a one year term. The term of office shall commence on January 1, following the election. Interim vacancies may be filled at any regular or special meeting of the Board. The removal of an Officer must be approved by a two-thirds ($^2/_3$) majority vote of the Board members present at the meeting.

Section IV. Duties of Officers

The Chair of the Board shall perform the following tasks:

1. Preside at all meetings.
2. Finalize meeting agendas in consultation with Rental Housing Mediation Program staff.
3. Handle all routine Board matters referred to the Chair by staff. However, the Chair shall not take any action that would otherwise require a vote of the Board.

The Chair may establish committees, and appoint Mediators to such committees with the approval of the Board.

The Secretary assists Rental Housing Mediation Program staff in taking the minutes of the Board. The Secretary shall assist the Chair as requested.

In the absence or unavailability of the Chair, the Vice Chair shall perform the functions of the Chair. In the absence or unavailability of the Chair and the Vice Chair, the Secretary shall perform the functions of the Chair. If all three officers are absent or unavailable, the Board member with the longest tenure of membership shall perform the functions of the Chair. If the longest tenure of membership on the Board is shared by more than one member, the member whose last name occurs earliest alphabetically shall perform the functions of the Chair.

Section V. Meetings of the Rental Housing Mediation Board

A. Meeting Schedule

Regular meetings shall be held on the second Thursday of the month at 5:30 p.m. (according to a schedule presented by the Board and Staff) in the David Gebhard Public Meeting Room located at 630 Garden Street, Santa Barbara, California 93101, unless otherwise noticed. All meetings of the Board shall comply with the Guidelines for the City of Santa Barbara Advisory Groups ("Guidelines") and the Ralph M. Brown Act.

B. Content of Agendas

At regular meetings, the Board Mediators may consider all matters pertaining to the mediation process and all matters related to the program goals and objectives, as stated in Section 1 of these By Laws. Rental Housing Mediation Program staff shall prepare the Board agenda as necessary to achieve the program goals and objectives. The Board may, by majority vote at a regular or special meeting of the Board, direct staff to place an item within the jurisdiction of the Board on a future agenda. In addition, any two Board members may request that an item be placed on a Board agenda by submitting a written request to the Secretary of the Board. The written request must, at a minimum, contain all of the following:

1. A substantive outline or summary of the information that will be presented to the Board; and
2. A concise statement of the specific action the Board will be asked to take on the item; and
3. A statement of the reasons why the requesting parties believe it is appropriate and within the jurisdiction of the Board to consider this subject matter and to take the requested action.

In order to improve mediation techniques and performance of Board Mediators, a prime order of business at each regular meeting shall be a discussion of recent mediations. Each Mediator involved with the mediation may report on the mediation and respond to questions by the Board.

C. Quorum and Voting

A quorum shall consist of a simple majority of all appointed Board Members (one-half plus one). A quorum must be established and maintained throughout the meeting in order to transact business. Unless otherwise provided for in these Bylaws, any action requiring a vote of the Board requires a simple majority (one-half plus one) of the Members present at the meeting to pass.

SECTION VI. Powers and Duties of the Rental Housing Mediation Board

A. Mediate Landlord/Tenant residential housing disputes.

B. Develop and implement methods and techniques to improve mediation skills of all Mediators.

C. Promote the services of the Board.

D. Review and discuss the Caseload of the Board.

E. Provide advice and recommendations to Rental Housing Mediation Program staff regarding the overall operation of the Board and program goals and objectives as determined by the City Council of the City of Santa Barbara.

F. Review and provide advice and recommendations to the Rental Housing Mediation Program staff on the gathering and publicizing of statistics. Review the Rental Housing Mediation Program statistical reports quarterly.

G. Provide training for all Board Mediators in open session while being as sensitive as possible to the confidentiality of the mediation participants.

H. Make recommendations to the City Council on how the City may best alleviate landlord/tenant tensions.

SECTION VII. Amendments to By-Laws

The Board may recommend amendments to these By Laws to the City Council. Recommendations for amendments to these By Laws shall be made in the following manner:

A. A proposed amendment may be placed on an agenda of the Board for consideration. After hearing a presentation regarding the proposed amendment and discussion of the proposed amendment, the Board shall vote whether to consider the proposed amendment for recommendation to the City Council.

B. If the Board votes to consider the amendment, the item shall be placed on the agenda of the next meeting of the Board which is at least 30 days after the meeting at which the Board voted in favor of consideration of the amendment.

C. At the next meeting of the Board which is at least 30 days after the meeting at which the Board voted in favor of considering a recommendation, the Board shall vote whether to forward a recommendation to the City Council regarding the proposed amendment.

D. Each recommendation to the City Council for a proposed amendment to these By Laws shall be approved by a majority of the Board. Each recommendation for a proposed amendment to these By Laws must be submitted to the Santa Barbara City Council for final approval.

Agenda Item No. 9

File Code No. 660.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Administration, Housing & Human Services Division, Community Development Department

SUBJECT: City Documents Related To Casa Esperanza Homeless Center/Path Statutory Merger

RECOMMENDATIONS: That Council:

A. Approve the assignment of City Agreements 25,144; 25,145; 25,194 and City purchase order 387931, to PATH (People Assisting the Homeless);

B. Approve amending and restating the 1999 Restricted Use Covenant with an extended term of an additional 16 years; and

C. Authorize the Community Development Director to execute such agreements and related documents, subject to approval as to form by the City Attorney, as necessary.

BACKGROUND:

On April 28, 2015, Council approved, in concept, the assignment of City Agreement Nos. 24,758, 24757, 24,952, and City Purchase Order No. 387931 pending the finalization of the statutory merger of Casa Esperanza Homeless Center (Casa) and PATH (People Assisting the Homeless). The merger was finalized on July 1, 2015. Two of the City Agreements discussed in April expired June 30, 2015 and all funds have been expended under them. The current Agreements recommended to be assigned are discussed below.

DISCUSSION:

PATH (doing business as PATH Santa Barbara) will provide the same services and programs now offered by Casa Esperanza. PATH will support PATH Santa Barbara's grant writing and development activities; however PATH expects PATH Santa Barbara to remain self-funding. All public and private money raised from Santa Barbara sources will be used exclusively for Santa Barbara programs. Staff will take steps to ensure that these commitments are legally documented in the City agreements.

The City currently has one purchase order and three agreements with Casa.

- $10,000 purchase order #387931 - Police Beds allowed by Conditional Use Permit ($2,941 Balance as of June 30, 2015)
- $45,994 Agreement #25,144 - Fiscal Year 2016 Human Services Grant (Effective July 1, 2015)
- $39,006 Agreement #25,145 - Fiscal Year 2016 Community Development Block Grant (Effective July 1, 2015)
- $135,000 Agreement #25,194 - Home Investment Partnership Program Tenant-Based Rental Assistance (Funding approved by Council on May 12, 2015; Agreement not yet fully executed)

In addition to the City grant agreements, Casa has three recorded documents that involve the City:

- "Restricted Use Covenant Imposed on Real Property for Operation of a Homeless Shelter and Related Services" (Recorded 8/17/99 as 1999-0064812) - This document will be amended and restated to incorporate current use restrictions and to reset the 60-year term. Upon Council action today, the document will be fully executed and recorded.

- "Covenants, Conditions, and Restrictions" (Recorded on 12/20/99 as 1999-0098691) - This document will remain in effect and runs with the land. No Council action is required.

- "Off-Site Parking License" (5/26/2013 as 2013-0032925) - This document will remain in effect and runs with the land. No Council action is required.

BUDGET/FINANCIAL INFORMATION:

The City's assignment of Casa's agreements to PATH will have no financial impact.

PREPARED BY: Deirdre Randolph, Community Development Programs Supervisor /SG

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

Agenda Item No. 10

File Code No. 560.09

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Facilities Planning & Development Division, Airport Department

SUBJECT: Airport Master Plan Contract Amendment For Traffic Analysis

RECOMMENDATION:

That Council approve and authorize the Airport Director to execute an Amendment to Contract 23,903 with Coffman Associates for preparation of additional traffic impact analysis for the Airport Master Plan in an amount not to exceed $28,000.

DISCUSSION:

In order to understand the environmental consequences of the adoption of the Airport Master Plan, City Council must review and certify an environmental impact analysis prepared pursuant to the California Environmental Quality Act (CEQA). Staff is currently preparing a complete Draft Environmental Impact Report (EIR) to assess the environmental consequences of Master Plan implementation.

In consultation with City of Goleta staff, it became apparent that additional data collection and modeling would be necessary to reach a conclusion about the future traffic condition at intersections in the vicinity of the Santa Barbara Airport. This contract amendment will fund this analysis and recommendations to address any forecasted traffic impacts.

BUDGET/FINANCIAL INFORMATION:

Funds are available in the Airport Capital Fund for Airport Master Plan Environmental Review.

SUSTAINABILITY IMPACT:

The Airport Master Plan will guide land use at the Santa Barbara Airport consistent with its guiding principles and Plan Santa Barbara. The review and disclosure of potential environmental impacts from Airport Master Plan implementation will enable Council to incorporate mitigation measures to avoid or minimize adverse affects.

PREPARED BY: Andrew Bermond, AICP, Project Planner

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office

Agenda Item No. 11

File Code No. 520.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Training & Recruitment Division, Fire Department

SUBJECT: Sole Source Purchase Order For Emergency Medical Dispatch System

RECOMMENDATION:

That Council find it in the City's best interest to waive the formal bid procedure as authorized by Santa Barbara Municipal Code Section 4.52.070 (K) and authorize the City General Services Manager to issue a purchase order to Priority Medical Corporation in an amount not to exceed $62,400 to purchase and install Priority Dispatch Emergency Medical Dispatch software for the City Police Department Combined Communication Center.

DISCUSSION:

In August of 1997, the Santa Barbara Police Department Combined Communication Center (CCC) began providing emergency medical dispatch assistance to callers in the City. Since 1997, the dispatchers have been providing this assistance using a system of a manual flip-file cardsets that are subjective and time-consuming to use. It is a system rapidly approaching obsolescence due to the increasingly complex nature of medical regulatory reporting and monitoring requirements.

The Emergency Medical Dispatch software will provide faster query of callers, more timely dispatch of units and more expeditious review and documentation of the overall incident. This vendor provides the most comprehensive software program that is the industry standard for medical dispatch.

Sole source provisions are requested due to the fact that Santa Barbara County Dispatch utilizes this software and the oversight body (Santa Barbara County Emergency Medical Services Agency) encourages all dispatch centers under its charge to use the same software for ease of review and reporting. Staff recommends waiving the formal bid procedure to purchase Priority Medical ProQA software.

BUDGET/FINANCIAL INFORMATION:

The estimated project cost for this EMD software is $62,400. These funds have been approved with the adoption of the Fiscal Year 2016 Operating and Capital Budget and are appropriated in the General Fund's Capital Outlay Fund.

PREPARED BY: Chris Mailes, Battalion Chief

SUBMITTED BY: Patrick McElroy, Fire Chief

APPROVED BY: City Administrator's Office

Agenda Item No. 12

File Code No. 560.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of North General Aviation Ramp Pavement Panel Replacement Project

RECOMMENDATION: That Council:

A. Award a contract with Lash Construction, Inc., in their low bid amount of $357,925 for construction of the North General Aviation Ramp Pavement Panel Replacement Project, Bid No. 3790; and authorize the Public Works Director to execute the contract and approve expenditures up to $35,792 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and

B. Authorize the Public Works Director to execute a contract with Kimley Horn in the amount of $54,585 for construction support services, and approve expenditures of up to $5,458 for extra services of Kimley Horn that may result from necessary changes in the scope of work.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of the rehabilitation treatments for the aircraft parking areas at the Santa Barbara Airport that are in poor condition. The project area is the North General Aviation Ramp. The ramp is the original ramp from the Air Corps Marine Base and was constructed in the early 1940's. The ramp is used for parking general aviation aircraft in the Signature Aviation leasehold.

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	Lash Construction, Inc. Santa Barbara	$325,925.00
2.	Tomar Construction Santa Paula	$338,000.00
3.	Cutting Edge Construction Oro Grande	$343,960.00
4.	Granite Construction Santa Barbara	$400,236.00
5.	Whitaker Construction Paso Robles	$411,898.00
6.	Cal Portland Santa Maria	$469,046.00
7.	Myers & Sons Construction Sacramento	$488,145.00
8.	RC Becker & Son Santa Clarita	$514,921.22
9.	Brough Construction Arroyo Grande	$668,995.00

The low bid of $325,925, submitted by Lash Construction, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. Note: This bid contained an additive alternate for Concrete Panel Replacement. The Airport has budget to award four concrete panels at $8,000 each; thus, the award amount is the low bid of $325,925, plus $32,000, for a total of $357,925.

The change order funding recommendation of $35,792, or ten percent, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Kimley Horn in the amount of $60,043 for construction management services. Kimley Horn was selected through a competitive Request For Qualifications process for this project.

FUNDING

This Project is funded by an Airport Improvement Program Federal Aviation Administration grant, with a local sponsor match of 9.34 percent, which is funded from the Airport Department's Operating Fund. There are sufficient appropriated funds in the Airport Department's Operating budget to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Lash Construction	$357,925.00	$35,792.00	$393,717.00
Kimley Horn	$54,585.00	$5,458.00	$60,043.00
TOTAL RECOMMENDED AUTHORIZATION			**$453,760.00**

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.

Design (by Contract)	$35,000
Subtotal	**$35,000**
Construction Contract	$357,925
Construction Change Order Allowance	35,792
Subtotal	**$393,717**
Construction Management/Inspection (by Contract)	$60,043
Subtotal	**$60,043**
TOTAL PROJECT COST	**$488,760**

PREPARED BY: Owen Thomas, Supervising Engineer/LR/sk

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Agenda Item No. 13

File Code No. 560.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of Airport Lighting And Safety Project

RECOMMENDATION: That Council:

A. Award a contract with Cindy Bales Engineering in their low bid amount of $2,143,410 for construction of the Airport Lighting and Safety Project, Bid No. 3763; and authorize the Public Works Director to execute the contract and approve expenditures up to $214,341 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;

B. Authorize the Public Works Director to execute a contract with Mead & Hunt in the amount of $296,800 for construction support services, and approve expenditures of up to $29,680 for extra services of Mead & Hunt that may result from necessary changes in the scope of work; and

C. Authorize the General Services Manager to issue a purchase order to ADB Airfield Solutions in the amount of $10,076.73, and authorize the General Services Manager to approve expenditures of up to $2,500 for extra services of ADB Airfield Solutions that may result from necessary changes in the scope of work.

DISCUSSION:

PROJECT DESCRIPTION

The contract for construction of the Airport Lighting and Safety Project (Project) consists of rehabilitating the airfield electrical system, which has aging components and is in need of safety improvements. All of the cables for the runway and taxiway edge lights, and guidance signs need to be replaced. Additionally, transformers for each edge light and sign need to be replaced. The Project also includes installation of new runway guard lights at Runways 15R and 15L. Runway guard lights are flashing amber lights that are conspicuously located at runway holding locations and are a reminder for pilots and maintenance workers that they are at a runway intersection. These runway guard lights will help prevent unauthorized entry onto a runway. The cable and transformer

replacement will increase the reliability of the electrical system and save energy. The Project also includes replacement of airfield markings and replacement of six-foot chain link fence with eight-foot security fence.

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	Cindy Bales Engineering Big Bear City	$2,143,410
2.	Royal Electric Sacramento	$2,336,301
3.	Lee Wilson Electric Arroyo Grande	$2,406,631
4.	Taft Electric Company Buellton	$2,479,348
5.	Cutting Edge Concrete Services Oro Grande	$2,756,755
6.	High Light Electric Riverside	Bid Non Responsive

The low bid of $2,143,410, submitted by Cindy Bales Engineering, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of $214,341, or ten percent, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Mead & Hunt in the amount of $296,800 for construction management services. Mead & Hunt was selected through a competitive Request for Qualifications process for this Project.

ADB Airfield Solutions is required to provide Airfield Lighting Control and Monitoring System changes to the existing Santa Barbara Airport Airfield Lighting Control System as part of this project. Staff recommends that the General Services Manager issue a purchase order in amount of $10,076.73 for this work.

FUNDING

This Project is funded by an Airport Improvement Program Federal Aviation Administration grant, with a local sponsor match of 9.34 percent, which is funded from

the Airport Department's Operating Fund. There are sufficient appropriated funds in the Airport Department's Operating budget to cover the matching portion of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Cindy Bales Engineering	$2,143,410.00	$214,341.00	$2,357,751.00
Mead & Hunt	$296,800.00	$29,680.00	$326,480.00
ADB	$10,076.73	$2,500.00	$12,576.73
TOTAL RECOMMENDED AUTHORIZATION			**$2,696,807.73**

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.

Design (by Contract)	$163,500
City Staff Costs	$78,835
Subtotal	**$242,335**
Construction Contract	$2,143,410
Construction Change Order Allowance	$214,341
Construction Contract ADB	**$10,077**
Construction Change Order Allowance ADB	**$2,500**
Subtotal	**$2,370,328**
City Staff Costs (Estimate)	$105,000
Construction Management/Inspection (by Contract)	$326,480
Subtotal	**$431,480**
TOTAL PROJECT COST	**$3,044,143**

PREPARED BY: Owen Thomas, Supervising Engineer/LR/sk

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Agenda Item No. 14

File Code No. 540.13

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Sole Source Agreement For Sanitary Sewer Chemical Root Control Services

RECOMMENDATION:

That Council authorize the Public Works Director to execute a Sole Source Maintenance Agreement with Duke's Root Control in the amount $128,577.16 for sanitary sewer chemical root cleaning services, and authorize the Public Works Director to approve expenditures of up to $12,857.72 for extra services that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

The City of Santa Barbara owns and operates a 257-mile municipal wastewater collection system. Within this system, root intrusion from trees occasionally blocks sewer flows and causes sanitary sewer overflows (SSO). From 2008 through 2010, the City averaged approximately 40 SSOs per year, with the predominant cause being root intrusion. Since then, the number of SSOs has been decreasing; however, efforts to reduce SSOs continue to be a priority.

To better control root intrusion, the City initiated a pilot project in 2014, where nationally recognized and approved chemical herbicide products specifically designed for sanitary sewer mains were applied to City sewer mains with a history of root intrusion. Staff selected two different chemical herbicide products via a Request for Proposal process, thereby allowing staff to evaluate the effectiveness of each product in various locations throughout the City.

Staff selected Duke's Root Control (Duke's) and Pacific Sewer Maintenance (PSM) to apply their different products to approximately one mile of pipe throughout the City and assessed the potential negative effect of the chemical herbicide to nearby trees. After a three-month review period, no negative effects were found; therefore, Duke's and PSM applied their products to approximately 13 miles of sanitary sewer mains.

Staff has evaluated the effectiveness of the two different products and has determined that, while both products were successful in controlling root intrusion, Duke's product was more favorable because of the ease of scheduling the work and product warranty. Duke's product does not require pre-cleaning prior to treatment, whereas PSM's product requires treatment to take place within a six-week to three-month cleaning window. In addition, PSM's product warranty is voided if a sewer main is hydro-jetted after the product is applied, whereas, Duke's product does not have such a stipulation.

CURRENT PROJECT DESCRIPTION

The project consists of Duke's applying chemical herbicide to approximately 20 miles of predominately six-inch and eight-inch diameter sewer mains with a history of root intrusion in various locations throughout the City.

Staff recommends a sole source maintenance agreement with Duke's because of their ease of scheduling, no strict pre-cleaning periods, and favorable warranty. Duke's provided competitive pricing similar to last year, and were proven to be successful and efficient in the 2014 pilot project.

BUDGET/FINANCIAL INFORMATION:

This project is funded by the Wastewater Fund, and there are sufficient appropriated funds in the Wastewater Fund to cover the cost of this project. The following summarizes project costs:

ESTIMATED TOTAL PROJECT COST

Duke's Agreement (including extra services)	$141,434.88
Project Management (by City Staff)	$20,000.00
TOTAL PROJECT COST	**$161,434.88**

At its meeting on July 14, 2015, the Water Commission voted in support of staff recommendations.

PREPARED BY: Linda Sumansky, Principal Civil Engineer/LA/KT/mh

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Agenda Item No. 15

File Code No. 160.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Authorization For Contingency Fee Agreement With Baron & Budd, PC Regarding Legal Services Relating To The Refugio Oil Spill

RECOMMENDATION:

That Council authorize the City Attorney to execute a contingency fee agreement with Baron & Budd, PC for legal services relating to the May 19, 2015 Refugio oil spill and a contingency fee amounting to 20% of any gross recovery.

DISCUSSION:

The City has experienced as yet unquantified damages as a result of the May 19, 2015 Refugio oil spill. We recommend authorizing a contingency fee agreement with Baron & Budd, PC in order to pursue recovery of those damages.

Baron & Budd is a national plaintiffs law firm with substantial experience dealing with oil spill disaster recovery. Scott Summy will serve as co-counsel with the City Attorney's Office. Mr. Summy is a shareholder of Baron & Budd and leads the firm's environmental litigation group. He has been active in numerous high profile cases including the Deepwater Horizon/BP spill. Mr. Summy previously represented the City in connection with MTBE contamination issues.

PREPARED BY: Ariel Pierre Calonne, City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office

Agenda Item No. 16

File Code No. 180.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Community Promotion Contract With Summer Solstice Celebration

RECOMMENDATION:

That Council authorize the City Administrator to execute an annual community promotion contract with Summer Solstice Celebration, Inc. in the amount of $66,000 to support year-round administrative expenses for the community event.

DISCUSSION:

The Fiscal Year 2016 budget adopted by Council on June 23, 2015, includes $66,000 under Community Promotions for Summer Solstice Celebration, Inc. to plan next year's public arts workshop, annual parade, and festival. This reflects a 3% increase in funding from the prior year. This contract will help support year-round administrative expenses for the organization. The term of the contract covers the period from August 1, 2015, to July 31, 2016.

The organization plans the annual Summer Solstice parade along State Street with a creative display of floats, giant puppets, whimsical costumes and masks, involving over 1,000 parade participants. In addition to the parade, the festivities continue over the weekend in Alameda Park with live music, food, arts and crafts. The next Summer Solstice event is scheduled from June 17 to 19, 2016.

The economic impact from arts and cultural events in Santa Barbara is significant. Cultural arts programs and events provide a major boost to the local economy through sponsorships, services, supplies, and employee salaries. Recognizing cultural arts as a vital component of the community's economic vitality and the importance of providing free entertainment to the community, the City provides over $2.6 million for events, festivals, and arts and community promotion organizations.

The contract is available for review in the City Clerk's Office at City Hall at 735 Anacapa Street.

PREPARED BY: Nina Johnson, Assistant to the City Administrator
SUBMITTED BY: Paul Casey, City Administrator
APPROVED BY: City Administrator's Office

Agenda Item No. 17

File Code No. 230.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Administration Division, Finance Department

SUBJECT: Community Promotion Contract With Visit Santa Barbara

RECOMMENDATION:

That Council authorize the City Administrator to execute an annual community promotion contract with Visit Santa Barbara to provide marketing services that promote Santa Barbara as a tourism destination, in an amount of $1,380,000.

DISCUSSION:

The Mayor and Council's Office Arts and Community Promotion budget includes $1,380,000 for Visit Santa Barbara (formerly, Conference and Visitor's Bureau and Film Commission) to promote Santa Barbara as a tourist destination and location for film production. This contract will help support year-round administrative expenses for Visit Santa Barbara, including salaries and benefits, advertising, consumer and trade information services, public relations, and sales. The term of the contract covers the period of July 1, 2015 through June 30, 2016.

The primary goals of the marketing services include expanding Santa Barbara's position as a major tourist destination and growing visitation to increase overnight stays, length of travel, mid-week stays, and travel during off-peak months. Through strategic partnerships and promotions, Visit Santa Barbara engages prospective visitors.

To enhance tourism and support the cultural arts community, the City provides over $2.6 million for events, festivals, and arts and community promotion organizations.

The contract is available for review in the City Clerk's Office at City Hall at 735 Anacapa Street.

PREPARED BY: Nina Johnson, Assistant to the City Administrator

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

Agenda Item No. 21

File Code No. 540.10

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Reactivation Of The Charles E. Meyer Desalination Facility

RECOMMENDATION: That Council:

A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the City of an Installment Sale Agreement in Connection with the Desalination Plant Reactivation Project Drinking Water State Revolving Fund Project No. 4210010-005C;

B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval, subject to receipt of SRF Loan For Project No. 4210010-005C, and Execution by the Public Works Director of a Contract to Design, Build, and Operate the Charles E. Meyer Desalination Facility with IDE Americas, Inc., in the amount of $43,437,234 and approve expenditures up to $1,864,420 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;

C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Acceptance and Execution by the Public Works Director of a Lease For a Term of 25 Years with the State Of California State Lands Commission for the Continued Use and Maintenance of One 48-inch Diameter Sewer Outfall Pipeline and Maintenance of One 42-inch Diameter Non-operational Outfall Pipeline and Associated Facilities as Further Described on Exhibit “A” Attached Thereto;

D. Authorize the Public Works Director to pay the $500,000 for work on a project to restore the upper Devereaux Slough in accordance with National Pollutant Discharge Elimination System permit special conditions;

E. Approve a purchase order in the amount of $60,000 to Acciona Agua as stipend for submitting a proposal in response to the Request for Proposals for the Recommissioning Of The Charles E. Meyer Desalination Facility;

F. Authorize the City Attorney to execute an Amendment to Legal Services Agreement No. 24,935 with Lathan & Watkins LLP to increase the "Do Not Exceed Limit" from $200,000 to $220,000 for legal support related to the local Coastal Development Permit;
G. Authorize the City Attorney to execute a Third Amendment to Legal Services Agreement No.24,835 with Hanson Bridgett LLP to increase the "Do Not Exceed Limit" from $150,000 to $175,000 for legal services related to negotiating and drafting the DBO contract; and
H. Increase estimated revenues and appropriations in the Water State Revolving Fund Loan Fund in the amount of $8,000,000 for the Charles E. Meyer Desalination Facility for a total amount of $55,000,000.

DISCUSSION:

On June 16, 2015, Council authorized a professional services contract with IDE Americas, Inc., (IDE) in the amount of $1,320,000 to begin the design phase for the Design, Build, and Operate (D/B/O) contract for the Charles E. Meyer Desalination Facility (Desal Facility) to keep the reactivation of the Desal Facility on schedule for completion in fall 2016 and ensure the community is prepared for future drought conditions.

Project Status Update

With the acceptance of the State Revolving Fund (SRF) loan, the City can award the full D/B/O contract with IDE. The cost of the project, as submitted by IDE, was $44,757,234. The approval of the contract for $43,437,234 realizes the $1,320,000 awarded on June 16, 2015, to begin the design phase for the project. The change order authority is five percent of the construction cost submitted by IDE, or $1,864,420, which is appropriate for this type of project.

The SRF loan has a repayment term of 20 years. One requirement of the loan is that the City must demonstrate that it has real property rights in all locations occupied by project facilities and, if those rights are not owned in fee, must have a term at least as long as the term of the loan. The City had an existing lease with the State of California State Lands Commission (SLC) for the use of the 48-inch outfall pipeline for the El Estero Wastewater Plant and the 42-inch diameter non-operational outfall pipeline that was associated with the original wastewater plant with 9 years remaining on the term. The Desal Facility will be using the 48-inch outfall in conjunction with the El Estero plant for brine disposal. Due to the requirement of the SRF loan with a 20-year term, the SLC has terminated the current lease and approved a new lease with a term of 25 years. A special condition has been added requiring that by June 2020, the City mustsubmit a plan to the SLC for removal or other disposition of the non-operational 42-inch pipeline.

The City will also be spending $500,000 to contribute to a project to restore the upper Devereaux Slough to fulfill requirements placed on the project by the Regional Water Quality Control Board, per the National Pollutant Discharge Elimination System permit.

As part of the Request for Proposal process, the City offered a stipend of $60,000 to the proposers to help defray the costs of submitting the proposals for the reactivating of the Desal Facility to the firms who were not the successful bidders. This is typical for a large, time intensive project.

The law firm of Hanson Bridget LLP has provided legal assistance with negotiating and drafting the DBO contract. The firm has extensive experience in public entity contracting for complex public infrastructure projects including design, build, and operate type procurement projects. Extensive negotiation and drafting of the DBO contract occurred in May and June and was necessary to finalize the contract. The additional $25,000 is necessary to cover costs incurred in this final effort to complete the contract and as may be necessary to cover any final issues that may arise.

Finally, one of the last permit requirements prior to reactivation is the local Coastal Development Permit. In 1991, the City approved a coastal development permit (CDP) allowing the Desalination Facility to operate as a 5-year temporary facility, and in 1995, the City approved a CDP allowing the Desalination Facility to be converted to a permanent facility. Although the Desalination Facility has been in long-term stand-by mode since 1997, the City has continued to conduct routine maintenance activities, preserving the facility for reactivation if necessitated by drought or other water supply shortage conditions. Now, the Public Works Department proposes to reactivate the Desalination Facility consistent with the Planning Commission's prior CDP approvals and approved plans for the facility. The revisions to the facility are proposed to be reviewed through a substantial conformance request to be submitted by the Public Works Department.

Due to the unique and complex nature of the Coastal Development Permit regulatory process and substantial conformance determination, specialized legal assistance is recommended. Latham & Watkins LLP is extremely experienced and knowledgeable with all aspects of coastal development review. The original legal services contract contained a "not to exceed limit" of $200,000 which may be reached prior to securing all necessary coastal permits for the reactivation. It is recommended that the "not to exceed limit" be increased by an additional $20,000 to allow additional work if needed.

FUNDING:

The City has received the Installment Sale Agreement for a SRF loan to execute in the amount of $55 million from the State Water Resources Control Board Division of Drinking Water. The terms of the loan are 1.663 percent interest for 20 years, which is a debt service of approximately $3.2 millon per year. Because the agreement is for a 20-year period, the acceptance of the loan must be by Ordinance. Costs making up the loan amount are as follows:

Estimated Project Costs

	Reactivation Costs
IDE D/B/O Contract	
Design/Engineering/Planning	$7,468,832
Construction Costs	$37,288,402
Extra Services	$1,864,420
Design/Engineering/Planning – City and others	$1,710,296
Engineering/Admin during Construction - Carollo	$2,235,884
Engineering/Admin during Construction - City	$255,739
Legal and Other Costs	$821,744
NPDES Permitting Fees – Intake and Potable Reuse Study and contribution	$3,221,651
Contingency	$133,032
TOTAL COSTS	**$55,000,000**

BUDGET/FINANCIAL INFORMATION:

Project costs for the Desal Facility will be tracked in the Water SRF Loan Fund. The budgeted amount for Fiscal Year 2016 was $47 million. With the acceptance of the loan, the amount will be increased by $8 million, for a total of $55 million in appropriations.

PREPARED BY: Pat Kelly, Assistant Public Works Director/CityEngineer/LS/kts

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 AUTHORIZING THE APPROVAL AND EXECUTION BY THE CITY OF AN INSTALLMENT SALE AGREEMENT IN CONNECTION WITH THE DESALINATION PLANT REACTIVATION PROJECT DRINKING WATER STATE REVOLVING FUND PROJECT NO. 4210010-005C

WHEREAS, in order to finance the Desalination Reactivation Project, the City will sell the Project to the State Water Board and then purchase the Project from the State Water Board pursuant to an Installment Sale Agreement (the "Installment Sale Agreement");

WHEREAS, the State Water Board will provide the funds necessary to construct the Desalination Reactivation Project through the financing provided in the Installment Sale Agreement which funds, together with interest accruing thereon, will be repaid by the City in equal annual installments from the Water Fund Net System Revenues for 20 years beginning one year after completion of construction.

WHEREAS, the City Council of the City (the "City Council") has been presented with the form of the Installment Sale Agreement, and the City Council has examined and approved such document and desires to authorize and direct the execution of such document;

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

Section 1. All of the recitals herein contained are true and correct and the City Council so finds.

Section 2. The form of Installment Sale Agreement, on file with the City Clerk, is hereby approved, and the City Administrator of the City and the Finance Director of the City, and any such other officer of the City as such City Administrator or Finance Director may designate (the "Authorized Officers"), are each hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Installment Sale Agreement in substantially said form with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the aggregate amount of the Installment Payments shall not exceed $55,000,000, the final Installment Payment shall be payable no later than _____and the true interest cost of the interest on the Installment Payments shall not exceed 1.663% per annum.

Section 3. The Authorized Officers are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable in order to consummate the transactions herein authorized and otherwise to carry out, give

effect to and comply with the terms and intent of this Ordinance. All actions heretofore taken by the officers, employees and agents of the City with respect to the transactions set forth above are hereby approved, confirmed and ratified.

Section 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Council hereby orders that, in lieu of the publication of this Ordinance once in the official newspaper of the City within 15 days after its adoption, this Ordinance shall be published by title only once in the official newspaper of the City within 15 days after its adoption, provided that the full text shall be available to the public at the City Clerk's Office, and such publication by title only shall so state. This Ordinance shall become effective 30 days from and after the date of its adoption.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE APPROVAL, SUBJECT TO RECEIPT OF SRF LOAN FOR PROJECT NO. 4210010-005C, AND EXECUTION BY THE PUBLIC WORKS DIRECTOR OF A CONTRACT TO DESIGN, BUILD, AND OPERATE THE CHARLES E. MEYER DESALINATION FACILITY WITH IDE AMERICAS, INC., IN THE AMOUNT OF $43,437,234 AND APPROVE EXPENDITURES UP TO $1,864,420 TO COVER ANY COST INCREASES THAT MAY RESULT FROM CONTRACT CHANGE ORDERS FOR EXTRA WORK AND DIFFERENCES BETWEEN ESTIMATED BID QUANTITIES AND ACTUAL QUANTITIES MEASURED FOR PAYMENT

WHEREAS, Santa Barbara Ordinance No. 5676 authorizes procurement through a design, build, operate method in appropriate circumstances; and

WHEREAS, on September 23, 2014, the City Council of the City of Santa Barbara adopted Resolution No. 14-067 finding that the design, build, operate procurement method should be utilized to reactivate and operate the Charles Meyer Desalination Facility ("Desalination Facility");

WHEREAS, in September 2014, the City entered into a pre-qualification process for selection of potential contractors to prepare proposals for a design, build, operate contract for the reactivation of the Desalination Facility;

WHEREAS, in November 2014, the City issued an RFP to all pre-qualified proposers for the Desalination Facility and two proposals were submitted;

WHEREAS, on April 3, 2105, after evaluation of both proposals, the City determinate that the proposal submitted by IDE Americas, Inc. a Delaware corporation ("IDE"), was the highest ranked proposal, and entered into contract negotiations with IDE;

WHEREAS, in order to initiate design phase work during contract negotiations for a design, build, operate contract, the City and IDE entered into Agreement No. 25, 221 on June 16, 2015, which agreement will terminate on the effective date of the Design, Build, Operate Contract ("DBO Contract") and this Ordinance; and

WHEREAS, Section 521 of the Charter of the City of Santa Barbara requires that all contracts that bind the City for a term longer than five (5) years must be approved by ordinance adopted by the City Council of the City of Santa Barbara.

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

Section 1. All of the recitals herein contained are true and correct and the City Council so finds.

Section 2. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain DBO Contract by and between IDE Americas, Inc. and the City of Santa Barbara, is hereby approved.

Section 3. The form of the DBO Contract, on file with the City Clerk, is hereby approved, and the Public Works Director of the City is hereby authorized and directed, for and in the name and on behalf of the City, to execute the DBO Contract with IDE Americas, Inc. in substantially said form with such changes therein as the Public Works Director may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the amount of the DBO Contract shall not exceed $44,757,234, with a total extra services amount of $1,864,420.

Section 4. On the effective date hereof, Agreement No. 25,221 shall terminate and be of no further force or effect.

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE ACCEPTANCE AND EXECUTION BY THE PUBLIC WORKS DIRECTOR OF A LEASE FOR A TERM OF 25 YEARS WITH THE STATE OF CALIFORNIA STATE LANDS COMMISSION FOR THE CONTINUED USE AND MAINTENANCE OF ONE 48-INCH DIAMETER SEWER OUTFALL PIPELINE AND MAINTENANCE OF ONE 42-INCH DIAMETER NON-OPERATIONAL OUTFALL PIPELINE AND ASSOCIATED FACILITIES AS FURTHER DESCRIBED ON EXHIBIT "A" ATTACHED THERETO

WHEREAS, on June 29, 2015, the State of California State Lands Commission approved a lease with a term of 25 years with the City of Santa Barbara for the continued use and maintenance of one 48-inch diameter sewer outfall pipeline and maintenance of one 42-inch diameter non-operational wastewater outfall pipeline and associated facilities as further described in Exhibit A attached thereto finding such action to be in the State's best interest; and

WHEREAS, the Commission concurrently terminated Permit 4942.9 a Public Agency Permit to the City of Santa Barbara effective June 28, 2015.

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

Section 1. All of the recitals herein contained are true and correct and the City Council so finds.

Section 2. 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 the State of California State Lands Commission with a term of 25 years is hereby approved.

Section 3. In accordance with California Government Code Section 27281, the City of Santa Barbara hereby accepts that certain lease for public purposes and all related purposes described in the Lease to the City of Santa Barbara, a municipal corporation, by the State of California, a public entity, to the real property as more particularly described in Exhibit A attached hereto.

Section 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Council hereby orders that, in lieu of the publication of this Ordinance once in the official newspaper of the City within 15 days after its adoption, this Ordinance shall be published by title only once in the official newspaper of the City within 15 days after its adoption, provided that the full text shall be available to the public at the City Clerk's Office, and such publication by title only shall so state. This Ordinance shall become effective 30 days from and after the date of its adoption.

Section 5. The City of Santa Barbara hereby consents to the recordation of said lease by the City Clerk in the Official Records.

EXHIBIT A

PRC 4942.9

LAND DESCRIPTION

Two parcels of tide and submerged land, each 20 feet in width, situated within the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

PARCEL 1

A strip of land 20 feet in width, lying 10 feet on each side of the following described centerline:

Beginning at a point that bears S 44° 42′ 35″ E, 406.50 feet from a 2 inch California Department of Transportation Brass Cap, having California Coordinate System (NAD27) coordinates of N = 337183.340 feet and E = 1492509.486 feet and designated R.P. #54 on those certain Monumentation Maps filed in Book 2 of State Highway Monumentation Map Book at page 170; thence S 20° 08′ 23″ E, 3978.78 feet.

EXCEPTING THEREFROM that portion granted to the City of Santa Barbara as described in Section 3, Chapter 13, Statutes of 1937.

ALSO EXCEPTING THEREFROM any portion lying landward of the ordinary high water of the Pacific Ocean.

PARCEL 2

A strip of land 20 feet in width, lying 10 feet on each side of the following described centerline:

Beginning at a point that bears S 53° 40′ 01″ W, 577.49 feet from a 2 inch California Department of Transportation Brass Cap, having California Coordinate System (NAD27) coordinates of N = 337183.340 feet and E = 1492509.486 feet and designated R.P. #54 on those certain Monumentation Maps filed in Book 2 of State Highway Monumentation Map Book at page 170; thence S 41° 57′ 36″ E, 8720.00 feet.

EXCEPTING THEREFROM that portion granted to the City of Santa Barbara as described in Section 3, Chapter 13, Statutes of 1937.

ALSO EXCEPTING THEREFROM any portion lying landward of the ordinary high water of the Pacific Ocean.

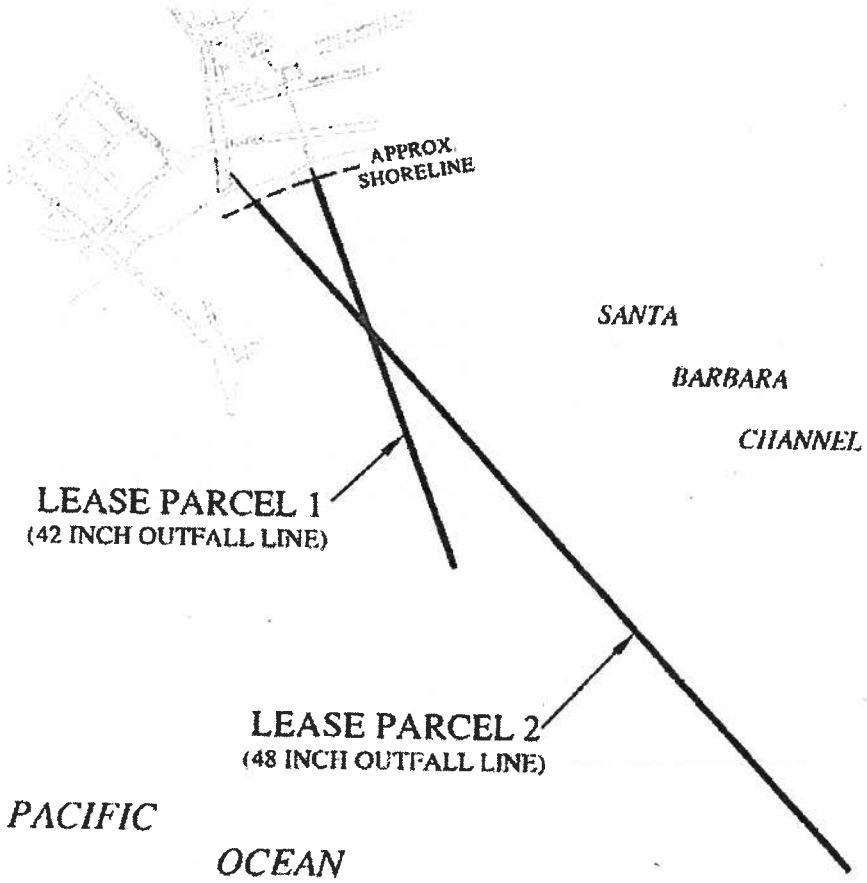
Coordinates, bearing and distances used in the above description are based on the California Coordinate System, Zone 5, (NAD27).

END OF DESCRIPTION

Exhibit A

NO SCALE

SITE



SANTA BARBARA CHANNEL, CITY OF SANTA BARBARA

NO SCALE

LOCATION

MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 4942.9
CITY OF SANTA BARBARA
GENERAL LEASE -
PUBLIC AGENCY USE
SANTA BARBARA COUNTY

TS 06/15/15

Agenda Item No. 22

File Code No. 150.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Response To 2014-2015 Santa Barbara County Grand Jury Report on Zoning Information Reports

RECOMMENDATION: That Council:

A. Receive the Santa Barbara County Grand Jury Report on Zoning Information Reports; and
B. Authorize the Mayor to send a letter forwarding the City's response to the Grand Jury Report.

DISCUSSION:

On May 11, 2015, City Council received a letter and report from the 2014-15 County of Santa Barbara Grand Jury entitled, "City of Santa Barbara Zoning Information Reports – Inconsistent and Unreliable" (Attachment 1). Per the California Penal Code, Council is required to respond to the findings and recommendations of the Grand Jury Report within 90 days of receipt. The City's response will be posted on the Grand Jury website and it may be included in the Grand Jury's official published response report.

Staff has drafted a letter and proposed responses to the findings and recommendations presented in the County of Santa Barbara Grand Jury report (Attachment 2). Over the past 18 months, many of the issues presented in the Grand Jury report have been discussed in public hearings before the City of Santa Barbara's Planning Commission and City Council.

Background

Section 28.87.220 of the Santa Barbara Municipal Code requires sellers of residential property (except condominium units) to obtain a Zoning Information Report (ZIR) from the City and to provide a copy of the ZIR to the prospective buyer at least three (3) days before the close of escrow. The ZIR provides important information to buyers and sellers of residential property in the City, such as the zoning and permitted use of the

property, past City permits and approvals, any special restrictions on the property, any known nonconformities, the results of the physical inspection, and potential zoning or building code violations. ZIRs also provide an important community benefit by helping to maintain neighborhoods and the City's housing stock by ensuring new construction meets codified health, safety and general welfare requirements.

Staff has been working with the Santa Barbara Association of Realtors (SBAOR) for several years to address issues that arise during the ZIR process. A primary area of concern to both SBAOR and staff relates to discrepancies between a prior ZIR and a current ZIR that has been prepared for the same property.

On August 13, 2013, City Council discussed the requirement for ZIRs and potential amendments to the Zoning Ordinance regarding the processing of ZIRs. Overall, Council supported the requirement for ZIRs but expressed concerns regarding the timeliness, accuracy, and accountability of ZIRs. Council directed staff to explore a process for resolving these issues.

In September and October of 2013, the Planning Commission held public hearings to receive input from staff and the public on issues that arise during the ZIR preparation process. Many of the issues raised in the Grand Jury Report were discussed at these hearings. At the conclusion of those hearings, the Planning Commission supported the mandatory requirement for ZIRs and recommended that a working group be formed to assist the Planning Commission in formulating recommendations to the City Council on improvements to the ZIR process.

In January 2014, a ZIR Working Group was formed (comprised of two SBAOR staff members, three realtors, three City Planning Commissioners, two City Planning staff members, two City Building and Safety staff members, and an Assistant City Attorney) to discuss issues and recommend improvements to the ZIR process. The topics for the Working Group discussions included: timeliness, consistency, and reliability of reports; issues regarding staff's approach to solving problems; and the manner in which ZIRs identify violations. The ZIR Working Group met nine times over a ten month period and developed recommendations to improve, clarify, and streamline the ZIR process including:

- Confirming staff's designation of major and minor violations for the purposes of referring violations identified in a ZIR for enforcement (Implemented).
- Confirming that the current ten-day appeal period to challenge violations noted in a ZIR is appropriate (Implemented).
- Agreeing that delayed enforcement is appropriate if a prior ZIR did not clearly or correctly identify a violation and the violation does not pose an immediate risk to health and safety or involve an illegal dwelling unit or the loss of required parking spaces (Implemented).

- Revising the ZIR template to make it more useful and understandable (In-progress).
- Reviewing and refining the types of improvements eligible for Minor Zoning Exceptions (In-progress).
- Suggesting other process improvements including (All in-progress):
    - Updating and standardizing procedures for preparing ZIRs and identifying violations (which violations are noted in the report; which violations are outside the scope of the report and therefore not noted in the report; which violations are "minor" and do not require immediate abatement; and which violations are "major" and are referred to enforcement for immediate abatement).
    - Creating a checklist of items zoning inspectors look for during a site inspection
    - Creating a Frequently Asked Questions sheet
    - Creating a handout that explains how to address violation(s) identified in a ZIR
    - Exploring a process to retain site inspection photos

At a public hearing in November 2014, the Planning Commission continued to support the mandatory requirement for ZIRs and concurred with the recommendations of the ZIR Working Group. The Planning Commission recommended that City Council initiate a Zoning Ordinance Amendment to establish the Minor Zoning Exception process and directed staff to implement the other procedural changes recommended by the ZIR Working Group.

At a public hearing in February 2015, the City Council continued to support the mandatory requirement for ZIRs, initiated a Zoning Ordinance Amendment to establish the Minor Zoning Exception process, and directed staff to implement the recommendations of the ZIR Working Group and Planning Commission for improvements to the ZIR preparation process (Attachment 3).

CONCLUSION:

Overall, since August 2013, staff has made significant progress toward implementing recommended improvements to the ZIR process. Many of these improvements were initiated after the Grand Jury began their investigation and thus, were not noted in the Report. Therefore, many of staff's suggested responses to the Grand Jury's recommendations are noted as unwarranted or include an explanation of improvement efforts already underway.

Additional improvements, such as creating the recommended Minor Zoning Exception process, will further increase the ability for staff to remedy issues discovered during the ZIR preparation process. Staff is also continuing our efforts to: 1) collaborate with property owners when errors or discrepancies between ZIRs are discovered; 2) increase early consultation with Building and Safety staff during the ZIR preparation process to identify information necessary to permit and abate violations; 3) increase involvement of the ZIR inspectors in the discretionary review and building permit plan check processes, and; 4) expedite the discretionary review process and waive planning fees in cases of discrepancies between ZIRs.

ATTACHMENTS:

1. 2014-2015 Santa Barbara County Grand Jury Report Entitled: "City of Santa Barbara Zoning Information Reports – Inconsistent and Unreliable"
2. Draft City Response
3. Council Agenda Report, dated February 10, 2015

PREPARED BY: Susan Reardon, Senior Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

MAILING ADDRESS:
GRAND JURY ROOM
COUNTY COURTHOUSE
SANTA BARBARA, CA
93101

TEL: (805) 568-2291
FAX: (805) 568-3301
email: sbcgj@sbcgj.org
http:// www.sbcgj.org

GRAND JURY
SANTA BARBARA COUNTY

RECEIVED

MAY 11 2015

CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

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

Dear Council Members:

On behalf of the 2014-15 Santa Barbara County Grand Jury, I am enclosing a copy of our report, titled, ***City of Santa Barbara Zoning Information Reports – Inconsistent and Unreliable*** for your review and response.

The Grand Jury, County Counsel and the Presiding Judge, Arthur Garcia, have approved this report. The pertinent sections of the California Penal Code require the following:

- You are receiving this report two working days prior to its release to the public; you shall not disclose this report prior to its public release (California Penal Code Section 933.05(f).
- You must respond to each relevant Finding and Recommendation in this report.
- You must submit your original response to Presiding Judge Arthur Garcia.
- You must also submit a printed copy to the current impaneled Grand Jury.
- If you are an elected county officer or agency head, the response time is not later than 60 days from the date of receipt of our report.
- If you are the governing body of a public agency subject to the reviewing authority of the Grand Jury, the response time is not later than 90 days of receipt of our report.

Your response will be posted on the Grand Jury website and may be included in our official published response report. Please send your response to:

The Honorable Arthur Garcia
Santa Maria Juvenile Court
4263 California Blvd
Santa Maria, CA 93455

and

Santa Barbara County Grand Jury
1100 Anacapa Street
Santa Barbara, CA 93101

Respectfully yours,

SMiller

Sandi Miller
Foreman
2014-15 Santa Barbara County Grand Jury

CITY OF SANTA BARBARA ZONING INFORMATION REPORTS
Inconsistent and Unreliable

SUMMARY

The 2014-15 Santa Barbara County Grand Jury (Jury) received a number of requests to investigate the accuracy and reliability of the Zoning Information Report (ZIR) and the impacts it has on both sellers and buyers of residences in the City of Santa Barbara (City). Of the 482 California municipalities, approximately 20 require this type of report. Carpinteria is the only other city in Santa Barbara County that requires this type of report.

According to the City, ZIRs provide important information to both the sellers and buyers of residential property by identifying:

- zoning and permitted uses of the property
- past City permits and approvals
- any potential violations of City ordinances
- existing improvements on the site as documented in City files and archive plans

The key phrase here is "as documented in City files and archive plans." If the City has no record of a permit or approval of existing improvements, the burden of proof falls on the current property owner.

The Community Development Department (CDD), which issues ZIRs, identifies only the following as major violations:

1. illegal dwelling units
2. illegal conversion to habitable space
3. loss of parking space
4. improvements within 50 feet of the coastal bluff
5. violations that pose an immediate fire or life safety risk

When major violations are identified, the report is given an enforcement case number and the seller is given a number to call in the Building and Safety Division. An assigned enforcement officer will work with the seller to remedy the violation(s).

No matter when they occurred, minor violations (Appendix A), can have serious financial consequences for the seller, even if the seller did not commit or know of the alleged violation. While minor violations are not referred to enforcement, the subsequent buyer is required to correct these, before or simultaneously, when applying for a building permit for *any* future improvements.

The seller is required, no later than five (5) days of entering into an "agreement of sale," to apply for a ZIR. As a result, the ZIR often comes near the end of escrow. Unexpected violations can

throw the entire transaction into jeopardy, and may give the buyer a basis for renegotiating the price.

BACKGROUND

The historical intent of the Zoning Information Report, when it was adopted in 1974, was to stop the proliferation of illegal and unpermitted rental units in garages and rooms being split in the larger Victorian homes in the downtown area. At that time, the City had a lack of housing units and the easiest way to add more in the minds of many (sellers, buyers and developers) was to increase the room count within the footprint of existing homes, garages, and outbuildings. The result was overcrowding, lack of adequate parking, and rundown houses which depressed the value of adjacent properties. Therefore, the two initial targets for inspectors were garage conversions and interior room splits. In the beginning, ZIRs were optional. Later they became mandatory.

Within a few years, the expansion of illegal dwelling units had been put in check, and neighbors became the most efficient instrument for reporting illegal conversions. Currently, vigilant neighbors perform a good service for the community when they report illegal units and parking problems within their neighborhood.

At their inception, ZIRs covered only illegal units and parking. They did not include minor violations. This practice resulted in some property owners believing that since a prior ZIR showed no violations and they had made no modifications, the current report would continue to show no violations. Today's ZIRs have morphed into a combination of the City zoning laws, permits and building codes. Today's inspections identify and document major and minor violations as preserving the "health and safety" of the community. However, CDD staff could not produce a definition of what constituted "health and safety."

With the improved technology that became available when the CDD moved to its current Garden Street location in the late 1980s, the amount of permitting information increased due to better resources and centralization of files and archives. Records of permits for improvements, such as decks, fountains and sunrooms were more easily available. However, City personnel admitted that over several years, files pertaining to property records have been misplaced, destroyed, taken and not returned, or simply lost (especially County-issued building permits lost during the 1970s, issued prior to the creation of the CDD).

If permits are not in the file, CDD staff presumes the improvements were not permitted. Many witnesses told the Jury that the City's files are disorganized and papers are misfiled. Staff states this can happen but alleges only rarely. One broker told us he had found documentation from another property in the file of his client. This is particularly disturbing as those misplaced documents are then missing from the proper files and if they cannot be located, the innocent homeowner would be cited with violations.

A number of interviewees told the Jury the CDD takes an adversarial position to these alleged violations, which the homeowners resent, especially if the violation occurred decades and many owners ago. According to CDD staff, over the last four years (2010-2013) on average, 82 percent of ZIRs had some sort of violation. This seemed like an unrealistically high number to the Jury. However, when the Jury asked for all ZIRs for the month of July 2014, of the 52 reports received, 46 had violations, or 88 percent. It is hard to believe that over three-quarters of homes sold in the City of Santa Barbara have zoning and/or building violations that require correction and fees.

Many homeowners and real estate agents provided evidence that although one ZIR is deemed clear, the next ZIR on the same property may cite violations, especially when a different Planning Technician II (PT II) inspects the property. The CDD is unapologetic about this. Reporting to the Planning Commission regarding who should be responsible for these discrepancies, the CDD replied, "How do you define accountability in the here and now, when the staff is no longer there?" In other words: *If the inspector is no longer with the City, mistakes made by the City are now the responsibility of the current homeowner.* "If we have no information on the property, are we accountable?" In other words: *If we can't find the proper paperwork, there was no paperwork, and the current owner must make this whole.* The CDD also emphasized that if something is overlooked, it does not mean it is approved.[1]

The Real Estate Transfer Disclosure Statement (TDS-11) has been required for all residential home sales in the State since 1987 (*California Civil Code Section 1102*). Every known problem or defect is required to be disclosed by the seller on this form. Because of this, information on a ZIR has become redundant in many cases as far as health and safety issues are concerned.

Many buyers request home inspections, conducted by licensed professionals who are far more qualified than a PT II. The PT II job description states "equivalent combination of training, education and experience that would provide the required knowledge and abilities." (See Appendix B.) The CDD staff noted there are no training manuals or consistency training for PT IIs in preparing ZIRs. The Jury was told training material is now being prepared.

METHODOLOGY

The Jury interviewed Community Development Department staff, real estate agents and brokers, homeowners, a private sector consultant, and other real estate industry-related professionals. The Jury spoke with and interviewed representatives from other municipalities. It reviewed ZIRs, minutes of an ad hoc Working Group researching ZIRs, and various drafts for proposed changes. The Jury also attended the Planning Commission meeting devoted to the recommendations of the Working Group as well as the subsequent City Council Meeting.[2]

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[1] City of Santa Barbara Planning Commission Meeting November 13, 2014

[2] Santa Barbara City Council Meeting February 10, 2015

CITY OF SANTA BARBARA ZONING INFORMATION REPORTS

OBSERVATIONS

Following a City Council meeting in December 2013 when the Santa Barbara Board of Realtors argued that ZIRs were being abused by the CDD, an ad hoc Working Group made up of three planning commissioners, two planning staff, three real estate brokers and two real estate staff, was formed to research the problem. The Working Group decided to focus on three main topics:

- Administrative Zoning Approvals
- Administrative Appeals
- Format Changes to the ZIR Form

None of the above topics addresses the crux of the problem: the CDD's reliance on incomplete files to investigate the permitting process, which creates serious discrepancies from one ZIR to the next. Staff told the Jury some discrepancies occurred because there was lack of follow-up of violations in the 1970s and 1980s, but today they are more vigorous about this. The CDD says that today's ZIRs show 5-10 percent discrepancies. A significant number of ZIR discrepancies (from the 1990s to 2005) occurred during the tenure of one City employee who subsequently left. Despite this fact, the City's clear position comes across as *if a permit is not in the file, then it never existed; or the seller must prove it does.*

The Jury heard from a number of homeowners, real estate brokers, agents, consultants and other professionals who experienced the following egregious Zoning Information Report discrepancies:

- A house built circa 1900 had a detached bedroom and bath on the property line. The City ordered it demolished. The homeowners were able to obtain aerial photos showing the original construction including the disputed rooms.
- One homeowner received a clean ZIR when she bought the property, but when she wanted to sell it, the new ZIR cited a number of violations that occurred before she bought her house; one being a fence that for many years sat two inches over the property line. When asked why she had to move the fence, a CDD manager told the Jury it was a "health and safety issue." When asked for clarification, the manager told the Jury they did not know what the fence was made of, so how could they tell it was safe? This cost the homeowner $53,000 to resolve the problem.
- Another seller told the Jury the ZIR on his property indicated a deck had been built without permits, even though the "deck" was pavers on bare ground. The City added an amendment that said it would not enforce the violation, but they also would not remove it from the ZIR. The seller paid an attorney $717 to get the matter cleared up.
- Another buyer purchased a house in 2014, and the ZIR was clear. When it recently went back on the market, the ZIR indicated a deck that had been there for 20 years was illegal, and the owner must obtain a permit to either remove it or rebuild the deck. It would not be permitted in its present state. Estimates for this came to $75,000. As a result, the final price to the buyer was reduced by $50,000. When dealing with the new buyer, the City changed its mind and allowed the deck to remain unaltered. The seller had no recourse as the property transfer had been completed.

- A seller was informed by CDD staff, "...there is evidence that you have moved a door and window." The seller hired two contractors to confirm this had not happened. Staff did not offer any evidence that it had. The upshot was CDD essentially said "never mind." Still, the seller had to pay the contractors for revised plans and the City for revised permits.
- The City wanted a seller to remove a carport that had been in existence for 50 years and had been reported as legal on three prior ZIRs. It cost him $20,000 to verify the carport had existed from the time the house was built.
- In a similar instance the homeowner was cited for a deck shown incorrectly on the plans. However, the changes the inspector observed were due to changes at the time of construction. It cost more than $4,000 to get the violation removed, but this was less than the cost for the City's demand for demolition.
- A son, trying to sell his deceased mother's home, received a ZIR stating the garage had been moved from its original site because of the window and door placement, resulting in a violation. He was able to locate a 30-year-old photo of himself at the age of 6 taken in front of the garage, showing the original placement had not changed. When originally developed, this tract had the option of locating the garage in different configurations on a site. If the inspector had done proper research, this would have been known.

If the PT II determines there is a violation, documents supporting the violation should be provided. Currently, it is up to the seller to provide documentation that proves otherwise. The Jury learned the position of CDD is that "We believe we can't support grandfathering in all improvements because we don't know for sure if they cause fire or life safety risks."[3]

There is no formal appeal process, nor does CDD recommend one. Rarely are the ZIRs disputed since they often come so close to the end of the escrow period. The most serious problem with the dispute process is that it must go back to the original PT II who made the report, leaving objectivity in question. Homeowners are charged $465 for the ZIR and an additional $135/hour with a three-hour minimum, if disputed. A formal appeal process with an independent party has not been established which would guarantee homeowners due process.

Clearly, there are no checks and balances with this current process.

Common sense must prevail regarding violations that go back decades or owners ago. If CDD feels it imperative to correct the alleged violation, it should have a documented system for remedying the situation. In other words, the Jury concludes, "if you did not do the crime, you should not pay the fine." If the City has no compelling reason for correction of these violations, other than income generation, how does the community benefit? The CDD appears to be unfocused and caught up in unnecessary minutia.

[3] Ibid

The City of Carpinteria is an interesting contrast. It also requires an Inspection on Sale Report which costs $245. Again, these began in the '80s because of illegal dwellings. Inspectors review the file prior to visiting the property and take relevant papers with them and then discuss with the seller what needs to be done to remedy a situation. Staff spends 30-45 minutes researching the office files. The inspector will spend approximately 30 minutes on the property, and at the end of an inspection, hand the homeowner a copy of the report. Total time for staff and inspector is 1.75 hours, and up to two hours for a complicated file. In contrast, the CDD of Santa Barbara states every attempt is made to complete the ZIR within 15 working days after an application is received. Additionally, the Jury was told Santa Barbara inspectors view the property first and then research the files. In the Jury's opinion, this is inefficient.

A Carpinteria inspector estimated major violations are about one percent. The discrepancy process is simple. When on site, the inspector tells the seller what needs to be done to remedy any violation. Remedies can be discussed with the inspector until both sides are satisfied. Where there are clerical errors, the City will clean them up.

The cost of a City of Santa Barbara ZIR is $465, which is the highest in the state, however, the total cost can easily exceed $1,000. If a homeowner disputes the findings and staff does additional research, the costs begin to escalate. If changes must be made, new permits must be acquired, even if the permit is for a demolition. This would be in addition to any requirement for new plans. While Staff says the department is "revenue neutral" these charges are in excess of other jurisdictions. Other municipalities charge much less for this type of report: the City of Los Angeles charges $70.20, Pasadena $150, Ventura $35, and Carpinteria $245. According to the CDD, ZIRs alone generate over $240,000 annually.

ANALYSIS

The State mandates the seller provide the buyer with a Real Estate Transfer Disclosure Statement (TDS-11). In addition to this Statement, many potential home buyers have a professional home inspection performed. These licensed professional inspectors are better qualified to inform the buyer and document any deficiencies, such as whether there is ball-and-tube wiring, adequate links to the sewer system and water and power hookups, whether the roof needs repair/replacing, or if a property is unhealthy, illegal or unsafe. These inspections are very detailed and much more comprehensive than the Zoning Information Report.

However, the perception of many is that the intense diligence of the CDD is to ferret out past sins, which generates additional income for the City. More than one witness told the Jury, "...every time the inspector comes out there are more violations." Indeed the City expects the CDD to generate 100 percent of its budget for this program from the money it collects. PT II inspectors appear to have taken their responsibility to a whole new level. The regulations are applied inconsistently with new inspectors and even, on occasions, with the same inspector. As an example, the Jury obtained five ZIRs on a particular property spanning the period from 1997

to 2014. This property remained unchanged during these years (no new construction, additions or demolition performed) and was reported as follows:

ZIRs On One Property For Years 1997 to 2014				
Year	Bedrooms	Full Bathrooms	Half Bathrooms	Violations**
1997	5	4	2	Zoning & Building
2000	5	4	1	None
2002	4	4	2	Building
2011	3	3	2*	None
2014	4	4	2*	Building

* In 2011 two legal sinks noted; in 2014 same inspector noted those two sinks illegal

** See Appendix C for violation details by year

In another example, a property was listed on a ZIR as a triplex and the City collected taxes on it as a triplex. One ZIR indicated that since there were no permits on file prior to the 1950s, the City assumed the triplex was permitted. The next ZIR on the property noted that since there were no permits on file prior to the 1950s, permitting was not presumed and the triplex was therefore illegal.

A violation puts the property under a cloud which is reflected in the price of the home, as seen by the above examples. These decisions can cause hardship, both financially and emotionally, to the City's residents. Many are often under stress to sell because of health or relocation circumstances. A violation is consequential and letters from the City threaten fines. Banks' strict standards often require all violations be addressed immediately, prior to the close of a sale transaction. The results can be that the buyer backs out of escrow, or demands concessions. The concessions will probably be more than the cost to remedy, because the actual cost is unknown. The seller may decide to take the property off the market. To correct the violation, the owner pays fees, pays for plans, etc. It can cost thousands of dollars before approval is confirmed.

What disturbs the Jury most is the buyer of a property with a clean ZIR is not protected in the future. The next time the house is on the market, the current seller has no guarantee violations will not be cited, violations the homeowner did not commit, but will be required to abate.

The wording of the violation(s) in ZIRs is often ambiguous. A Planning Commissioner was troubled by such vague terms as "might encroach," "something appears to be," "there is evidence," and "appears," considering the weight the ZIR now has. This is particularly troubling when the City feels no obligation to confirm this, but insists that the homeowner must provide proof that the property, in its existing state, is not in violation. Interestingly, a City Attorney approves this vague language as "intentionally qualified language." The CDD is proposing that in the case of inconsistencies/discrepancies between ZIRs, it would only refer for enforcement the creation of an illegal dwelling unit and the physical loss of parking. What creates a "habitable space" appears to be discretionary. The CDD stated that areas used for living, eating, or sleeping

are what makes a room "habitable." However, for 25 years a storage room in the home that had been converted to an office, and used to conduct business as such during that time, was deemed an unpermitted "habitable space." Currently, staff is proposing changing "habitable space" to "the creation of new floor area" or "new conditional space." At the City Council meeting, this was defined as "having heating and air conditioning." A member of the Council asked, "In your mind, is this precise?"

In another proposal, CDD is suggesting a new Administrative Zoning Approval Process to reduce or waive zoning standards when there are unclear city records, discrepancies in the record (including in the ZIRs), or it is evident that the improvement has been there for a very long time, i.e. 50 years. When there are unclear records and discrepancies in the records, and it is evident an improvement was on the site prior to 1974, those improvements could be eligible for this approval. The word "could" is problematic as it involves a judgment call which could be reversed when the house again comes on the market. The Jury has concerns about this. Violations today are often called out when one inspector disagrees with the findings of the previous inspector. This proposal appears to set up uncertainty for future sellers and buyers. With the CDD's more vigorous follow-up policy, the Jury is concerned as to how violations, both major and minor, will be treated. Without reliability, ZIRs are a worthless document to both the buyer and the seller.

Absurd as it sounds, portions of garages used for storage are deemed to have created a "physical loss of parking," and therefore a major violation. A ZIR will state, "...the workbench and cabinets encroach into the required parking area in the garage. By City Zoning Ordinance, two covered parking spaces are required and must be maintained at all times." This means a 20 by 20 foot covered unobstructed parking space. If half the garage is used for a workshop or for storage, it must be cleared out. This is where common sense comes into play. The Jury understands the need for off-street parking, but the requirement for a 20 by 20 foot cleared space that is covered is overly restrictive and impossible to achieve in some of the older homes in the City. The City should require adequate off-street parking, but in the Santa Barbara climate, requiring covered parking seems excessive and the regulations need to be revised.

CONCLUSION

After a vigorous investigation, the 2014-15 Santa Barbara County Grand Jury concludes that while Zoning Information Reports had an important role to play in preserving neighborhoods from overcrowding, time has caught up with them and they no longer hold the relevance they once had. When it became possible to access previous history, the ZIR process changed and staff began to play catch-up with often disastrous unintended consequences. With the introduction of the Real Estate Transfer Disclosure Statement and often subsequent home inspections, health and safety issues were more reliably described and identified by professionals in their fields. The parking rules originally designed to preserve neighborhoods against overcrowding have become arbitrary, and to many, absurd.

CITY OF SANTA BARBARA ZONING INFORMATION REPORTS

The City of Santa Barbara needs to stand by the Zoning Information Reports produced by the Planning Division of the Community Development Department. The *past-mistakes-**must**-be-corrected* attitude is unprofessional and unfair to the innocent people simply trying to sell their homes. The onus should be on the City to prove that a violation exists, and not on the seller to prove that one does not exist.

Once the City affixes its official seal to the document, it should stand behind its staff and the information it provides.

FINDINGS AND RECOMMENDATIONS

Finding 1
While the City of Santa Barbara Zoning Information Report, instituted in 1974, has served an important purpose, the State now requires many of these safeguards through the Real Estate Transfer Disclosure Statement.

Recommendation 1
That the City of Santa Barbara declare Zoning Information Reports voluntary, and used for informational purposes only.

Finding 2
The practice of the City of Santa Barbara Community Development Department is that if information cannot be located by the Planning Technician II inspector, it is assumed it never existed and that owners must produce proof of its existence, or face violations.

Recommendation 2
That the City of Santa Barbara Community Development Department institute a policy that if staff cannot prove that the property was altered during the current ownership, the City presumes the alteration previously existed.

Finding 3
Homeowners, after having spent many hundreds, often thousands of dollars to establish that an improvement was permitted, and that the City was incorrect, still bear the cost of the investigation.

Recommendation 3
That if the alleged violations prove to be incorrect, the City of Santa Barbara reimburse the homeowner for all costs incurred in the subsequent investigation.

Finding 4
A City of Santa Barbara Zoning Information Report with no violations does not guarantee a future report will not show alleged unreported violations by previous owners.

CITY OF SANTA BARBARA ZONING INFORMATION REPORTS

Recommendation 4
That the City of Santa Barbara provide certainty to the buyer by certifying each Zoning Information Report as accurate.

Finding 5
If a violation reported on a City of Santa Barbara Zoning Information Report is found to be incorrect, the report is amended but the alleged violation is not necessarily removed by the Community Development Department.

Recommendation 5
If a Zoning Information Report violation is found to be incorrect, that violation be removed entirely from the report.

Finding 6
There is no formal appeal process. An "intent to dispute" is not an adequate appeals process.

Recommendation 6a
That the City of Santa Barbara establish an appeals process that requires an outside mediator.

Recommendation 6b
That the Zoning Information Report include a prominently stated and documented appeal process.

Finding 7
The City Zoning Information Report Planning Technician II inspectors do not typically research the property records prior to the site visit.

Recommendation 7
The Planning Technician II inspector review all relevant files prior to a site visit.

Finding 8
The basic cost of a City of Santa Barbara Zoning Information Report is $465.00, the highest in the State. Other municipalities charge considerably less.

Recommendation 8
The price for a Zoning Information Report should be consistent with other municipalities.

Finding 9
The requirement that a single-family residence maintain a covered, unobstructed, 20 foot by 20 foot parking space is overly restrictive.

Recommendation 9

That the City rewrite this parking ordinance requirement in a more flexible manner while keeping on-street parking under control.

Finding 10

There is no training manual for staff to conduct consistent Zoning Information Report inspections and reports.

Recommendation 10

That the City of Santa Barbara write a detailed training manual defining the research policies, inspections, and procedures.

REQUEST FOR RESPONSE

In accordance with *California Penal Code Section 933.05* each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each.

City of Santa Barbara City Council – 90 Days

Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10
Recommendations 1, 2, 3, 4, 5, 6a, 6b, 7, 8, 9, and 10

Appendix A

Minor Violations Listed on ZIR's issued during July 2014

Zoning Violations

- The workbench and cabinets encroach into the required parking area of the garage. By City Zoning Ordinance, two covered parking spaces are required and must be maintained at all times
- Trash cans and a wood pile are being strored [*sic*] in the required interior setbacks
- The trash enclosure enroaches [*sic*] into the front yard setback
- The viewing deck encroaches into the required interior setback
- The detached storage shed and playhouse encroach into the required interior setbacks
- The front fence exceeds the maximum allowable height of three and one half feet within 10 feet of a front lot line and within 10 feet of either side of a driveway for a distance of 20 feet back from the front lot line. The front hedge exceeds the required height of three and one-half feet (3-1/2') when located within a triangular area on either side of a driveway measured 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
- The storage shed encroaches into the required interior setback
- The play structure encroaches into the required interior setback
- The 1996 permit foer [*sic*] the rear viewing desk in the rear yard expired in 1996. The deck requires a new building permit and design review approval
- The air conditioning unit was added on the roof of the garage without the required design review approval
- The detached metal storage shed encroaches into the required interior yard setback
- The attached small storage room was added without the required permit. (Any attached structure required a building permit)
- The detached shed and the trash enclosure are located in the remaining front yard and possibility in the required interior setback
- The wood storage shed encroaches into the required interior setback
- The patio cover and the outdoor fireplace encroach into the required interior setbacks
- Debris, construction materials, and trash cans are being stored in front and interior setbacks
- The storage shed in the rear of Unit A encroaches into the setback
- Miscellaneous items are being stored in setbacks in Unit B
- Miscellaneous construction items are being stored behind garage and encroach into rear setback
- The trellis in the rear of the property was built within the 40' bluff setback, which in [*sic*] a violation of the Conditions of Approval of Planning Commission Resolution 057-90. Advisory Comment: In order to legalize trellis, the condition would have to be amended at Planning Commission with a revised geologist report

CITY OF SANTA BARBARA ZONING INFORMATION REPORTS

Building Violations

- There is [*sic*] no permits on record for the barbeque, sink and electrical applicances [*sic*] for the outdoor cooking area
- A door has been added to the carport without the required permit (within the front interior setbacks)
- Remodel was done to create a fourth bedroom without a building permit
- There is no permit on record for the attached patio cover at the rear of the house
- The stairs on the side of the garage were constructed without the required permit
- The trellis in the rear of the property was built without the required permit
- The trash enclosure was built without permits
- The built-in barbeque was constructed without permits
- There are no permits on file for the construction of the rear detached patio cover
- The playhouse with rabbit hutch underneath was constructed without building permit
- There are no permit on [*sic*] for the washer/dryer hookups in the garage
- The kitchen has been remodeled and enlarged to include part of the family room as shown on the 1961 floor plan. A center island with a new sink was installed and the washer/dryer hookups were moved from the kitchen area to the garage. A laundry sink was also added to the garage. All work was done without the required permits
- There is no permit on record for the air conditioning unit on the side of the dwelling
- The side patio cover was added without the required permit
- The kitchen was remodeled under a permit issued in 2009 (BLD2008-XXXXX). This permit was issued but never finaled [*sic*]. It appears that a kitchen island was added (with an additional sink) however this change was not documented in a revised project description
- The attached small storage room was added without the required permit. (Any attached structure required a building permit)
- There is no permit on record for the rear attached patio cover
- The air conditioning unit was added on the roof of the garage without the required permit
- The two vehicle carport was added without the required permit and design review approval. Also, the original plans for the duplex show a carport where the existing garage attached to Unit XXXX is located. The enclosure of the carport required a building permit and design review approval
- The trellis covers and deck were added without the required permits
- The shower was added in the upstairs ½ bathroom without the required permit
- A building permit is required for the side attached patio trellis
- There is no record of a permit for the bar sink in the guest bedroom. Further, Zoning allows only a five foot long counter
- The building permit for the deck (BLD2000-XXXXX) was issued in 2000 but expired in 2002
- The sink and electrical outlet were added to the outdoor counter without the required permit

CITY OF SANTA BARBARA ZONING INFORMATION REPORTS

- The viewing deck was added without the required building permit
- The patio cover was added without the required permit
- There is no permit on record for the alcove at the rear of the dwelling. This area is not habitable space.
- The wall between two of the bedrooms was removed to create one master bedroom. This work was done without the required permit
- The basement has been converted to habitable space with bedroom and full bathroom without building permits
- A half bath was added to one of the bedrooms without building permits
- There are no permits on file for the washer and dryer in the storage area of the basement
- There are no permits on file for the conversion of the carport in a garage by the addition of a garage door
- The trash enclosure was built without permits
- The half bathroom in the garage was added without the required permit

APPENDIX B

Planning Technician II Job Qualifications, ca 2005:

Knowledge of:

- Basic principles and concepts of urban planning.
- Basic computer functions.
- Basic report writing, research methods and data compilation.
- Basic principles and techniques of inspection.
- Modern office methods, practices, procedures and computer equipment.
- Databases such as Crystal, Access, Excel.
- Pertinent laws, codes, ordinances, and regulations related to planning activities.
- Principles and concepts of urban planning.
- Penal code arrest and seizure procedure.
- Methods and techniques of conflict resolution.
- Complex principles and techniques of inspection.

Ability to:

- Learn to understand and interpret laws underlying general plans, zoning, and applicable environmental laws and regulations.
- Learn to interpret planning and zoning programs to the general public.
- Learn to enforce proper zoning requirements.
- Learn to work with diverse cultural and socio-economic groups.
- Compile technical and statistical information and prepare basic reports.
- Read and interpret mapping and survey data, site plans, zoning codes, legal descriptions and related information.
- Establish and maintain databases such as Crystal, Access, Excel.
- Understand and carry out oral and written directions.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain cooperative working relationships with those contacted in the course of work.
- Maintain physical condition appropriate to the performance of assigned duties and responsibilities which may include the following:
  -- Sitting and standing for extended periods of time
  -- Operating equipment
- Maintain effective audio-visual discrimination and perception needed for:
  -- Making observations
  -- Communicating with others
  -- Reading and writing
  -- Operating related equipment

- Interpret and enforce applicable City, State, and Federal codes, ordinances, and regulation related to zoning, planning, and environmental laws.
- Enforce proper zoning requirements.
- Foster and use techniques of conflict resolution while working cooperatively with those contacted in the course of work.
- Effectively and competently present presentations to Planning Commission.

Experience and Training Guidelines

- Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

- A minimum of two years of planning or related experience is typically required.
- Training: Equivalent to the completion of the twelfth grade supplemented by college level course work in planning, geography, business administration or related field.

Appendix C

Violations Called Out for One Property: 1997 – 2014 with No New Construction, Additions or Demolition Performed

1997 Violations

Zoning Violation: A portion of the carport encroaches into the required interior yard setback.

Building Violations:

1. The hot tub/spa and deck were constructed without the required permits.
2. The carport and attached trellis were constructed without the required permits.
3. Where there is a pool or body of water over 18 inches, gates opening through fence or wall enclosures shall be equipped with a self-closing and self-latching device.

2000 Violations – None noted

2002 Violations

Building Violation: Gates leading to pool area must be self-closing and self-latching.

2011 Violations

Building Violations Permits also cannot be located for the barbeque, sink and electrical applicances [*sic*] for the outdoor cooking area. (Note, this inspector indicated "none" for Zoning Ordinance or Building Code violations.)

2014 Violations:

Building Violations

1. There are no permits on record for the barbeque, sink and electrical applicances [*sic*] for the outdoor cooking area.
2. A door has been added to the carport without the required permit (within the front and interior setbacks).

City of Santa Barbara
Response to the Santa Barbara County
Grand Jury 2014-2015 Report on
Zoning Information Reports

Finding 1: *While the City of Santa Barbara Zoning Information Report, instituted in 1974, has served an important purpose, the State now requires many of these safeguards through the Real Estate Transfer Disclosure Statement.*

Response to Finding 1: The City disagrees wholly with this Finding.

As stated in Santa Barbara Municipal Code (SBMC) §28.87.220, the primary purpose of a Zoning Information Report (ZIR) is to "provide information to the potential buyer of residential property concerning the zoning and permitted use of the property." While the zoning designation of a property is easily obtained, the "permitted use of the property" is often subject to interpretation and requires a working knowledge of City ordinances, rules and records. In addition, the SBMC requires that a ZIR provide the following information:

- Street address and parcel number
- Zoning classification and permitted uses
- Occupancy and uses permitted as indicated and established by City records
- Any discretionary or administrative acts of record
- Any special restrictions in use or development which apply to the property
- Any known nonconformities or violations of any ordinances or laws
- The results of a physical inspection for compliance with the Zoning Ordinance and for compliance with Chapter 14.46 of the SBMC
- A statement of whether the real property has had a Sewer Lateral Inspection Report prepared within five years prior to the ZIR

Most of the above items are not included in the Real Estate Transfer Disclosure Statement. Although the State mandated disclosure statements encourage potential buyers to conduct their own investigations of the property, no City record check is required of either the seller or buyer as part of those disclosures. Furthermore, the Real Estate Transfer Disclosure Statement only requires a property owner to state if they are **"aware of"** any additions, alterations, or repairs that may have been made without the necessary permits or may not be in compliance with building codes. Many members of the public are unaware of the extent of improvements that require a permit and are not familiar with how to research the permit history, permitted uses, legality of structures or if the property contains legal nonconforming improvements. A ZIR is necessary to properly inform buyers of the property's status in terms of City records. Without a ZIR, a buyer does not have the City's perspective regarding the permitted uses of the property, zoning, nonconformities, or unpermitted construction. Staff's analysis of the facts based on a physical inspection of the property and historical record in the street and planning files is important.

In addition to providing important information to the seller and buyer, ZIRs provide an important community benefit. ZIRs help maintain and protect neighborhoods and the City's housing stock by ensuring new construction meets codified health, safety and general welfare requirements. City staff has heard from the public that they appreciate ZIRs because they know the City will inspect the property when a property is sold. Many neighbors are reluctant to report a potential violation on their neighbor's property for fear of retaliation.

ZIRs also protect the community by providing a strong incentive for property owners to seek necessary City approvals and permits before making improvements. Most property owners are aware that ZIRs are required at the time of sale of the property and that improvements made on the property without the proper permits will be identified at that time. The elimination of the requirement for ZIRs could result in fewer property owners obtaining the proper City approvals or permits which may lead to an increase in illegal dwelling units, substandard construction, and need for future enforcement. For these reasons the City's adopted Housing Element supports the continuation of the ZIR program.

Recommendation 1: *That the City of Santa Barbara declare Zoning Information Reports voluntary, and used for informational purposes only.*

Response to Recommendation 1: The Recommendation will not be implemented because it is not warranted or is not reasonable.

This policy decision has been discussed at several recent public hearings before the City's Planning Commission (Sept. and Oct. 2013, Nov. 2014) and City Council (Aug. 2013 and Feb. 2015). At the conclusion of the most recent City Council hearing in February 2015, the City Council supported maintaining the mandatory requirement for ZIRs and directed staff to implement the recommendations of the ZIR Working Group and Planning Commission for improvements to the ZIR preparation process.

Eliminating the requirement for a ZIR or only using the ZIR for informational purposes will not negate the fact that a violation exists on a property; it will only potentially delay action to abate the violation. The City Council understood this in February when it supported the mandatory ZIR requirement and directed staff to implement the ZIR process improvements recommended by the ZIR Working Group and Planning Commission.

It is important to note that a ZIR disclosure does not create the violation(s). Construction without required City approval or permit is a violation whether or not it is identified in a ZIR, and will continue to be required to be abated at the time the next building permit is sought or when a complaint is received. If this recommendation were implemented, in many cases, potential violations would not come to light for months or

even years after the sale has closed. By that time it could be extremely challenging for the"new" property owner to hold the previous property owner responsible and obtain an appropriate remedy for the violation(s). Although the implementation of this recommendation might simplify the real estate transaction, it could lead to more property owners being upset and wishing they knew about the violations when they bought the property. Identifying zoning and building violations at the time of sale of a residential property gives the seller and buyer the same information from the City on the status of the property and the opportunity to decide how to resolve the violations. City staff has received few complaints regarding the ZIR process from prospective buyers of a property, or neighbors. It is important to consider the many perspectives on the value of ZIRs and the purpose they serve to protect the community at large.

Finding 2: *The practice of the City of Santa Barbara Community Development Department is that if information cannot be located by the Planning Technician II inspector, it is assumed it never existed and that owners must produce proof of its existence, or face violations.*

Response to Finding 2: The City partially agrees with this Finding.

The ZIR inspector (Grand Jury utilizes the term "Planning Technician II inspector") uses many resources during the preparation of a ZIR. In addition to a site visit, the primary information sources include the street and planning files and the City's archive plans. If information in City files or archive plans does not include certain improvements observed during the site inspection, the ZIR inspector performs additional research. This research involves a number of sources including: Sanborn Maps, consultation and/or additional site inspection with City building inspectors, historic survey documentation, and aerial photographs. Staff also consults with the property owner or real estate agent to discuss the improvement and requests any information which could help establish when the improvement in question first appeared on the site. Staff sometimes asks the property owner to obtain the County Assessor's Residential Building Record which can help establish when the improvement in question first appeared on the property. Records that establish when an improvement was constructed help staff determine what City Codes were in effect at the time, and what standards and permits were necessary. Based on this research, staff uses its best judgment to resolve issues and, in many cases, decides to recognize an improvement as being legal when there is some credible evidence to support such a conclusion. However, if information in the record clearly indicates that an improvement is in violation of the Zoning Ordinance or lacks the necessary building permit, staff must note it as a violation.

If there are no original permits or original archive plans to reference, a note is added to the ZIR that states: "*There are no original building permits or plans on file for the dwelling. Therefore, no verification can be made as to the number and legality of the existing configuration of rooms.*" In these cases, any other obvious violations may be

noted in the ZIR, evidenced by the date of construction, location of improvement (in relation to a known improvement), or apparent health or safety violations.

Recommendation 2: *That the City of Santa Barbara Community Development Department institute a policy that if staff cannot prove that the property was altered during the current ownership, the City presumes the alteration previously existed.*

Response to Recommendation 2: This Recommendation will not be implemented because it is not warranted or is not reasonable.

The implementation of this Recommendation would neither be in compliance with the requirements of City's Zoning Ordinance nor further the purposes of a ZIR. In addition to basic information regarding the property such as street address, assessor parcel number, zone classification, and permitted uses of the property, SBMC Section 28.87.220.D requires "any known nonconformities or violations of any ordinances or law" to be included in the ZIR. This section of the Code states that "*any*" nonconformity or violation should be noted, not just ones that occurred during the current ownership.

Furthermore, given that the City is granted police powers by the state, which includes the responsibility to regulate and protect the general health, safety and welfare of the community, staff cannot ignore its responsibility to identify that which might cause someone harm or affect their or their neighbors' welfare. Additionally, Section 1272 of the Evidence Code provides that because it is the City's regular course of business to preserve the record of the City, the absence of a record is a trustworthy indication that the act or event did not occur, or that the condition did not exist. For these reasons, the City has a responsibility to disclose our records as they exist, and note any discrepancies therein.

This recommendation operates on a mistaken assumption that if the City presumes that the alteration existed when the current owner took ownership that the violation is avoided. However, if an alteration was constructed without permits at a time when permits were required, it doesn't matter who owns the property, the violation exists whether or not the violation was actually caused by the current owner.

Furthermore, implicit in this recommendation is the belief that if the violation was missed by the inspector for the prior ZIR, or was not abated during the ownership of the prior owner, the proper remedy for the current owner who is attempting to sell the property is for the City to "legalize" or ignore the existence of the violation. The City disagrees with this recommendation because it doesn't address the underlying illegality of the violation and the remedy only serves to harm the persons who live or own property adjacent to the residence on which the violation is noticed.

Finding 3: *Homeowners, after having spent many hundreds, often thousands of dollars to establish that an improvement was permitted, and that the City was incorrect, still bear the cost of the investigation.*

Response to Finding 3: The City agrees with this Finding.

Recommendation 3: *That if the alleged violations prove to be incorrect, the City of Santa Barbara reimburse the homeowner for all costs incurred in the subsequent investigation.*

Response to Recommendation 3: This Recommendation will not be implemented because it is not warranted or reasonable.

City staff utilizes many sources of information to develop complete and fair conclusions in a ZIR. Additionally, if questions arise about the age or legality of an improvement, the ZIR inspector performs additional research and also consults with the property owner or real estate agent to discuss the improvement and requests any information which could help establish when the improvement in question first appeared on the site. Based on this research, staff uses its best judgment to resolve issues and, in many cases, decides to recognize an improvement as being legal when there is some credible evidence to support such a conclusion. However, if information in the record clearly indicates that an improvement is in violation of the Zoning Ordinance or lacks the necessary building permit, staff must note it as a violation.

The majority of the time it is unnecessary for a property owner to hire a consultant to resolve these issues at the onset, if at all. City staff encourages property owners to contact staff directly when there is concern regarding a noted violation. Staff will work with the property owner to gather information that may help establish the legal status of the construction in question. In more challenging cases, owners may find the help of a hired consultant beneficial to their cause, but that is a personal decision and not one mandated by the City.

The City conducts inspections and prepares ZIRs in good faith. It is understood that property owners may have a different perspective regarding the legality of the improvements on their property. Even when everyone is acting in good faith, disputes can arise. Just because an error is determined to have occurred, it is not necessarily appropriate for the City to reimburse costs that it does not require a property owner to undertake.

Finding 4: *A City of Santa Barbara Zoning Information Report with no violations does not guarantee a future report will not show alleged unreported violations by previous owners.*

Response to Finding 4: The City agrees with this Finding, with qualifications.

City staff acknowledges that there may be instances of discrepancies between the findings of a current ZIR and a previous ZIR. Staff estimates that approximately only two to four ZIRs per month (or 4-8 %) have some kind of inconsistency or discrepancy with a previous ZIR.

There are various reasons for alleged discrepancies between ZIRs: 1) the level/quality of staff research performed during the preparation of previous ZIRs was less than acceptable in some cases; 2) the City record is occasionally unclear or lacking altogether; 3) the improvement may have been obscured from view by landscaping or an object had been placed over, or in front of, the improvement to obscure the view of it from the ZIR inspector, which was later removed; or, 4) the improvement was, in fact, added after the last ZIR was completed.

Recommendation 4: *That the City of Santa Barbara provide certainty to the buyer by certifying each Zoning Information Report as accurate.*

Response to Recommendation 4: The Recommendation will not be implemented because it is not warranted or is not reasonable.

A ZIR is a good-faith effort at full disclosure to a potential buyer of authorized uses and occupancy of a property, including zoning violations and improvements constructed without City permits or approvals. At the time each ZIR is prepared, it is completed with a high level of confidence that it reflects the City's current record and understanding regarding improvements on the property. Potential discrepancies with a prior ZIR does not invalidate the current ZIR as being the most accurate account of the property from the City's perspective.

The certification of accuracy has no effect on the conditions that cause the violation. Implicit in this recommendation is the expectation that the City will ignore a violation if it was not identified in a prior ZIR, otherwise the certification of accuracy would be of no use to the property owner. The City does not believe this is an appropriate remedy for failing to identify a violation, since ignoring the violation only harms the owners or residents of the neighboring properties.

Implementation of this Recommendation would require changes to the ZIR preparation process and has the potential of extending the time period required to prepare a ZIR. When staff does make an error in a current ZIR, we take necessary steps to correct it (that process is further discussed in Recommendation 5). The ZIR Working Group did consider including a five-day preview period during which agents could review an electronic draft of the ZIR before the ZIR becomes final, and discuss any differences of opinion or concerns. While this option could provide additional assurance that the final report represents a consensual understanding of the property's status, it would lengthen the overall turnaround time for ZIRs.

Finding 5: *If a violation reported on a City of Santa Barbara Zoning Information Report is found to be incorrect, the report is amended but the alleged violation is not necessarily removed by the Community Development Department.*

Response to Finding 5: The City disagrees wholly with this Finding.

If a violation cited in a ZIR is later found to be incorrect, the report is amended or a memo is sent to the street file, and any associated enforcement action pertaining to that violation is withdrawn.

Recommendation 5: *If a Zoning Information Report violation is found to be incorrect, that violation be removed entirely from the report.*

Response to Recommendation 5: A portion of this Recommendation is currently part of the City's ZIR preparation process, and part of the Recommendation will not be implemented because it is not warranted or is not reasonable.

If a violation is found to be incorrect prior to the final ZIR being posted on the City's website, reference to the violation is removed from the ZIR and a new ZIR (without the violation) is produced. However, if a violation is found to be incorrect soon after the ZIR is posted on the City's website, an amended ZIR is issued with a note included in the violation section explaining why the conclusion was incorrect and indicates that the violation no longer pertains to the property. If several months have passed since the issuance of the ZIR, a memorandum is sent to the public street file that explains the new finding and that the violation no longer pertains to the property.

In order to maintain thorough and accurate public records, staff does not modify a ZIR after the ZIR has been sent to the street file and posted to the City's website. Since the ZIR becomes part of the public record once it's posted, staff cannot know if a ZIR has been downloaded and distributed to other persons not associated with the sale of the property, and it can cause confusion if two different ZIRs are circulating with different dates and conclusions. For that reason, staff appends to previously posted ZIRs, and does not remove them entirely from the record.

Finding 6: *There is no formal appeal process. An "intent to dispute" is not an adequate appeals process.*

Response to Finding 6: The City disagrees wholly with this Finding.

Currently, the ZIR form states that an owner or agent has ten days from the receipt date of a ZIR to appeal its findings, and no fee is charged. In order to appeal the findings of the ZIR, a written letter stating the grounds for the appeal and any supporting documentation regarding the disputed finding(s) of the ZIR must be submitted. The owner or agent first works with the inspector that prepared the ZIR to resolve the

appeal issues. The ZIR inspector is most familiar with the property as they recently inspected it for the ZIR. If an owner or agent is not satisfied with the determination of the ZIR inspector, the appeal is elevated to the Supervisor or City Planner level for further review.

Since there is no set appeal period established in the Municipal Code, a property owner may appeal the findings of the ZIR after the ten-day period specified on the ZIR form. However, because additional staff time is necessary to recall the records and basis for the findings and, in some cases, a follow-up site visit is warranted, staff's time to research an appeal after the ten-day period is subject to the hourly staff fee as established by the City Council.

Recommendation 6a: *That the City of Santa Barbara establish an appeals process that requires an outside mediator.*

City Response to Recommendation 6a: The City will not be implementing this recommendation because it is not warranted or is not reasonable.

Implied in this recommendation is the assumption that a third party mediator would have the authority to resolve the violation. Whether or not a violation exists is a question of fact. It would be inappropriate to grant an outside mediator the authority to waive, excuse, or ignore a violation of the zoning ordinance. If a property owner disagrees with a factual conclusion made in a ZIR, the property owner may ask a court to review the basis on which the City's conclusion rests.

Recommendation 6b: *That the Zoning Information Report include a prominently stated and documented appeal process.*

City Response to Recommendation 6b: This Recommendation has been implemented as it was a recommendation of the ZIR Working Group.

The revised ZIR template contains a new Section titled "Expiration Date, Amendments to this ZIR, and Appeals." This Section explains the process to request an amendment to the ZIR and how a property owner or agent can appeal the ZIR findings. Staff anticipates beginning using the new ZIR template within the next month.

Finding 7: *The City Zoning Information Report Planning Technician II inspectors do not typically research the property records prior to the site visit.*

City Response to Finding 7: The City disagrees wholly with this Finding.

ZIR inspectors are trained to review the street and planning files prior to the site inspection. In some cases, archive plans are also reviewed prior to the inspection. The inspector also prepares a ZIR worksheet that contains basic property information

(zoning, non-conforming aspects of the property, number of parking spaces, etc.), the property description from the last ZIR (if applicable), and previous zoning/building violations as a frame of reference for beginning the inspection. Any discrepancies in the record or missing information are noted to help inform the inspector about certain areas of the property that may warrant additional attention. The ZIR inspector brings the street file and ZIR worksheet with them to the site inspection for reference on site.

Recommendation 7: *The Planning Technician II inspector review all relevant files prior to a site visit.*

City Response to Recommendation 7: This Recommendation has been implemented as it is a current requirement of the ZIR inspector.

This is a current requirement and will be included in the written staff procedures currently under development.

Finding 8: *The basic cost of a City of Santa Barbara Zoning Information Report is $465.00, the highest in the State. Other municipalities charge considerably less.*

Response to Finding 8: The City disagrees partially with this Finding.

Any comparison of fees should take into consideration the level of service provided and whether or not the jurisdiction seeks to recover the full cost of providing the service. City staff researched many other municipalities to determine what they require upon the sale of residential property. There is a large variation in the report types and the type of information provided. Many municipalities that produce a "zoning report" do not perform site inspections. Some municipalities provide a computer printout of zoning requirements and known nonconformancies or violations based on information contained in their street file. Other municipalities provide information from their files and do a visual inspection of the exterior of the property and list any obvious violations. Other municipalities provide a limited interior/exterior inspection but only focus on certain health and safety or building code violations. Based on staff research, the costs of these varied services and the resultant reports range from $30.00 to $1,016.00 per unit. One jurisdiction's fee was based on the size of the residential unit. For residences less than 5,000 square feet the fee is $385.00. For residences between 5,000 and 10,000 square feet the fee is $591.00 and the fee for residences over 10,000 square feet is $1,016.00. Due to the larger scope of the City's ZIRs and the fact that City Council has deemed the service to be full-cost recovery, the cost of a ZIR in the City does exceed that of many other jurisdictions.

Recommendation 8: *The price for a Zoning Information Report should be consistent with other municipalities.*

Response to Recommendation 8: This Recommendation will not be implemented because it is not warranted or is not reasonable.

This issue has been discussed before the City Council in several recent public hearings (Aug. 2013 and Feb. 2015). Zoning Information Reports are one of a few services provided by the Planning Division that the City Council has designated as being full cost recovery. The City Council has determined that it is not appropriate for public funds to subsidize private real estate transactions. If the cost of a ZIR were reduced below that which it costs the City to provide the service, the level of service would either have to be reduced accordingly or the funds would have to be absorbed by another program in the Planning Division. The cost of a ZIR has not increased since Fiscal Year 2011, and was actually reduced in FY2014 for larger multi-unit properties.

Finding 9: *The requirement that a single-family residence maintain a covered, unobstructed, 20 foot by 20 foot parking space is overly restrictive.*

Response to Finding 9: The City disagrees wholly with this Finding.

SBMC §28.90.045, Parking Design Standards, requires all parking facilities be designed and constructed pursuant to the current *City Standards for Parking Design*. The requirement for the minimum 20 foot by 20 foot interior clear space within a garage is contained in the *City Standards for Parking Design*, which was established in 1982. This minimum interior dimension is a standard requirement of many jurisdictions, both within California and nationwide.

Recommendation 9: *That the City rewrite this parking ordinance requirement in a more flexible manner while keeping on-street parking under control.*

Response to Recommendation 9: This Recommendation will not be implemented because it is not warranted or is not reasonable.

SBMC §28.90.045.B, Parking Design Standards - Variation, allows a property owner to apply for a waiver from the requirement for any of the design standards contained in the *City Standards for Parking Design*, including the minimum interior dimension of a garage. This provides flexibility on a case-by-case basis, as warranted. The Public Works Department reviews parking design waiver requests.

Finding 10: *There is no training manual for staff to conduct consistent Zoning Information Report inspections and reports.*

City Response to Finding 10: The City agrees with this Finding.

Staff agrees that there is currently no written training manual for preparing ZIRs. New ZIR inspectors are trained by staff currently preparing ZIRs.

Recommendation 10: *That the City of Santa Barbara write a detailed training manual defining the research policies, inspections, and procedures.*

City Response to Recommendation 10: This Recommendation has been implemented as it was a recommendation of the ZIR Working Group.

The ZIR Working Group recommended that staff prepare written procedures for the preparation of ZIRs, including relevant information sources, site inspection procedures, appeal process, and documentation. The Planning Commission and City Council concurred with this recommendation. City staff is in the process of developing the written procedures. The new written procedures will help with consistency and give clear guidance on preparing ZIRs.

ATTACHMENT 3

Agenda Item No. 9

File Code No. 640.09

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 10, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Zoning Information Report (ZIR) Process Improvements

RECOMMENDATION: That Council:

A. Hold a public hearing and review the Planning Commission recommendations on ZIR process improvements; and,
B. Initiate an Ordinance to establish an Administrative Zoning Approval process.

EXECUTIVE SUMMARY:

Over the last year, staff has worked with the Santa Barbara Association of Realtors (SBAOR) and the Planning Commission on improvements to the ZIR process in response to concerns with timeliness, consistency, reliability, understandability, problem solving, and violation identification. A ZIR Working Group was formed and developed recommendations to clarify and streamline the ZIR process including: revisions to the ZIR template, categorization of violations, clarification of ZIR appeal period, deferral of compliance deadlines in certain situations, proposed establishment of a Administrative Zoning Approval process, and creation of new public handouts. The Planning Commission reviewed and concurred with the recommendations of the ZIR Working Group and recommends the Council initiate an Ordinance to establish the Administrative Zoning Approval process and direct staff to implement the other changes recommended by the ZIR Working Group.

DISCUSSION:

Background

On August 13, 2013, Council considered a request of Mayor Schneider and Councilmember Francisco regarding the requirement for ZIRs at the time of sale of residential property and potential amendments to the Zoning Ordinance to change the requirement and/or processing of ZIRs. Council was supportive of the requirement for a ZIR but expressed concerns regarding the timeliness of the completion of ZIRs and the

accuracy and accountability of ZIRs. Council directed staff to explore a process for resolution of discrepancy issues.

In September and October of 2013, the Planning Commission held public hearings to hear from staff and the public on issues that arise during the ZIR preparation process. At the conclusion of those hearings, the Planning Commission recommended that a working group be formed to work through the issues and help the Planning Commission formulate recommendations to the City Council on improvements to the ZIR process.

On November 13, 2014 the Planning Commission reviewed and concurred with the recommendations of the ZIR Working Group. The Planning Commission recommended the City Council initiate an amendment to the Zoning Ordinance for the Administrative Zoning Approval process and direct staff to implement the revised ZIR template and identified changes to the ZIR process (Attachments 1 & 2).

ZIR Working Group Outcomes and Planning Commission Recommendations

The ZIR Working Group met nine times from January through October 2014 (see Exhibit F of Attachment 1 for meeting minutes). The ZIR Working Group worked on clarifying and streamlining the ZIR process and on formulating recommendations for changes to the ZIR process and Zoning Ordinance. The ZIR Working Group worked through changes in a number of important areas. Please see the attached Planning Commission Staff Report dated November 6, 2014 for a full discussion of these areas.

Identification and Categorization of Major and Minor Violations

It is very common for staff to identify violations on residential properties during the inspection and record review done while preparing ZIRs. For the purpose of determining which violations are referred for immediate enforcement, violations are classified as either major or minor (Attachment 3). Due to limited staff resources for code enforcement, not all violations can be pursued to abatement immediately upon discovery. Over the years, staff developed this classification system as a means to triage which violations need to be abated immediately given available staff resources. Major violations are referred for immediate enforcement and follow-up. Minor violations are kept on file and are required to be abated with the next building permit sought for the property. If the minor violation is not abated prior to the next transfer of the residential property, the minor violation is carried forward in the next ZIR.

One of the sticking points between the Staff and SBAOR members on the ZIR Working Group was the use of the term “habitable space.” Staff considers the addition of new habitable space to be a major violation subject to immediate enforcement. The identification of new habitable space caused concern for the ZIR Working Group because the term is not defined in the Zoning Ordinance. As part of the process improvements, staff has changed the term used from “new habitable space” to

"unpermitted floor area or conditioned space[1]". Floor area is currently defined in SBMC §28.04.315. If a violation involves the addition of unpermitted floor area or new conditioned space, it will be considered a major violation and will be referred for enforcement. With this change, the ZIR Working Group and Planning Commission confirmed staff's categorization of major and minor violations for the purposes of referring violations identified in a ZIR for enforcement.

Changes to the ZIR template

The ZIR Working Group suggested and reviewed major editing of the ZIR template to make it more useful and understandable (Exhibit C of Attachment 1). The ZIR Working Group and Planning Commission were in consensus that the revised ZIR template was a vast improvement over the existing ZIR template.

Appeal of ZIR findings

The ZIR Working Group and Planning Commission confirmed that the current 10-day appeal period was appropriate to dispute violations noted in a ZIR. The ZIR Working Group discussed establishing a more formal appeal process but concerns were expressed regarding the amount of additional time and costs associated with that process and agreed to maintain the existing 10-day appeal period. It is important to note that when an agent or property owner brings a concern regarding a ZIR to staff after the 10-day appeal period passed, staff still looks into their concerns. The 10-day appeal period is given as an incentive to property owners to bring concerns to staff's attention in a timely manner. No fee is required for this appeal if it is filed within 10 days of the date of the ZIR. Staff time to research and work to resolve any appeals filed after the 10-day appeal period may be subject to the hourly rate fee.

Additional Improvements to the ZIR process

The ZIR Working Group made a number of suggestions for further improvements including updating and standardizing the procedures for preparing ZIRs and identifying violations; creation of a ZIR inspection checklist to give to property owners; creation of a frequently asked questions handout; and creation of a handout that explains how to address identified violations. The Planning Commission concurred with the work program identified in the Planning Commission Staff Report and recommended staff continues to work on the additional ZIR process improvements. Staff is working on these items.

[1] Conditioned space is area in a building that is provided with heating or cooling.

Discrepancies between ZIRs and Reliability and Accountability

The ZIR Working Group spent a lot of time discussing ways to deal with discrepancies between ZIRs. Exhibit D of Attachment 1 contains a paper based on the discussions of the ZIR Working Group.

Although the ZIR Working Group had consensus that the paper was a move in the right direction and proposed improvements to the ZIR process are positive and responsive to many of the issues that were raised, a major criticism of the ZIR process by the SBAOR ZIR Working Group members continues to be that in their perspective the City is not accountable or liable for inaccurate reports. The SBAOR members in the ZIR Working Group felt that it is unfair for the City to seek abatement of violations when a prior ZIR did not disclose the violation to the current owner/seller. The SBAOR ZIR Working Group members still maintain that all improvements missed in previous ZIRs should be "grandfathered" or automatically legalized.

Staff has made improvements over the years to increase the reliability of the ZIR. Staff performs more in-depth research and regularly consults the archive plans when preparing a ZIR. Staff believes that the increase in reliability of today's ZIRs have led to some of the issues SBAOR is bringing up now.

Staff is currently updating and standardizing the procedures for preparing ZIRs and identifying violations. The updated procedures give staff clear and consistent direction on not only how to prepare a ZIR but also how to conduct the site inspection, what violations are to be identified in the ZIR, and how violations are referred for enforcement. Planning staff has also increased its early collaboration with property owners and Building Division staff when discrepancies arise before the ZIR is finalized.

Staff is currently developing a ZIR inspection checklist and a Frequently Asked Question handout for property owners so they will be more informed on what to expect during a ZIR site inspection and to answer common questions that the inspector receives while on the site.

In regards to discrepancies between prior ZIRs, staff and the ZIR Working Group spent a lot of time discussing ways to deal with discrepancies between ZIRs. On average, 45 ZIRs are prepared per month. Of this number, approximately 2-4 ZIRs have some type of inconsistency or discrepancy between the current ZIR and a previous ZIR. This is a small percentage of the total number of ZIRs that are prepared. The vast majority of the discrepancies involve improvements that fall in the minor violation category and are not referred for immediate enforcement.

The City does attempt to minimize the impacts of discrepancies between ZIRs. Staff currently expedites and simplifies the discretionary review process as much as possible and waives the planning fees in cases of discrepancies between ZIRs. Planning staff

also involves Building Division staff earlier in the process to identify information that may be necessary for the building permit.

The ZIR Working Group discussed several changes to the ZIR process to address discrepancies. These changes include a proposal for the establishment of an Administrative Zoning Approval process (requires a Zoning Ordinance amendment) and to only refer violations for enforcement that involve the creation of an illegal dwelling unit or the physical loss of parking. Violations that involve the creation of new floor area or conditioned space would only be referred for enforcement if it appears to create an immediate health or safety risk.

Staff does not support SBAORs request to automatically "grandfather" or legalize improvements that were missed in a previous ZIR when the improvement was done without the required permits or approvals. The City has a duty to enforce its adopted Codes. The as-built improvements may not meet City codes and could pose a health or safety risk. Additionally, if the violation were to be legalized without the proper City approvals that may be seen as a benefit for the property owner but the neighbors have the potential to suffer negative consequences and have legitimate concerns as to fairness and consistency.

Administrative Zoning Approvals

Currently staff does not have the authority to waive zoning standards if the improvement in question conflicts with adopted zoning standards. Therefore, discretionary approval of a modification of the standard is necessary. As part of the ZIR process improvements, the ZIR Working Group recommends the establishment of a new Administrative Zoning Approval process. The Administrative Zoning Approval process would expedite the resolution of discrepancies found during the preparation of a ZIR by giving staff the authority to grant zoning clearance for improvements that do not conform to the zoning requirement in instances where there are unclear City records, discrepancies in the record (including discrepancies in ZIRs) and it is evident the improvement was on the site prior to 1974[2]. No planning fees would be charged for this Administrative Zoning Approval review.

The ZIR Working Group reviewed and refined the types of improvements proposed to be eligible for Administrative Zoning Approval (Exhibit E of Attachment 1). The Planning Commission recommends the Council initiate an Ordinance to establish this new process.

It is important to note that not all discrepancies will be solved by this amendment. Additional time and expense could still be required to resolve the more major violations, such as larger as-built encroachments into required setbacks. If a property owner

[2] Year of the adoption of the Ordinance establishing ZIRs.

wishes to maintain an unpermitted improvement, the property owner may proceed through the existing modification process.

Cost of ZIRs

There was some discussion on the cost of ZIRs. The ZIR Working Group suggested incentives be established to encourage property owners to obtain a ZIR prior to the property being listed for sale. The SBAOR ZIR Working Group members cited cost as a deterrent to obtaining ZIRs early in the sale process. Some SBAOR ZIR Working Group members suggested breaking up the payment into two installments, one payable at the time of ZIR application submittal and one at the time escrow closes. The down side of that option is that if escrow does not close, the City would not be paid for the work completed. Another option proposed by SBAOR was that the fee be reduced if a property owner applies for a ZIR within a certain number of days of signing a listing agreement as an incentive for property owners to obtain the ZIR earlier.

Since the last ZIR Working Group meeting, the SBAOR ZIR Working Group members have stated to staff that the cost of the ZIR continues to be an issue for them. They request that the cost of the ZIR be reduced rather than pursuing the other options discussed by the ZIR Working Group.

ZIRs are one of the few Planning Division programs that the City Council has designated as being full cost recovery. The cost of a ZIR has not increased since 2011; it has actually been reduced for larger multi-unit properties. The Council has stated in the past that it is not appropriate for the tax payer to subsidize private transactions. However, Council may decide to subsidize the cost if they determine it to be appropriate.

Public Outreach

The ZIR Working Group discussed ways to encourage property owners to voluntarily abate violations on their property. This would help reduce the number of violations identified in ZIRs and relieve some of the stress that occurs during the escrow period. The ZIR Working Group also suggested the City establish a good public relations effort to inform the public of the benefits and appropriateness of a ZIR in addition to just when residential property is being sold. The ZIR contains useful and important information in regards to the zoning, permitted uses, and non-conforming elements of the property as well as violations that may be on the property. The ZIR is a mechanism for property owners to work with the City to understand City Codes and the requirements to clean up a property. The Planning Commission agreed with the ZIR Working Group on establishing a public relations effort. As part of the Fiscal Year 2016 budget discussions, staff will be requesting that additional funds be allocated to the Planning Division for this public outreach effort.

BUDGET/FINANCIAL INFORMATION:

Since the initial discussion on improvements to the ZIR process began in 2013, staff added a new P3 goal to complete 80 percent of the ZIRs within 10 working days of application submittal. As of December 2014, the completion rate is 83 percent. Staff anticipates that continued implementation of this new P3 goal can be handled by existing staff given the increased funding Council previously approved for additional staff in the Zoning and Enforcement section.

If the Council should make significant changes in the fee structure for ZIRs, such as reducing the cost of the ZIR per SBAORs request, that would affect Planning Division revenues. The average amount annually is approximately $240,000.

Establishing the Administrative Zoning Approval process for dealing with discrepancies between ZIRs will not represent an increase in workload in the Planning Division, as Planning staff would currently process a Modification request for those improvements if the Administrative Zoning Approval process were not adopted.

In regards to the new Public Outreach/Education component of the ZIR process improvements, as part of the upcoming budget process, staff will request funding (approximately $7,000) to hire a consultant.

ATTACHMENTS:
1. Planning Commission Staff Report, November 6, 2014
2. Planning Commission Minutes, November 13, 2014
3. Classification of Major and Minor Violations Cited in ZIRs

PREPARED BY: Susan Reardon, Senior Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: November 6, 2014

AGENDA DATE: November 13, 2014

PROJECT ADDRESS: Zoning Information Report Process Improvements

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4555
Bettie Weiss, City Planner BW
Susan Reardon, Senior Planer SR

I. RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing to review and confirm the outcomes of the Zoning Information Report (ZIR) Working Group and forward recommendations to City Council on potential ZIR process improvements and Zoning Ordinance amendments.

II. BACKGROUND

In November 1974, the City Council established the provision for a ZIR. At that time the report was optional and based solely on a review of City records. A physical inspection of the site was made if requested. The Ordinance recognized "a report based solely on City records would not indicate any violations that may exist on the premises that could only be determined by an on-site inspection." In March 1976, an amendment to the Zoning Ordinance was adopted that made the requirement for a ZIR mandatory prior to entering into an agreement of sale and also made the physical inspection required. Shortly thereafter, an amendment was made to change the requirement that an application for ZIR shall be applied for within five days of entering into an agreement of sale. Since that time several other amendments have been adopted including changing the expiration date from 6 months to 12 months in 1995 and making ZIRs optional for new homes and condominium units in 2010 (See Exhibit A).

In September and October of last year, the Planning Commission held public hearings on concerns raised by the Santa Barbara Association of Realtors (SBAOR) regarding the City's ZIR process. At the conclusion of those hearings, the Planning Commission recommended that a working group be formed to work through the issues and help the Planning Commission formulate recommendations to the City Council on improvements to the ZIR process.

III. DISCUSSION

A ZIR Working Group (see Exhibit F for members and meeting minutes) was formed and has met nine times since January 2014. The Working Group worked on clarifying and streamlining the ZIR process and formulating recommendations for changes to the ZIR process

and Zoning Ordinance. The first several meetings focused on gaining common ground and understanding of the issues, information sources used for preparing a ZIR, the process of preparing a ZIR, how staff classifies and identifies major and minor violations, and the abatement process when violations are identified in a ZIR.

The subsequent meetings focused on the definition of major and minor violations, improvements to the ZIR template, dealing with discrepancies between ZIRs, administrative zoning approval process, the abatement of violations identified in ZIRs, and a potential Zoning Violation Abatement Pilot Program.

As discussed in the following sections, the Working Group worked through changes in a number of areas. These areas include:

- Identification and Categorization of Major and Minor Violations – The Working Group confirmed staff's categorization of major and minor violations for the purposes of referring violations identified in a ZIR for enforcement.
- Changes to the ZIR template and appeal of ZIR findings – The Working Group reviewed major editing of the ZIR template to make it more useful and understandable.
- Appeal Period - The Working Group confirmed that the current 10 day appeal period was appropriate to challenge violations noted in a ZIR.
- Violations overlooked in previous ZIRs- The Working Group discussed and agreed on delayed enforcement for some violations overlooked in previous ZIRs.
- Administrative Zoning Approvals – The Working Group reviewed and refined the types of improvements eligible for Administrative Zoning Approval.
- Changes to the ZIR process – The Working Group made a number of suggestions for further improvement (Section IV.C).

Although the Working Group had consensus that the proposed improvements to the ZIR process are positive, SBOAR Working Group members and Staff continue to have a difference of opinion on the need, usefulness, and appropriate follow-up on the ZIR. Staff understands that discrepancies in ZIRs cause real, and sometimes significant, impacts to people and has recommended improvements to the process to address these issues. A major criticism of the ZIR process by the SBAOR Working Group members continues to be that the City is not accountable or liable for inaccurate reports. The SBAOR members in the Working Group felt that it is unfair for the City to seek abatement of violations, when a prior ZIR did not disclose the violation to the current owner/seller.

The Working Group discussed the pros and cons of removing the requirement of a ZIR at the time a residential property is sold. Some of the SBAOR Working Group members suggested that the ZIR be required at the time a building permit is sought on a property. The primary benefit of eliminating the ZIR requirement altogether or requiring ZIRs at the time a building permit is sought (as opposed to during the sales transaction) is to reduce some of the stress during the residential sale transaction; have less fees associated with a sale; and, eliminate enforcement of violations on the property unless a complaint is filed with the City. The timing of the requirement for a ZIR could be viewed as a benefit or a negative depending on whether you are the buyer or seller.

In Staff's opinion, not requiring ZIRs at the time of sale only pushes the issues down the road. An improvement constructed without the required City approvals/permits is a violation whether or not it is identified in a ZIR. Violations, whether or not they were identified in a previous ZIR, will continue to be required to be abated at the time the next building permit is sought or when a complaint is received. At that time, the current property owner would be required to abate the violation(s), but it would be difficult, if not impossible, to hold the previous property owner responsible. This could lead to more property owners being upset and wishing they knew about the violations when they bought the property.

Many members of the public are not familiar with how to research the legality of structures. The ZIR provides a potential buyer with the City's perspective of the zoning and permitted uses and structures on the property. Providing the ZIR at the time of sale of a residential property gives the seller and buyer the same information on the status of improvements on the property and the opportunity to decide how to resolve any violations. Also, the fact that there are unpermitted improvements on a property could be a disincentive for property owners to obtain a building permit for an improvement in the future and could lead to substandard construction and safety issues to the occupants. Therefore, in Staff's estimation, eliminating the ZIR requirement does not resolve the underlying problem – the property has zoning violations or unpermitted construction.

Additionally, staff believes that ZIRs are a strong incentive for property owners to seek the required City approvals/permits. Most property owners know ZIRs are required when they sell the property and that a site inspection and records check are performed at that time. The elimination of the requirement of ZIRs could directly result in fewer property owners obtaining the proper approvals/permits which would lead to an increase in illegal dwelling units, substandard construction, adverse impacts to neighborhoods, and increased need for enforcement.

A. Identification and Categorization of Major and Minor Violations

For the purposes of determining which violations identified in ZIRs are referred for immediate enforcement, the violations are classified as either major or minor (Exhibit B). Over the years, Staff developed this classification system as a means to triage which violations need to be abated immediately given available staff resources. Major violations are referred for immediate enforcement and follow-up. Minor violations are kept on file and are required to be abated with the next building permit sought for the property. If the minor violation is not abated prior to the next transfer of the residential property, the minor violation is carried forward on the next ZIR. Although the City's enforcement timelines are not tied to the sale, lenders and other parties to the transaction sometimes require the abatement of the violations prior to the close of escrow.

The Working Group spent a lot of time discussing this classification system. The Working Group is in agreement on what violations should be considered as major, and that they should be referred to enforcement immediately. The Working Group also agreed that when major violations are identified on a property, it is appropriate that the minor violations also be referred and abated at the same time.

One of the sticking points the Working Group had was regarding the use of the term "habitable space." Staff would refer the addition of new habitable space for immediate

enforcement. Staff originally started to use the term habitable space because the provisions in the Zoning Ordinance prohibit the change of use of a non-conforming building. Changing an area from residential storage to residential living space has historically been considered a change of use and, therefore, not allowed in non-conforming portions of a building without approval of a Modification.

The identification of new habitable space caused concern for the SBAOR because the term is not defined in the Zoning Ordinance. In response, Staff developed guidelines to describe the elements that make an area considered "habitable." The guidance caused additional concern to SBAOR because they were afraid that if an area had any of the identified elements, staff would automatically determine the space habitable.

Staff has considered SBAOR's concern and proposes to change the term we use from "new habitable space" to "unpermitted floor area or conditioned space[1]". Floor area is currently defined in SBMC §28.04.315. If a violation involves the addition of unpermitted floor area or new conditioned space, it will be considered a major violation and will be referred for enforcement. The non-permitted change of use will continue to be considered a violation; however, it will be classified as a minor violation.

B. <u>Changes to the ZIR Template and Appeal of ZIR Findings</u>

The Working Group reviewed major edits to the ZIR template to make it more understandable and useable for the public (Exhibit C). Some of the more significant changes include:

- Better define the purpose and scope of the ZIR
- Reorganize the information presented with violations listed near the beginning of the report
- Clearly indicate the inspector and their contact information on the front page
- Clarify the language regarding major and minor violations
- Provide information regarding violation abatement timelines
- Clarify the language regarding nonconforming property attributes
- Include the zoning standards as an attachment instead of in the body of the ZIR
- Integrate the "fine print" into relevant sections of the ZIR
- Include a generic list of information sources
- Clearly indicate the procedures for appealing and amending the ZIR
- Encourage property owners to provide information they may have, or have access to, to inform the findings of the report

The Working Group discussed a proposed 5-day review period during which agents could review an e-mailed draft of the ZIR, before the draft ZIR becomes final. After exploring the process, it was agreed that it would be better to maintain the existing policy of the 10-day appeal period rather than interjecting an automatic five-day delay into the process for all ZIRs. The Working Group also discussed establishing a more formal appeal process but concerns were expressed regarding the amount of additional time and fees associated with

[1] Conditioned space is space in a building that is provided with heating or cooling.

that process. The Working Group decided it was best to follow the existing 10-day appeal period.

C. Dealing with Discrepancies between ZIRs

The Working Group spent a lot of time discussing ways to deal with discrepancies between ZIRs. Exhibit D contains a paper based on the discussions of the Working Group. For the most part, the Working Group agreed that the paper was a move in the right direction, however, the SBAOR still maintains that all improvements missed in previous ZIRs be "grandfathered" or legalized.

Staff understands the hardships faced by sellers and buyers when new information is identified in a ZIR, and Staff works diligently to resolve issues and facilitate the approval/permitting process. However, Staff cannot support an automatic legalization of unpermitted improvements or zoning violations, simply because they were not noted on a prior ZIR. Some "as-built" improvements are not constructed to Code and are a true fire or life safety threat. Additionally, grandfathering illegal construction could be seen as an incentive to do improvements without the required City approvals/permits. The City has the responsibility to enforce its Codes to ensure the health, safety, and welfare of the community. At the same time, City Staff is committed to streamlining and simplifying the permitting process as much a possible when a discrepancy between ZIRs is discovered.

A recent example of such a discrepancy involved a second story stairway that did not meet building code requirements and an unpermitted addition/remodel to the first story. In 1974, a Modification was approved to allow a garage and second story addition to encroach into the required front setback. A permit for that addition was issued and upon final inspection for that permit, the City building inspector noted that the permit could not be finaled due to the fact that the interior stairway did not comply with the Code and that the room over the garage was not one-hour protected. Unfortunately, corrections were not made to the stairway, no follow-up inspections were made, and the previous owner allowed this permit to expire.

A ZIR that was prepared in 1998 when that property sold the home did not note any violations with regard to the prior expired permit and yard encroachments. A subsequent ZIR prepared in 2013 noted that additions and alterations made to the dwelling were not reflected on the approved plans and occurred without the necessary additional City approvals/permits. The previous property owner had done a significant remodel of the interior and expanded the kitchen by extending the roof so that it was connected to an existing retaining wall that straddled the neighbor's property line. Other portions of the house had been expanded as well. Because the 1998 ZIR did not disclose the additions and alterations, a decision was made not to require immediate enforcement as would normally be required under City policy.

Given the extent of the violations and difficulties in selling the property "as-is," the property owner pursued permitting the as-built improvements. City staff assisted the owner in processing a Modification to allow the addition to encroach into the setback. Modification fees were not charged and one of the City's Building Plans Examiners, a licensed architect, prepared plans for the applicant at no charge. A substantial interior setback modification was approved by the Staff Hearing Officer.

In this example it would not have been appropriate for the City to grandfather in the violations that were missed in the previous ZIR. The Building Official indicated that the stairway was an immediate safety hazard and needed to be altered to meet minimum Code requirements. The Building Official also had concerns with whether the retaining wall was adequate support for the exterior wall of the residence. In addition, the illegal addition to the residence spanned the neighbor's property line and the neighbor did not approve of the encroachment onto their property.

In regards to major violations that were missed in a prior ZIR, the Working Group agreed that only certain violations would be referred for immediate enforcement: a potential fire or life safety risk; the creation of an illegal dwelling unit; or, the physical loss of required parking. Violations that involve the addition of unpermitted floor area or conditioned space, but that do not create an illegal dwelling unit, would only be referred to enforcement if they appear to cause a potential fire or life safety risk. That determination would be made in consultation with a City building inspector. Given the low incidence of those situations, Staff does not expect the consultation to significantly impact the City building inspectors' workload. There was consensus in the Working Group for delayed enforcement for unpermitted floor area or conditioned space that did not pose a fire or life safety risk. It is important to note that if a complaint is received regarding the addition of unpermitted floor area, the City will begin enforcement on it regardless if it was missed in a previous ZIR.

Staff believes that there are often many responsible parties involved in the construction of unpermitted improvements and with the sale of the property, bringing issues to the City's attention that are not addressed in a ZIR or not categorized the same way as the property owner states would be helpful to all parties. If the disclosure statement the seller provides indicates that a particular improvement was constructed without the required City approvals or permits and the ZIR doesn't state it is a violation, then Staff would hope someone would question the City on whether the particular improvement has a permit. If that were to occur, it would help prevent future problems for subsequent property owners.

D. Administrative Zoning Approval

The Working Group reviewed and refined the types of improvements proposed to be eligible for Administrative Zoning Approval (Exhibit E). The Administrative Zoning Approval process would expedite the resolution of discrepancies found during the preparation of a ZIR by giving Staff the authority to grant zoning clearance for improvements that do not conform to the zoning requirement in instances where there are unclear City records, discrepancies in the record (including discrepancies in ZIRs) and it is evident the improvement was on the site prior to 1974[2].

The Working Group is supportive of the Administrative Zoning Approval process and types of improvements proposed to qualify for Administrative Zoning Approval. There was interest in expanding the applicability of the approvals to all violations found on the property, not just ones that were missed in a prior ZIR, but it was agreed that would be better addressed as part of the New Zoning Ordinance (NZO) process given that expanding staff administrative approvals is part of the work program for that effort.

[2] Year of the adoption of the Ordinance establishing ZIRs.

SBAOR Working Group representatives asked Building and Safety staff if they could have a similar administrative approval process for building permits. Although there is only one type of building permit, there is discretion on what information is required for the permit and the level of review required. Building and Safety staff is committed to streamlining the permit process as much as possible to address ZIR discrepancies as they arise.

E. Encouraging Early Violation Abatement and Application for ZIRs

The ZIR Working Group discussed ways to encourage property owners to voluntarily abate violations on their property. This would help reduce the number of violations identified in ZIRs and relieve some of the stress that occurs during the escrow period. After discussion of some of the potential elements of an abatement program, there was agreement in the Working Group that instead of establishing a separate abatement program, elements of the abatement program could be incorporated into the ZIR process improvements. The Working Group also suggested the City establish a good public relations effort to inform the public of the benefits and appropriateness of a ZIR in addition to just when residential property is being sold.

The Working Group also suggested incentives be established to encourage property owners to obtain a ZIR prior to the property being listed for sale. The SBAOR Working Group members cited cost as a deterrent to obtaining ZIRs early in the sale process. Some SBAOR Working Group members suggested breaking up the payment into two installments, one payable at the time of ZIR application submittal and one at the time escrow closes. The down side of that option is that if escrow does not close, the City would not be paid for the wok completed. Another option proposed by SBAOR was that the fee be reduced if a property owner applies for a ZIR within a certain number of days of signing a listing agreement as an incentive for property owners to obtain the ZIR earlier.

ZIRs are one of the few Planning Division programs that the City Council has designated as being full cost recovery. The Council has stated in the past that it is not appropriate for the tax payer to subsidize private transactions. However, Council has the ability to decide to subsidize the cost if they determine it to be appropriate.

Planning Staff will work further with SBAOR to brainstorm ideas to encourage property owners to obtain ZIRs earlier.

IV. CHANGES TO THE ZIR PROCESS

A. Short-Term

Since the initial discussions on improvements to the ZIR process in August 2013, Staff has made a number of improvements to the ZIR process. These include:

- The new goal to complete 80 percent of ZIRs within 10 working days of application submittal; we are at 81 percent so far this fiscal year
- More collaboration with property owners when discrepancies arise
- Increased early consultation with Building staff during the ZIR preparation process on violations that require permits to identify the information that may be necessary for the building permit

- Increased involvement of the ZIR inspectors in the discretionary review and plan check processes
- Expediting the discretionary review process and waiving planning fees in cases of discrepancies between ZIRs
- The assignment of two Building and Safety plan check positions to handle questions and issues related to ZIR violations as part of their duties

B. <u>In-Progress</u>

As part of the discussions of the Working Group, a number of additional suggestions were made to improve the ZIR process. Planning Staff is currently working on the following additional items:

- Update and standardize procedures for preparing ZIRs and identifying violations (what is called out, omitted, or noted as information only and what is referred for enforcement)
- Create a checklist of items zoning inspectors look for during a site inspection
- Create a frequently asked questions sheet
- Create a handout that explains how to address the identified violation(s)
- Explore a process to retain site inspection photos

C. <u>Longer-Term: Requiring Ordinance Amendments</u>

The proposed Administrative Zoning Approval process requires a Zoning Ordinance Amendment approved by five members of City Council. Once an Ordinance Amendment is adopted by City Council, staff will implement the Administrative Zoning Approval process. In addition, subsequent to City Council review Staff will begin implementation of the improved ZIR template.

V. <u>CONCLUSION:</u>

Over the years, City staff and SBAOR have worked together to resolve issues with the ZIR process. This working relationship has worked well and has been beneficial to everyone. This recent collaborative effort to improve the ZIR process is a work in progress that can be revisited for further refinement and reconsideration in the future. A number of suggested improvements have been made and additional improvements will be made upon direction and adoption of ordinance amendments by the City Council. The SBAOR Working Group members suggested a mandatory check-in with the Planning Commission or City Council after a certain period of time to see how the proposed process improvements are working. Staff supports this idea and will suggest to the City Council that Staff return with a status report on the process improvements a year after the adoption of related Zoning Ordinance amendments.

Therefore, the Working Group recommends the Planning Commission review and confirm the outcomes of the ZIR Working Group and make recommendations to the City Council on ZIR process improvements including:

1. Initiation of an amendment to the Zoning Ordinance to establish an Administrative Zoning Approval process

2. Implementation of proposed improvements to the ZIR template
3. The changes to the ZIR process described above and in Exhibit D, including:
   a. Delayed enforcement of some improvements in the instances of discrepancies between ZIRs
   b. Updating and standardizing procedures for preparing ZIRs and identifying violations
   c. Creating a checklist of items zoning inspectors look for during a site inspection, a Frequently Ask Question sheet, and a handout explaining how to abate zoning violations
   d. Exploring a process to retain site inspection photos

Exhibits:

A. ZIR Ordinance Chronology and 1974 Council minutes
~~B. Classification of Major and Minor Violations Cited in ZIRs~~ Not included. List has been updated.
C. Revised ZIR templates
D. Dealing with Discrepancies and Abatement of Violations
E. List of Administrative Zoning Approvals
F. Working Group Minutes

Ordinances pertaining to Zoning Information Reports Chronology

Ordinance 3702; adopted November 19, 1974

- Added Section 22.23, Zoning Information Report to the Zoning Ordinance
  - Report was optional
  - Information based on City records
  - Physical inspection made if requested
  - Primary purpose was to provide information to potential buyer of residentially used property concerning the zoning and permitted use of the property
  - Cost: $20; an additional $35 if physical inspection plus $10 each additional unit
  - Under normal circumstances report available no later than 5 working days after application received
  - Contents: basic parcel/zoning information; any discretionary or administrative acts of record; any special use/development restrictions; known non-conformities or violations; information on building permits issued; required parking and type; and, if physical inspection, results included in report
  - Ordinance recognized *"a report based solely on City records would not indicate any violations that may exist on the premises that could only be determined by an on-site inspection"* and *"any report issued pursuant to this section shall not constitute authorization to violate any ordinance or law, regardless of whether the report issued pursuant to this section purports to authorize such violation or not"* (§22.23.F)

Ordinance 3826, amended 28.87.220; adopted March 23, 1976

- Made ZIRs required prior to the entering into an agreement of sale
- Made physical inspection required
- Cost: $25. Removed $35 for physical inspection
- Contents of the report:
  - Changed "information on building permits issued for the property" to "the results of a physical inspection for compliance with the Zoning Ordinance"
  - Removed required parking & type from required contents
- Removed §22.23.F, "a report based solely on City records would not indicate any violations that may exist on the premises that could only be determined by an on-site inspection" since a physical inspection was now required
- Added expiration of report of 6 months
- Added exemption for newly constructed houses

Ordinance 3843, adopted June 9, 1976

- Changed requirement to get a ZIR prior to entering into an agreement of sale to "no later than five days after entering into an agreement." Required report to be given to buyer no later

than three days prior to consummation of the transfer of title. Buyer may waive the three day prior requirement but in any event the report shall be provided prior to the consummation of the transfer of title.

Ordinance 3986, adopted March 13, 1979

- Added "under normal circumstances the report will be available no later than five working days after the application is received by the City"
- Added proof of receipt of ZIR required prior to consummation of transfer of title.
- Added affect of non-compliance

Ordinance 4106, adopted June 23, 1981

- Removed reference to the fee being $25 and stated "pay a fee as established by resolution of the City Council."

Ordinance 4932, adopted December 12, 1995

- Changed "under normal circumstances the report will be available no later than five working days after the application is received by the City" to no later than 15 working days
- Changed reference from "Chief of Building and Safety" to "Community Development Director"
- Changed the expiration date of a ZIR from six month to 12 months

Ordinance 5396, adopted September 26, 2006

- Required a statement of whether the property had a Building Sewer Lateral Report prepared within five years prior to the preparation of a ZIR and an advisory statement regarding potential problems by a poorly maintained sewer lateral to be included in ZIRs

Ordinance 5537, adopted November 23, 2010

- In addition to minor word/sentence changes, the Ordinance exempted the following from the requirement to obtain a ZIR:
    - New homes under construction pursuant to a valid building permit
    - New homes where the final building permit inspection on the home was issued within three month of the date the owner entered into the agreement for sale of the home
    - Condominium units
- Added a statement that it is unlawful for any owner to consummate the transfer of title of any residential property without providing tranferee a ZIR as required by Ordinance

11/6/74

City Council Minutes

Following further discussion of the scope of the proposed master plan and whether or not it should be developed in-house, Mayor Pro Tempore Schatz moved, seconded by Councilmember Lowance to accept the Commission and staff recommendations that a 25-year parks and recreation master plan, which would be reviewed every 5 years, be developed.

Roll call: Affirmative Council All

Follwoing the roll call, Councilmember Utterback suggested that $100,000 of the $130,000 spent yearly by the City on advertising should be used to develop a master plan, that such an expenditure would be beneficial to the City in the long run.

Councilmember Martinez moved, seconded by Councilmember Rypins, to continue further decisions on the master plan until November 12, 1974 in order that Council have time to carefully consider the matter.

Roll call: Affirmative Council All

Mr. Scott advised Council that Mr. Willsie could not be present on that date, and the matter was instead continued to November 19, 1974, there being no objection of Council.

ORD. RE: ZONING INFO. REPT.

The proposed ordinance relating to a zoning information report was presented by Mayor Pro Tempore Schatz who explained that the ordinance had been referred to the Ordinance Committee from the Planning Commission, and that the proposed ordinance provided that a zoning information report could be furnished to the buyer of residential property from the seller. Edward Heron, member of the Santa Barbara Counties Board of REaltors, was recognized and reported that planners and interested individuals had worked on the ordinance for four months. He said that the long term effect of the ordinance would be a reduction in zoning and building violations. In answer to questions from Council he explained that the proposed ordinance was not manditory but that its effect would be that almost all residential real estate transactions would include the report as a protection to the buyer and realtor. City Attorney Cappello concurred in the opinion thatif the report were available it would be included in most residential real estate transactions.

Further discussion ensued with respect to the proposed ordinance, how it would be administered and at what cost, the pros and cons of a manditory ordinance, the wording of the ordinance, etc.

Councilmember Lowance moved, seconded by Councilmember Martinez, that the fee for the zoning information report as specified in paragraph D be increased from $15.00 to $20.00.

Roll call: Affirmative: Councilmember Lowance, Martinez, Rypins, Mayor Pro Tempore Schatz; Negative: Councilmember Chavalas, Utterback. The motion carried by a vote of 4 to 2.

Councilmember Lowance moved, seconded by Councilmember Martinez, that the fee for the physical inspection of the first dwelling unit as specified in paragraph D be increased from $25.00 to $35.00.

Roll call: Affirmative: Councilmember Lowance, Martinez, Rypins, Mayor Pro Tempore Schatz; Negative: Councilmember Chavalas, Utterback. The motion carried by a vote of 4 to 2.

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Councilmember Lowance moved, seconded by Councilmember Rypins, that the fee for the physical inspection of each additional dwelling unit as specified in paragraph D be increased from $5.00 to $10.00.

Roll call: Affirmative: Councilmembers Lowance, Martinez, Rypins, Mayor Pro Tempore Schatz; Negative: Councilmembers Chavalas, Utterback. The motion carried by a vote of 4 to 2.

In response to a comment from Councilmember Lowance that paragraph D did not clearly state the responsibility of the seller to furnish the report, Mr. Cappello suggested that the wording "When said report is requested" be added to the beginning of paragraph D.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA ADDING SECTION 22.23 TO PART 22 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO A ZONING INFORMATION REPORT.

incorporating the phrase suggested by the City Attorney was introduced as Bill No. 2742, and read for its first reading by title only on motion of Councilmember Lowance, seconded by Councilmember Martinez.

Roll call: Affirmative Council All

In response to a request from Councilmember Martinez, the City Attorney agreed to prepare an ordinance for introduction November 12, 1974, making a zoning information report manditory. The City Attorney further suggested that enforcement of a manditory ordinance could prove to be a very expenisve administrative procedure and that possibly the City Administrator should prepare cost estimates.

Later in the meeting Councilmember Martinez suggested that another ordinance be prepared placing the responsibility for providing the zoning information report with the real estate agencies rather than with the City zoning division. Mr. Cappello said he would check to see if this was pre-empted by State law.

The meeting was recessed at 3:27 p.m. until 3:40 p.m. when it was called to order by Mayor Pro Tempore Schatz with the following roll call:

Present: Councilmembers Chavalas, Lowance, Martinez, Rypins, Utterback, Mayor Pro Tempore Schatz.

City Administrator Scott
City Attorney Cappello
City Clerk Newton

Absent: Mayor Shiffman

RD. RE: USES IN -X ZONE INTRO'D

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA AMENDING SECTION 13.02 OF PART 13 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO PERMITTED USES IN C-X ZONE.

which adds a zoning provision for radio and television transmitting and broadcasting stations, was introduced as Bill No. 2743 and read for its first reading by title only on motion of Councilmember Lowance, seconded by Councilmember Rypins.

Roll call: Affirmative Council All

11/12/74

ALT ORDS RE
ZONING INFO RPT

City Council Minutes

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA
ADDING SECTION 22.23 TO PART 22 OF ORDINANCE
NO. 2585, THE ZONING ORDINANCE OF THE CITY
OF SANTA BARBARA, RELATING TO A ZONING
INFORMATION REPORT

was presented for introduction, and

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA
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NANCE NO. 2585, THE ZONING ORDINANCE OF
THE CITY OF SANTA BARBARA, RELATING TO A
ZONING INFORMATION REPORT

having been introduced November 6, 1974 as Bill No. 2742, was presented for adoption. Mayor Pro Tempore Schatz pointed out that the ordinance for introduction provided that the zoning information report would be mandatory, and the ordinance for adoption, Bill No. 2742, would not be a mandatory requirement.

Councilmember Martinez said that he had asked the City Attorney at the last Council meeting to prepare a third possible ordiannce which would place the burden of proof of a zoning information report with the realtor, and leave the City out of the matter, thereby relieving the City of the financial burden of having to hire additional staff to prepare the reports.

The City Attorney said he would find out if such an ordinance were possible or if it would be pre-empted by State law.

At the request of Councilmember Martinez, the two proposed ordinances were continued for introduction and adoption, respectively, to November 19, 1974, pending an ordinance prepared by or report of the City Attorney, on order of Mayor Pro Tempore Schatz, with the full consent of Council.

At the request of Councilmember Lowance, the City Administrator was directed to prepare a cost estimate of preparing a zoning information report, on order of Mayor Pro Tempore Schatz, with the full consent of Council.

ORD RE USES IN
C-X ZONE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA
AMENDING SECTION 13.02 OF PART 13 OR ORDI-
NANCE 2585, THE ZONING ORDINANCE OF THE
CITY OF SANTA BARBARA, RELATING TO
PERMITTED USES IN C-X ZONE

which adds a zoning provision for radio and television transmitting and broadcasting stations, having been introduced November 6, 1974 as Bill No. 2743, was presented.

Councilmember Martinez moved, seconded by Councilmember Rypins, to adopt the ordinance, reading by title only.

Mayor Pro Tempore Schatz explained that the ordinance was necessary so that television and radio stations would no longer be considered non-conforming uses, there being no existing zoning provision in the City for such use. The specific question of the KEYT television station was discussed and it was explained that the station is a legal non-conforming use and that the temporary trailer located at the station was an illegal use and the station had been so notified by the City Planning Director.

Councilmember Martinez withdrew his motion, but Councilmember Rypins would not withdraw her second, and the motion was put to a vote following discussion by Council. Councilmember Rypins and the Community Development Director stated that Santa Barbara should have a zone to provide for this

City Council minutes

sufficient for answering questions on staffing size, patterns, and service delivery because of the varied conditions in each city, and that a great deal of additional research would be necessary before valid, comparable figures could be developed.

Mayor Shiffman suggested that staff should consider how much time and effort it would take to pursue this matter, and if it could be done for 1% or 2% of the fire and police budget, then it might be a worthwhile endeavor.

Councilmember Chavalas expressed dissatisfaction with the report saying it lacked information he requested such as the number of employees, the police budget, territory to be policed, etc. The City Administrator said the Personnel Office had additional backup information which was not included in the report which could be provided to Mr. Chavalas.

Councilmember Martinez moved, seconded by Councilmember Schatz, to accept the report.

Roll call: Affirmative Council All.

ALT ORDS RE ZONING INFO RP

Two ordinances relating to a zoning information report requirement--a mandatory ordinance for introduction and a voluntary ordinance for adoption--were presented. City Attorney Cappello reported that a third possible ordinance making the real estate broker responsible for the report rather than the City, as requested by Councilmember Martinez November 12, was in his opinion pre-empted by State law.

Mayor Shiffman and Councilmember Martinez stated that they favored that the requirement for the report should be part of escrow procedures, and Mayor Shiffman suggested it apply to all property not just residential property.

H. Edward Heron, member of the Southern Santa Barbara County Board of Realtors, made a presentation in which he said that Government Code Section 38.780 limited this type of report to residential property and he raised several questions and objections with respect to the mandatory ordinance.

Vigorous and lengthy discussion ensued during which it was explained that if the voluntary ordinance was passed, that did not preclude the passage of the mandatory ordinance at a later date.

Councilmember Lowance moved to introduce, reading by title only, the following ordinance relating to a mandatory report:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA BARBARA ADDING SECTION 22.23 TO PART 22 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO A ZONING INFORMATION REPORT.

There was no second to the motion and Councilmember Lowance stated that because there had been no second, he would not exercise his prerogative to introduce without a motion of Council.

Councilmember Martinez moved, seconded by Councilmember Lowance, to refer the above ordinance to the Council Ordinance Committee for a report as soon as possible on the costs of implementing the ordinance and other questions raised in the discussion today.

Roll call: Affirmative Council All.

Following discussion on whether the voluntary ordinance should be adopted as an interim measure if the Council was considering adopting the mandatory ordinance at a later date, Councilmember Schatz moved, seconded by

Councilmember Chavalas, to waive full reading of the ordinance for adoption relating to a voluntary zoning information report.

ORD 3702 RE ZONING INFO RPT

ORDINANCE NO. 3702

AN ORDINANCE OF THE CITY OF SANTA BARBARA ADDING SECTION 22.23 TO PART 22 OF ORDINANCE NO. 2585, THE ZONING ORDINANCE OF THE CITY OF SANTA BARBARA, RELATING TO A ZONING INFORMATION REPORT

having been introduced November 6, 1974 as Bill No. 2742, was read for its second reading by title only and adopted on motion of Councilmember Schatz, seconded by Councilmember Chavalas. Councilmember Lowance objected to the motion saying that the information could be just as easily supplied by the realtor on a voluntary basis.

Roll call: Affirmative: Councilmembers Chavalas, Rypins, Utterback and Mayor Shiffman; Negative: Councilmembers Lowance, Martinez and Schatz. The motion carried by a vote of 4 to 3.

Prior to roll call, Mayor Shiffman clarified that Section 6 of the Ordinance, "Any known nonconformities or violations of any ordinances or law" referred to information in the records of the City and did not require phyiscal inspection; if the buyer wanted a physical inspection he would be required to pay the fee stipulated in Section D of the ordinance.

SITE INSPECTION/ ROCHE PROPERTY

The meeting was recessed at 10:45 a.m. on order of Mayor Shiffman, with the full consent of Council, in order that Council could make a physical inspection of the property in question for the appeal of Kathleen D. Roche. The meeting was resumed at 11:45, on order of Mayor Shiffman, with the following roll call.

Present: Mayor Shiffman
Councilmembers Chavalas, Lowance, Martinez, Rypins, Schatz and Utterback

City Administrator Scott
City Attorney Cappello
City Clerk Newton

APPEAL/ROCHE FROM PLANNING COMMSSN

The appeal of Martin & Northart, Inc., agent for Kathleen D. Roche, from the Planning Commission's decision denying application for a modification of provisions of Section 5.00-A of City Zoning Ordinance 2585 as applied to City Parcel 15-202-28 located in the 500 block of Owen Road in an A-2 One Family Residence Zone, in order to not provide the required street frontage of 100 feet on a public street for two proposed parcels, having been continued from November 12, 1974, was taken up at this time.

Mayor Shiffman explained that the hearing had been held November 12, and the motion of Councilmember Martinez, seconded by Councilmember Chavalas, to grant the modification for three lots under conditions set forth in the Planning Commission recommendation for two lots with a twenty foot roadway, had been tabled pending physical inspection of the property by Council at 10:30 a.m. on this date. The inspection having been made and there being no questions from Council or staff, the motion was put to a vote.

Roll call: Affirmative: Councilmembers Chavalas, Martinez, Rypins, Schatz and Utterback, and Mayor Shiffman; Negative: Councilmember Lowance. The motion carried by a vote of 6 to 1.

LEASE ASSGNMT/ FAIRVIEW GOLF CENTER

The Airport Commission recommendation for approval of assignment of the Fairview Golf Center lease, was taken up at this time out of order, on

STAFF's Draft per direction
From ZIR Working Group – Minor Violations

ZIR FORM #1

Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

REPORT DATE: *JUNE 23, 2014*
EXPIRATION DATE: *JUNE 23, 2015*
PREPARED BY: *ZONING INSPECTOR, CONTACT INFORMATION*

I. INTRODUCTION

A Zoning Information Report (ZIR) is required by the City of Santa Barbara on all sales of residential property, with a few exceptions (SBMC §28.87.220). If your property also contains non-residential uses, those uses and related improvements were not inspected as part of this ZIR. The purpose of the ZIR is to provide information to the buyer on residential zoning standards for this property and to identify violations of any City ordinance or law. The ZIR is a good faith effort to provide information based on a site inspection and review of available City records.

The ZIR is a report; it is not an entitlement document or a permit. If there are inconsistencies or errors in this report, or on previous reports or plans, the ZIR cannot be used to legalize any unpermitted construction. Only a building permit with valid City approvals can legalize construction. **The Zoning Inspector is neither a Building Inspector nor a licensed surveyor, and the ZIR will not include a review of compliance with the Building Codes nor confirm the exact location of property lines.** Property line locations are an estimate and unless shown on archive plans, the interior and rear property lines are assumed to coincide with any interior or rear fence(s). City timelines for abatement of major violations is dependent on health and safety concerns and not tied to an escrow period.

II. SITE INSPECTION

On **(DATE)**, a site inspection was conducted and the following buildings and structures were observed on the property. Please note that the items described below include all buildings and structures on site at the time of the inspection and **this description is not a determination of the legal status of any buildings or structures on site:**

One-story duplex with a covered side porch (approx. 44 ft. x 7 ft) with washer/dryer hook-up inside kitchen closet. Detached one-car garage with exterior stairway leading to a roof deck (approx. 17 ft. x 13 ft.) above the garage. Detached arbor/trellis structure (approx. 9 1/2 ft. x 7 1/2 ft.) Detached shed (approx. 9 1/2 ft. x 9 ft.)

III. VIOLATIONS

MAJOR/MINOR/NO VIOLATIONS HAVE BEEN IDENTIFIED FOR THIS PROPERTY

Comment [sfr1]: Only one of these terms (Major/Minor/No) will print out. For this example this ZIR found minor violations.

The violations described below have been identified for this property. For the purposes of this report, these violations are considered minor and are not required to be abated at this time and have not been referred for enforcement. However, the current or future property owner will accept full responsibility for all non-permitted work and will be required to abate all ZIR violations either prior to or concurrently

EXHIBIT C

with their next plan submittal for a building permit. If the violations are not abated prior to the next transfer of this property to a new property owner, they will be carried forward on the next ZIR prepared for this property.

1. The fence along the front lot line exceeds the maximum allowable height of three and one half feet within ten feet of the front lot line. No permits could be located for this fence.
2. The roof deck above the garage encroaches into the required interior setback and was constructed without the required building permit.
3. The exterior stairway to the roof deck was constructed without the required building permit.
4. The arbor/trellis structure encroaches into the required interior setback.
5. A new wall with a closet with washer/dryer hook-ups has been constructed in the kitchen without the required permit.

☐ If this box is checked, a hedge near the driveway and/or street corner might create a visual obstruction. Fences, screens, walls and/or hedges must comply with SBMC 28.87.170.

☐ If this box is checked, existing items such as trash can(s), wood pile, pond and/or fountain might encroach into the required setbacks. See Section VIII below for the required setbacks for this property.

All questions regarding abatement of the zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building permits or abatement of the building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485. For information on how to apply for a building permit to correct violations, please review the "As-Built Construction Plan Submittal Requirements" available at the Building and Safety Division Counter located at 630 Garden St. or online at: http://www.santabarbaraca.gov/services/planning/forms/building.asp.

IV. PROPERTY DESCRIPTION

LOT SIZE (Per County Assessor Records): 1.10 Acres; 47,916 sq.ft.

ZONE (See Attached Zone Reqs.): A-1, Single Family Residence Zone

SLOPE: (Approximate): 25%

UNIT DESCRIPTION(S):

Unit #: A **This is a legal dwelling unit.**	Legal	Non-Permitted
Bedrooms	2	0
Full Baths	2	0
Half Baths	0	0
Sinks (other than kitchen sinks)	0	0

Unit #: B **This is a legal dwelling unit.**	Legal	Non-Permitted
Bedrooms	1	0
Full Bath	1	0
Half Baths	1	0
Sinks	0	0

PARKING:

Number of Parking Spaces Existing on Site: 1 covered, 0 uncovered

Number of Parking Spaces Legally Recognized: 1 covered, 0 uncovered

Note: All required parking spaces shall be available for parking at all times, and garages shall not be used for storage that prevents access to required parking spaces (SBMC §28.90.060 and §28.90.100.G)

IV. PROPERTY ATTRIBUTES

NONCONFORMING:

A building, structure, or use is defined as legal **non-conforming** if it met the rules in effect when it was permitted, but because of subsequent zoning changes, the structures do not conform to today's zoning standards. Non-conforming properties may be maintained, improved, or altered with certain limitations described in the zoning ordinance (SBMC §28.87.030.D). Please be aware that property line locations are an estimate for the purposes of this report and that unless shown on City archive plans, the interior or rear property lines are assumed to be an interior or rear fence.

Front Setback: Non-Conforming, Dwelling encroaches

Interior or Rear Setback: Non-Conforming, Garage encroaches

Density: Non-Conforming

Comment [sfr2]: Only the items that have been determined to be non-conforming will print out in the ZIR.

NOTES AND APPROVALS:

Comment [sfr3]: For the notes part - This is where we'd add any relevant information not covered by another section of the ZIR we want to convey. We would also note any inconsistencies in information we have but aren't going to call out as a violation.

City records show the following City discretionary approvals and important notes for this property: (If none, this area will be blank.)

Examples: No record of discretionary land use permits.

There are no original building permits or plans on file for the dwelling therefore, no verification can be made as to the number and legality of the existing configuration of rooms.

In November of 1999, a Pre-residential Seismic Inspection was done by the City. This inspection is a voluntary inspection; however, the report did note that the existing foundation and pony walls were completely unacceptable and that a new foundation was required. There are no permits on record for any foundation work.

PARCEL TAGS:

The following special districts or other attributes of the property are on file for this property: (If none, this area will be blank.)

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

GMP Development Area

Riviera

Zoning Compliance Decl. Rcvd

11-26-13 - ZCD received per document #2013-0074321, recorded on Nov. 21, 2013.

V. EXPIRATION DATES, AMENDMENTS TO THIS ZIR, AND APPEALS

EXPIRATION DATE:

This ZIR expires **one year** from the Report Date. A one year time extension of this ZIR can be applied for prior to the expiration date of this ZIR. The time extension requires an additional physical inspection and application fee.

AMENDING THE ZIR:

The City encourages property owners to provide any supplemental property information they may have to inform the conclusions of this report. Please contact the preparer of this report if you have general questions regarding the findings of this report or want to provide supplemental information to inform the conclusion of this report. Questions related to the abatement of violations can be directed to the appropriate staff noted under the "Violations" section above.

Once violations are corrected on the property, it is not necessary to amend the current ZIR. Either the final approval of the issued building permit will serve as documentation, or when the property is for sale again the subsequent ZIR will show that the violations no longer exist. The new property owner is not required to contact City Staff to amend this report once the violations have been abated.

APPEALS:

If you want to appeal the findings of this ZIR, you must do so within 10 days of the date of this ZIR. To file an appeal, submit a written letter or email to the preparer of this ZIR stating the grounds claimed for the appeal and any supporting documentation on the specific improvement or content in the ZIR that is in dispute. No fee is required for this appeal if it is filed within 10 days of the date of this ZIR. Staff time to research and resolve any appeals filed after the 10 day appeal period will be subject to the hourly rate fee as established by the City Council.

VI. RESOURCES USED FOR THE PREPARATION OF THIS ZIR

_____Archive Plans
_____Street and/or Planning File
_____Sanborn Maps
_____Aerial Photographs
_____Historic Photographs
_____City of Santa Barbara Architectural & Historic Resource Survey
_____County of Santa Barbara Residential Building Record (Supplied by Property Owner)

The above items can be reviewed at the City's Planning and Zoning Counter located at 630 Garden Street. **In addition, the entire contents of the City street and planning files can be viewed online at www.SantaBarbaraCA.gov\PlanningCentral.**

Additional information regarding regulations that pertain to properties within the City of Santa Barbara, environmental constraints that may pertain to the property, and the City's review process, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

PROPERTY ADDRESS
A.P.N.: XXX-XXX-XXX
Zoning: A-1

Zoning Information Report #ZIR20XX-00XXX was prepared by:

(Inspector's name, title, email and phone number)

June 27, 2014

_____
Signature

GENERAL ZONING INFORMATION

A-1, SINGLE FAMILY RESIDENTIAL

Zone:	A-1 (SBMC§28.15)
Front Setback	35 feet
Interior & Rear Setback	15 feet
Required Open Yard Area	1,250 sq. ft. + Min. Dimensions + Location + Sloped lot req. + Exceptions
Maximum Height Limit	30 feet (Measure per SBMC§28.04.140)
Required Off-street Parking Spaces	2 covered or meet other provisions outlined in SBMC§28.90.100
Distance Between Main Buildings	20 feet (Measure per SBMC§28.04.245)
	Allowable encroachments into setbacks, open yard, etc: SBMC§28.87.062
Secondary Dwelling Unit (Granny Unit)	See "Secondary Dwelling Unit Guidelines" handout and SBMC§28.94.030.Z

FENCES, SCREENS, WALLS AND HEDGES:

Santa Barbara Municipal Code §28.87.170 regulates the height of fences, screens walls and hedges based on their location on the property. Plans in City records that show fences, screens, walls or hedges as "existing" do not necessarily legalize such items unless the project description included permitting these items. Over-height hedges that existed prior to 1957 are non-conforming to the height limit. Sufficient evidence must be presented to the Community Development Director in order to determine that the hedge existed in its present location in 1957 and is non-conforming.

DISCRETIONARY REVIEW:

Please be advised that some construction is subject to design review approval or discretionary review prior to submitting for a building permit. If design review or discretionary review is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). If you would like additional information on how or when these processes are required, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

Receipt of Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

This is to certify that I/We _____, the BUYER(s), or my/our authorized agent has received a copy of the Zoning Information Report. I/we understand that if violations exist on the property, there may be follow-up enforcement of these violations as specified in the Zoning Information Report. If there is an attached Notice of Enforcement, an enforcement case will be created, and follow-up enforcement will begin immediately.

Failure to abate these violations in a timely manner may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we understand that I am/we are responsible for the abatement of the violations.

Executed at _____ on _____.
City Date

I declare the above to be true under penalty of perjury.

Buyer's Name _____
Print

_____
Signature of Buyer or Authorized Agent

_____
Mailing Address of Buyer (If different from property address)

Pursuant to Santa Barbara Municipal Code Section 28.87.220, a copy of the above referenced Zoning Information Report must be delivered to the buyer of the property no later than three (3) days prior to the transfer of title to the property.

PRIOR TO THE DATE OF TRANSFER OF TITLE
THIS RECEIPT MUST BE SIGNED, DETACHED AND RETURNED TO:

City of Santa Barbara
Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 897-1904

STAFF's Draft per dirction from ZIR Working Group – Major Violation example

ZIR FORM #2

Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

REPORT DATE: *JUNE 23, 2014*
EXPIRATION DATE: *JUNE 23, 2015*
PREPARED BY: *ZONING INSPECTOR, CONTACT INFORMATION*

I. INTRODUCTION

A Zoning Information Report (ZIR) is required by the City of Santa Barbara on all sales of residential property, with a few exceptions (SBMC §28.87.220). If your property also contains non-residential uses, those uses and related improvements were not inspected as part of this ZIR. The purpose of the ZIR is to provide information to the buyer on residential zoning standards for this property and to identify violations of any City ordinance or law. The ZIR is a good faith effort to provide information based on a site inspection and review of available City records.

The ZIR is a report; it is not an entitlement document or a permit. If there are inconsistencies or errors in this report, or on previous reports or plans, the ZIR cannot be used to legalize any unpermitted construction. Only a building permit with valid city approvals can legalize construction. **The Zoning Inspector is neither a Building Inspector nor a licensed surveyor, and the ZIR will not include a review of compliance with the Building Codes nor confirm the exact location of property lines.** Property lines are an estimate and unless shown on archive plans, the interior or rear property lines are assumed to coincide with any interior or rear fence. City timelines for abatement of major violations is dependent on health and safety concerns and not tied to an escrow period.

II. SITE INSPECTION

On **(DATE)**, a site inspection was conducted and the following buildings and structures were observed on the property. Please note that the items described below include all buildings and structures on site at the time of the inspection and **this description is not a determination of the legal status of any buildings or structures on site**:

One-story duplex with a covered side porch (approx. 44 ft. x 7 ft) with washer/dryer hook-up inside kitchen closet. Detached one-car garage with exterior stairway leading to a roof deck (approx. 17 ft. x 13 ft.) above the garage. Detached arbor/trellis structure (approx. 9 1/2 ft. x 7 1/2 ft.) Detached shed (approx. 9 1/2 ft. x 9 ft.)

III. VIOLATIONS

MAJOR/MINOR/NO VIOLATIONS HAVE BEEN IDENTIFIED FOR THIS PROPERTY

Comment [sfr1]: Only one of these terms (Major/Minor/No) will print out. For this example this ZIR found major violations.

The violations described below have been identified for this property. Non-permitted dwelling units, non-permitted additions of habitable floor area, non-permitted removal of required parking, and new non-permitted development on the coastal bluff face are considered major violations. Please note that the

property contains one or more major violations and the violations have been referred to the Building and Safety Division for immediate code enforcement due to the possibility of Health and Safety risks. There may be improvements listed below that are not considered major violations, however since there are major violations indentified on your property, they must be abated concurrently with the major violations. City timelines for abatement of major violations is dependent on health and safety concerns and not tied to an escrow period.

SEE ATTACHED NOTICE OF ENFORCEMENT

1. The rear bedroom and half-bathroom have been converted to an illegal dwelling unit by installing new walls to create separate rooms, converting the half-bathroom to a full bathroom, adding doors and windows and the construction of a kitchen (sink, counter, stove and a refrigerator) without the required permits.
2. The fence along the front lot line exceeds the maximum allowable height of three and one half feet within ten feet of the front lot line. No permits could be located for this fence.
3. The roof deck above the garage encroaches into the required interior setback and was constructed without the required building permit.
4. The exterior stairway to the roof deck was constructed without the required building permit.
5. The arbor/trellis structure encroaches into the required interior setback.
6. A new wall with a closet with washer/dryer hook-ups has been constructed in the kitchen without the required permit.

☐ If this box is checked, a hedge near the driveway and/or street corner might create a visual obstruction. Fences, screens, walls and/or hedges must comply with SBMC 28.87.170.

☐ If this box is checked, existing items such as trash can(s), wood pile, pond and/or fountain might encroach into the required setbacks. See Section VIII below for the required setbacks for this property.

All questions regarding abatement of the zoning violations should be directed to the City's Planning and Zoning Counter at 630 Garden Street, or (805) 564-5578. All questions regarding building permits or abatement of the building violations should be directed to the City's Building and Safety Counter at 630 Garden Street, or (805) 564-5485. For information on how to apply for a building permit to correct violations, please review the "As-Built Construction Plan Submittal Requirements" available at the Building and Safety Division Counter located at 630 Garden St. or online at: http://santabarbaraca.gov/services/planning/forms/building.asp.

IV. PROPERTY DESCRIPTION

LOT SIZE (Per County Assessor Records):	0.10 Acres; 17,424 sq.ft.
ZONE (See Attached Zone Reqs.):	R-3, Limited Multiple-Family Residence Zone
SLOPE: (Approximate):	5%

UNIT DESCRIPTION(S):

Unit #: A **This is a legal dwelling unit.**	Legal	Non-Permitted
Bedrooms	2	0
Full Baths	2	0
Half Baths	0	0
Sinks (other than kitchen sinks)	0	0

PROPERTY ADDRESS
A.P.N.: XXX-XXX-XXX
Zoning: R-3

Unit #: B **This is a non-permitted dwelling unit.**

	Legal	Non-Permitted
Bedrooms	1	0
Full Bath	0	1
Half Baths	1	0
Sinks	0	1

PARKING:

Number of Parking Spaces Existing on Site: 1 covered, 0 uncovered

Number of Parking Spaces Legally Recognized: 1 covered, 0 uncovered

Note: All required parking spaces shall be available for parking at all times, and garages shall not be used for storage that prevents access to required parking spaces (SBMC §28.90.060 and §28.90.100.G)

IV. PROPERTY ATTRIBUTES

NONCONFORMING:

A building, structure, or use is defined as legal **non-conforming** if it met the rules in effect when it was permitted, but because of subsequent zoning changes, the structures do not conform to today's zoning standards. Non-conforming properties may be maintained, improved, or altered with certain limitations described in the zoning ordinance (SBMC §28.87.030.D). Please be aware that property line locations are an estimate for the purposes of this report and that unless shown on City archive plans, the interior or rear property lines are assumed to be an interior or rear fence.

Front Setback: Non-Conforming, Dwelling encroaches

Interior or Rear Setback: Non-Conforming, Garage encroaches

Density: Non-Conforming

NOTES AND APPROVALS:

City records show the following City discretionary approvals and important notes for this property: (If none, this area will be blank.)

Examples: No record of discretionary land use permits.

There are no original building permits or plans on file for the dwelling therefore, no verification can be made as to the number and legality of the existing configuration of rooms.

In November of 1999, a Pre-residential Seismic Inspection was done by the City. This inspection is a voluntary inspection; however, the report did note that the existing foundation and pony walls were completely unacceptable and that a new foundation was required. There are no permits on record for any foundation work.

PARCEL TAGS:

The following special districts or other attributes of the property are on file for this property: (If none, this area will be blank.)

Demolition Review Study Area

All structures 50 years or older that are proposing partial or full demolition alterations are required to be reviewed by Planning prior to building permit issuance.

GMP Development Area

Comment [sfr2]: Only the items that have been determined to be non-conforming will print out on the ZIR form.

Comment [sfr3]: For the notes part - This is where we'd add any relevant information not covered by another section of the ZIR we want to convey. We would also note any inconsistencies in information we have but aren't going to call out as a violation.

Downtown

Zoning Compliance Decl. Rcvd

11-26-13 - ZCD received per document #2013-0074321, recorded on Nov. 21, 2013.

V. EXPIRATION DATE, AMENDMENTS TO THIS ZIR, AND APPEALS

EXPIRATION DATE:

This ZIR expires one year from the Report Date. A one year time extension of this ZIR can be applied for prior to the expiration date of this ZIR. The time extension requires an additional physical inspection and application fee.

AMENDING THE ZIR:

The City encourages property owners to provide any supplemental property information they may have to inform the conclusions of this report. Please contact the preparer of this report if you have general questions regarding the findings of this report or want to provide supplemental information to inform the conclusion of this report. Questions related to the abatement of violations can be directed to the appropriate staff noted under the "Violations" section above.

Once violations are corrected on the property, it is not necessary to amend the current ZIR. Either the final approval of the issued building permit will serve as documentation, or when the property is for sale again the subsequent ZIR will show that the violations no longer exist. The new property owner is not required to contact City Staff to amend this report once the violations have been abated.

APPEALS:

If you want to appeal the findings of this ZIR, you must do so within 10 days of the date of this ZIR. To file an appeal, submit a written letter or email to the preparer of this ZIR stating the grounds claimed for the appeal and any supporting documentation on the specific improvement or content in the ZIR that is in dispute. No fee is required for this appeal if it is filed within 10 days of the date of this ZIR. Staff time to research and resolve any appeals filed after the 10 day appeal period will be subject to the hourly rate fee as established by the City Council.

VI. RESOURCES USED FOR THE PREPARATION OF THIS ZIR

_____Archive Plans
_____Street and/or Planning File
_____Sanborn Maps
_____Aerial Photographs
_____Historic Photographs
_____City of Santa Barbara Architectural & Historic Resource Survey
_____County of Santa Barbara Residential Building Record (Supplied by Property Owner)

The above items can be reviewed at the City's Planning and Zoning Counter located at 630 Garden Street. **In addition, the entire contents of the City street and planning files can be viewed online at www.SantaBarbaraCA.gov\PlanningCentral.**

Additional information regarding regulations that pertain to properties within the City of Santa Barbara, environmental constraints that may pertain to the property, and the City's review process, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

PROPERTY ADDRESS
A.P.N.: XXX-XXX-XXX
Zoning: R-3

Zoning Information Report #ZIR20XX-00XXX was prepared by:

(Inspector's name, title, email and phone number)

June 27, 2014

_____
Signature

GENERAL ZONING INFORMATION

R-3, Limited Multiple-Family Residence Zone

Additions or Alterations	Projects which only involve additions or alterations are subject to existing "Base Density" or "Variable Density" requirements outlined in SBMC§28.21.
New Units	Projects which involve new units must comply with either "Base Density" requirements (SBMC§28.21) or "AUD" requirements (SBMC§28.20). "Variable Density" is temporarily suspended as described in SBMC§28.21.050.
Net Lot Area Requirements for Residential Units	See SBMC§28.20
Average Unit-Size Density Incentive Program (AUD)	
Base Density	
< 5,000 sq. ft.	1 unit
5,000-6,999 sq. ft.	2 units
7,000-13,999 sq. ft.	3 units
14,000 sq. ft. <=	3,500 sq. ft. of lot area per unit
Front Yard Setback	
1- or 2-story structures	10 feet
3-story structures	15 feet (See Exception SBMC§28.21.060.A.2)
Parking not facing street	10 feet
Parking facing street	20 feet
Interior yard Setback	
1- or 2-story structures	6 feet
3-story structures	10 feet (See Exception SBMC§28.21.060.B.2)
Garage/Carport/Uncovered Parking	6 feet (See Exception SBMC§28.21.060.B.3 and SBMC§28.90.001.H)
Rear Yard Setback	
Ground floor portion of structures	6 feet
2- or 3-story portion of structures	10 feet
Garage/Carport/Uncovered Parking	3 feet (See Exception SBMC§28.90.001.H)
Outdoor Living Space Method A	
1. 10% Open Space	See SBMC§28.21.081.A
2. Common Open Area	See SBMC§28.21.081.A.2
3. Private Outdoor Living Space	15 feet x 15 feet (See SBMC§28.21.081.A.3)
Unit Size	Ground Floor Upper Floor
Studio	100 sq. ft. 60 sq. ft.
1 Bedroom	120 sq. ft. 72 sq. ft.
2 Bedroom	140 sq. ft. 84 sq. ft.
3+ Bedroom	160 sq. ft. 96 sq. ft.

Min. Dimensions	10 feet 6 feet
Outdoor Living Space Method B	15% Lot + Min. 20 ft. dimensions + Location (See SBMC§28.21.081.B)
Maximum Building Height	3 stories not to exceed 45 feet (Measure per SBMC§28.04.140). Solar Access Ord (SBMC§28.11) may further limit height
Distance Between Main Buildings	(Measure per SBMC§28.04.245)
1-story building to 1-story building	10 feet
1-story building to multi-story building	15 feet
Multi-story building to multi-story bldg	15 feet
	Allowable encroachments into setbacks, open yard, etc: SBMC§28.87.062
Required Off-Street Parking Spaces (SMBC§28.90)	
One House on the property	2 covered
Multiple Houses or Duplexes	1 covered & 1 uncovered per unit
Multi-Family (3+ attached units)	
Studio	1 1/4 uncovered spaces per unit
1-Bedroom Units	1 1/2 uncovered spaces per unit
2+-Bedroom Units	2 uncovered spaces per unit
Guest Spaces	1 per 4 units if 6+ units in the complex
Bicycle Parking	1 bicycle parking space for every 7 vehicle parking spaces required.

FENCES, SCREENS, WALLS AND HEDGES:

Santa Barbara Municipal Code §28.87.170 regulates the height of fences, screens walls and hedges based on their location on the property. Plans in City records that show fences, screens, walls or hedges as "existing" do not necessarily legalize such items unless the project description included permitting these items. Over-height hedges that existed prior to 1957 are non-conforming to the height limit. Sufficient evidence must be presented to the Community Development Director in order to determine that the hedge existed in its present location in 1957 and is non-conforming.

DISCRETIONARY REVIEW:

Please be advised that some construction is subject to design review approval or discretionary review prior to submitting for a building permit. If design review or discretionary review is required, the project will be subject to environmental review, as required by the California Environmental Quality Act (CEQA). If you would like additional information on how or when these processes are required, please contact the Planning and Zoning Counter at (805) 564-5578 for more information or visit our Planning Central webpage at www.SantaBarbaraCA.gov\PlanningCentral.

NOTICE OF ENFORCEMENT
(PROJECT ADDRESS)

The property contains one or more major violations and the violations have been referred to the Building and Safety Division for immediate code enforcement due to the possibility of Health and Safety risks. Non-permitted dwelling units, non-permitted additions of habitable floor area, non-permitted removal of required parking, and new development on the coastal bluff face are considered major violations. Any minor violations that were identified on the property were also included in the referral to the Building and Safety Division.

An enforcement case (ENF20_____) has been created and forwarded to the Building and Safety Division. A Building Inspector will be assigned to the case for enforcement of the violations described in this ZIR. You may call and schedule a follow-up inspection to determine the type of permits required for the abatement of your violations. **Contact the Building and Safety Division at (805)564-5470 to speak to the inspector assigned to your enforcement case.**

There are several options for abatement of these violations. They include:

a) The issuance of a building permit to allow the improvement(s) to remain, if found to comply with all City Codes and Ordinances. Prior to the issuance of the building permit, discretionary review and approval may be necessary;

b) The issuance of a building permit to demolish the improvement(s); or

c) A combination of a) and b) above.

For information on how to apply for a permit to correct violations, please review the **"As-Built Construction Plan Submittal Requirements"** available at the Building and Safety Division Counter located at 630 Garden St. or online at: http://santabarbaraca.gov/services/planning/forms/building.asp.

Please note that the property owner of record is responsible for abating these violations in a timely manner. There is no City requirement that these violations be abated prior to the close of escrow. An appropriate schedule for abatement is determined working with the Building Inspector. However, if the violations have not been abated by the time escrow closes, the new property owner of record becomes responsible for the abatement of the violations.

The failure of any past, present or future property owner to fully abate these violations may result in the refusal to issue future building permits, referral to the City Attorney's Office, and/or ultimately, Superior Court action.

Receipt of Zoning Information Report
PROPERTY ADDRESS
ZIR20XX-00XXX

This is to certify that I/We _____, the BUYER(s), or my/our authorized agent has received a copy of the Zoning Information Report. I/we understand that if violations exist on the property, there may be follow-up enforcement of these violations as specified in the Zoning Information Report. If there is an attached Notice of Enforcement, an enforcement case will be created, and follow-up enforcement will begin immediately.

Failure to abate these violations in a timely manner may result in the City's refusal to issue building permits and subsequent enforcement action. As the new owner (buyer), I/we understand that I am/we are responsible for the abatement of the violations.

Executed at _____ on _____.
City Date

I declare the above to be true under penalty of perjury.

Buyer's Name _____
Print

_____
Signature of Buyer or Authorized Agent

_____
Mailing Address of Buyer (If different from property address)

Pursuant to Santa Barbara Municipal Code Section 28.87.220, a copy of the above referenced Zoning Information Report must be delivered to the buyer of the property no later than three (3) days prior to the transfer of title to the property.

PRIOR TO THE DATE OF TRANSFER OF TITLE
THIS RECEIPT MUST BE SIGNED, DETACHED AND RETURNED TO:

City of Santa Barbara
Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990
FAX #: (805) 897-1904

Paper on Dealing with Discrepancies in ZIRs and Abatement of Violations Identified in ZIRs

Background

For the purposes of the ZIR, violations are categorized into two categories; major and minor. Major violations include the following actions taken without the benefit of required approvals or permits: the creation of illegal dwelling unit(s), new floor area or conditioned space, the physical loss of required parking, an improvement on the face of an ocean bluff, or violations that pose an immediate fire or life safety risk. Because major violations have the potential to create health and safety hazards or to negatively impact the neighborhood, they are referred to enforcement staff for follow-up and abatement. Violations that do not fall within one of those categories are classified as minor violations. Minor violations are not referred to enforcement staff, and remain as part of the public record. Minor violations are required to be abated prior to or concurrent with the next building permit that is sought for the property. Exceptions to this requirement are made only for permits involving work which is necessary to secure life and limb, or to ensure the safety of the property (See Attachment). City timelines for the abatement of major violations are set based on health and safety concerns and are not tied to an escrow period.

Over the last four years (2010-2013), on average 82% of ZIRs have had some sort of violation. Of those, 83% of the violations were minor and 17% were major.

Discrepancies between ZIRs- Planning process

On average, City staff prepares 45 ZIRs each month. Of this number, approximately 2-4 ZIRs have some type of inconsistency or discrepancy between the current ZIR and a previous ZIR. This is a small percentage of the total number of ZIRs. The vast majority of those discrepancies involve improvements that are considered minor for the purposes of the ZIR and are not referred for enforcement. However, if the property owner or buyer wishes to abate the minor violation at the time of the transfer of the property, City staff works with the property owner or buyer. The most common examples include: over-height hedges, storage sheds in setbacks, decks and trellises, the number of permitted bedrooms/bathrooms, conversion of understory/attic areas, full bathrooms in detached accessory buildings, and additional floor area.

During the preparation of a ZIR, if it is determined that the findings of the current ZIR do not match the findings of the previous ZIR, more research is performed before staff finalizes the ZIR to verify the status of the improvements in question. This research involves a number of sources, including: Sanborn Maps, consultation and/or additional site inspection with City building inspectors, historic survey documentation, and aerial photographs. Staff also consults with the property owner or real estate agent to discuss the discrepancy and to ask if they have any information which could help establish when the improvement in question first appeared on the site. Staff sometimes asks the property owner to obtain the County Assessor's Residential Building Record which can help establish when the improvement in question first

appeared on the property. Records that establish when an improvement was constructed help determine what City Codes were in effect at the time, and what standards and permits were necessary. Unfortunately in some instances, the property owner has construed this consultation as the City views them as "guilty until proven innocent" when the City was seeking additional information to inform the conclusion of the ZIR.

If the conclusion of this additional research is that the improvement was constructed consistent with City regulations, then this determination to resolve the discrepancy is clearly documented in the ZIR to avoid future questions on how the conclusion was made. If the conclusion of this additional research is that the improvement does not have the required City approvals and/or permit, it is listed as a violation in the ZIR. If the improvement in question is a minor violation, it is not referred for enforcement, unless there are also major violations identified onsite.

If the improvement in question is a major violation then it is referred for enforcement. Enforcement and abatement typically entails one or more of the following paths: if the work complies with existing codes (Zoning, Building, etc.) and discretionary review is not required (Modification, Design Review or other approval), then a building permit may be issued for the improvement as it exists; if the improvement complies with applicable Codes but the improvement requires discretionary review, a permit may be issued consistent with discretionary approval or conditional approval; or, if the improvement does not comply with existing codes or the improvement does not receive required discretionary approval, the issuance of a demolition permit for the removal of the improvement.

Currently, staff does not have the authority to waive zoning standards if the improvement in question conflicts with zoning requirements. Therefore, discretionary approval of a Modification of the requirement would be needed. When there is a conflict between ZIRs, staff makes the process as painless as possible: Planning fees, such as those for Modifications or Design Review, are waived; minimal information is requested of the applicant; and the project is scheduled for the next available Staff Hearing Officer meeting for a decision. The ZIR inspector processes those applications to streamline the process. In the last six years, only three projects that had discrepancies between ZIRs were heard by the Staff Hearing Officer that required modifications.

As part of the ZIR process improvements, Staff is proposing a new Administrative Zoning Approval process in order to provide an administrative process to consider and approve minor reductions or waivers of zoning standards when there are unclear city records, discrepancies in the record (including discrepancies in ZIRs), and it is evident that the improvement was on the site prior to 1974[1]. To establish this new administrative process Council must approve an amendment to the Zoning Ordinance.

Staff proposes to allow the following types of improvements with Administrative Zoning Approvals:

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[1] Year of the adoption of the Ordinance establishing ZIRs.

1. Encroachments into setback, private outdoor living space, open yard or distance between buildings encroachment, such as:

    a. Hardscape improvements in a setback – i.e. fixed objects in the landscape such as planters above 10", built-in steps, fountain and pond (no pump), screens, decorative features, etc. This does not include built in BBQs or raised fire pits.
    b. The conversion of a carport to a garage in a required setback or vice versa.
    c. First story window changes in a setback and second story window changes with consent review by the applicable design review body.
    d. Alterations in the front setback such as windows, doors, skylight, façade change, etc
    e. Change of use in required setbacks. This includes conversion of existing unfinished or finished understory or attic space to occupiable or habitable space in setbacks.
    f. Small, uniform additions within any setbacks. Said addition should be a minimum of 5 feet from the interior property line. Encroachments into the front setback shall not exceed 20% of the required front setback.
    g. Alterations to the roof pitch in any setback.
    h. Storage buildings less than 120 sq.ft. with no utilities constructed prior to 1975 located in the interior setback.

2. If residence/structure already encroaches into interior setback (i.e. it is legal non-conforming), allow certain minor improvements to encroach further:

    a. Chimneys if more than three feet from any property line.
    b. Cantilevered architectural features at least 3' above adjacent grade or finished floor which do not provide additional floor space within the building may encroach up to two feet if more than three feet from any property line.
    c. In the front setback only, uncovered balconies not providing additional floor space within the building may encroach up to two feet.
    d. Covered but unenclosed or uncovered entrance landings or steps.

3. Oversized accessory building or garage, built before 1975. Current size limit for accessory buildings is 500 sq.ft. and for garages 750 sq.ft. if property is zoned A-1 or A-2. The garage size limit for all other residential zones is 500 sf.

Again, Staff is proposing that this a new Administrative Zoning Approval process be only used in instances where there are unclear city records, discrepancies in the record (including discrepancies in ZIRs) and it is evident that the improvement has been there prior to 1974. If the improvement is a new violation or if it does not qualify for Administrative Zoning Approval and the property owner proposes to keep the improvement, then a modification of the zoning requirement (if a modification is available) would have to be requested. In instances of discrepancies between ZIRs, fees would continue to be waived and the project permitting would be expedited.

As part of the New Zoning Ordinance process currently underway, staff will be analyzing and proposing the expansion of the types of improvements that could qualify for Administrative Zoning Approvals.

In addition to this new Administrative Zoning Approval process, staff proposes that in the case of inconsistencies/discrepancies between ZIRs, staff would only refer the creation of an illegal dwelling unit and the physical loss of parking for enforcement. The creation of new floor area or conditioned space would only be referred if it appears to create an immediate health or safety risk. The risk to health and safety would be determined in consultation with the City's Building Inspectors. These three items have the potential to cause serious health and safety risks, cause the most impacts to the neighborhood, and are broader community issues.

Discrepancies between ZIRs and abatement of ZIR violations- Building Permit process

In terms of with dealing with discrepancies in ZIRs in the building permit process, the process is similar to what is done for any violation. If an improvement requires a building permit, there is no option to relieve a property owner of that requirement. However, the City is committed to streamlining the permitting process as much as possible.

To streamline the process, the Building Division has dedicated two plan check positions to handle questions and issues related to ZIR violations. This allows for more consistency in addressing ZIR violations. In addition, Planning staff consults with Building staff during the ZIR preparation process on issues/violations that require permits. Building staff will give Planning staff an indication of the information that will be necessary for the building permit.

Building staff is also flexible in addressing the abatement of violations from ZIRs that involve "as-built" non-habitable square footage and minor exterior improvements (i.e. minor violations such as fountains, patio covers, deck or patios, small storage buildings, etc.) by allowing building permits to be issued without site or floor plans or by allowing hand-drawn plans on City-provided graph paper if they are required. City staff determines whether a site plan is necessary, or whether the improvement could be documented by a detailed written description on the building permit.

Depending on the scope of the "as-built" improvement, some improvements could qualify for an over-the-counter permit. As much as possible, Building staff allows for this option.

If an improvement does not qualify for an over-the-counter permit and is determined to be a minor violation, it could typically be addressed by providing minimal information on a site plan. A site plan would be necessary to document the location of the improvement(s) on the site in relation to the property lines, setbacks, and required open yard. In some instances, only the immediate area of the improvement would be necessary to be shown on the plan. If the project is for the removal of the as-built improvement, a scaled site plan showing property lines, required setbacks, where the improvement is currently located, and an indication on whether it would be removed from the site or relocated on site would be necessary.

If the violation involves the addition of new floor area or conditioned space to the residence, then full plans and code compliance are necessary to be submitted for a building permit.

As part of the process improvements, the ZIR inspector is more involved in the building permit plan check process for applications for the abatement of violations found in ZIRs. This helps streamline the plan check process because the ZIR inspector is familiar with the site and

violations and can make a reasonable determination on what documentation needs to be provided for zoning and planning purposes.

Conclusion

Staff has taken steps to improve the accuracy and consistency in the preparation of ZIRs. However, realizing that discrepancies may continue to be discovered, Staff is proposing a number of ways to address discrepancies between ZIRs. Staff has proposed limiting immediate enforcement to cases of illegal dwelling units, loss of required parking, and floor area or conditioned space that pose an immediate health and safety risk. All other violations will be noted and kept in the file but will not be referred to enforcement. Staff has also proposed the Administrative Zoning Approval process to consider and approve minor reductions or waivers of zoning standards when there are unclear city records, discrepancies in the record (including discrepancies in ZIRs), and it is evident that the improvement was on the site prior to 1974.

In regards to the permitting process, the City is committed to streamlining the City discretionary review and permit processing process. If a violation existed on a property at the time of a previous ZIR and was not identified as a violation, Planning fees are waived and the project would be expedited.

In terms of the building permit process, the City is committed to streamlining the building permit process for all projects submitted for a building permit. As such, Council approved additional funding with this year's budget to fund additional staffing for the overall plan check process. Zoning staff has been reviewing its plan check procedures to address issues which have arisen in the overall plan check process, including the amount and type of information requested to be submitted and the timeline for review. In addition, the Land Development Team Supervisors have been meeting regularly about the plan check process and potential improvements to it. Those two improvement processes dovetail into the issues the ZIR Working Group has been working on. Specifically in the area of addressing violations that have been identified through the ZIR process, building staff also carefully reviews the scope of the improvements to determine if the project could qualify for over the counter permit and whether site or floor plans are necessary. The ZIR inspector is more involved in building permit/plan check process and helps in the determination on what the appropriate documentation should be for the abatement of the violations.

Attachment:

Building Permit Issuance with Pending Enforcement

Counter Policies & Procedures

BUILDING PERMIT ISSUANCE WITH PENDING ENFORCEMENT

INTRODUCTION

When the City receives a development application on a lot with outstanding violations, a permit is not issued unless the violation is corrected as part of the permit. All violations must be corrected on one permit, they cannot be piecemealed. Violations include: all pending or active ENF cases, expired permits, and any violations from past ZIRs. Exceptions are made only for permits involving work which is necessary to secure life and limb, or to ensure the safety of the property. The purpose of this policy is to establish when and what type of permit may be issued on a property with enforcement pending.

POLICY

Building permits shall not be issued unless all identified violations are abated as part of the permit. However, permits for the following types of repair work may be issued without including or addressing the violation(s) as long as the scope of work for that permit does not involve the improvement that is the subject of the violation. Design Review may still be required.

1. Permits for reroof of a building, without changing the pitch or configuration of the roof

2. Permits for electrical or other utility upgrade, including changing out a meter for a larger one, or rewiring, re-plumbing, and sewer line replacement.

3. Any work which is repair on an existing property, such as replacing a termite-damaged deck or wall. This does <u>not</u> include replacing existing windows or doors with new windows or doors of a different material or size.

4. Emergency repairs, such as retaining walls, in a situation where life or property is immediately threatened.

5. New or replacement solar panels or electric vehicle charging stations are allowed to proceed without abating violations as an incentive to these types of projects.

If there is a question of whether the application goes beyond necessary repair, the Building and Safety Division should be consulted to determine if it is a true health and safety concern. Even minor permits must comply; examples of minor permits that are not considered a safety concerns include: pool permits, new air conditioners, repaving driveways.

Potential Administrative Zoning Approvals

In instances where there are unclear city records, discrepancies in the record (including discrepancies in ZIRs) and it is evident that the improvement was on the site prior to 1974[1]:

1. Encroachments into setback, private outdoor living space, open yard or distance between buildings encroachment, such as:

    a. Hardscape improvements in a setback – i.e. fixed objects in the landscape such as planters above 10", built-in steps, fountain and pond (no pump), screens, decorative features, etc. This does not include built in BBQs or raised fire pits.

    b. The conversion of a carport to a garage in a required setback or vice versa.

    c. First story window changes in a setback and second story window changes with consent review by the applicable design review body.

    d. Alterations in the front setback such as windows, doors, skylight, façade change, etc

    e. Change of use in required setbacks. This included conversion of existing unfinished or finished understory or attic space to occupiable or habitable space in setbacks.

    f. Small, uniform additions within any setbacks. Said addition should be a minimum of 5 feet from the interior property line. Encroachments into the front setback shall not exceed 20% of the required front setback.

    g. Alterations to the roof pitch in any setback.

    h. Storage buildings less than 120 sq.ft. with no utilities constructed prior to 1975 located in the interior setback.

2. If residence/structure already encroaches into interior setback (i.e. it is legal non-conforming), allow certain minor improvements to encroach further:

    a. Chimneys if more than three feet from any property line.

    b. Cantilevered architectural features at least 3' above adjacent grade or finished floor which do not provide additional floor space within the building may encroach up to two feet if more than three feet from any property line.

    c. In the front setback only, uncovered balconies not providing additional floor space within the building may encroach up to two feet.

    d. Covered but unenclosed or uncovered entrance landings or steps.

3. Oversized accessory building or garage, built before 1975. Current size limit for accessory buildings is 500 sq.ft. and for garages 750 sq.ft. if property is zoned A-1 or A-2. The garage size limit for all other residential zones is 500 sf.

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[1] Year of the adoption of the Ordinance establishing ZIRs.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: January 30, 2014 9:00 A.M.

Location: City of Santa Barbara – Community Development Building
Community Development Conference Room, 2nd Floor
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Laurel Abbott, SBAOR/Realtor

Susan went over the objectives, focus, and proposed approach on working on the issues of the working group. She also gave a status on the City meeting the new objective of completing 80% of the ZIRs within 10 days of application submittal. For the period of Oct.-Dec. 2013, 93% were completed within 10 working days. She also explained that staff has seen a decrease in the number of ZIR applications submitted prior to escrow and an increase in the number of ZIR applications submitted more than 5 days after entering into escrow. She requested SBAOR remind their membership know that it is important to get the ZIR applications in early.

Bob explained SBAORs position regarding their desire to have ZIRs be optional, however to some degree that is an open issue as they are committed to do the best they can with this ZIR working group.

Adrienne wants to address the underlying problems and suggested the group work on the format of the ZIR form first, and explained that she did work with the City of Ventura when they were updating their forms.

Deborah suggested we start with big picture and philosophy of the parties involved, find areas of agreement and where to look for changes/improvements.

June stated the most important aspect is the reliability and the legal complications.

Bettie stated it's important to understand why and how we got to this problem. The process has evolved over time so there is a lack of consistency between old ZIRs and present procedures and quality.

Bob said it was very important to get the City Attorney's point of view. He feels the City's point of view when discrepancies arise is very different from other jurisdictions. He gave examples of Goleta and Carpinteria where he said those cities seem more likely to forgive the situation if they missed something.

EXHIBIT F

Deborah stated it's important for the City to stand by its work product and we need to work on a fair and appropriate way to deal with possible violations whether they are newly discovered or not. During real estate transactions is the prime time to identify possible violations.

June questioned whether the City has a range of information from past decades and how many problems with old ZIRs and plans.

Bettie stated that the information is not easy to get, but we know enough to be clear there are real issues and we believe the group will see those issues and we can work to improve the system.

Laurel stated that when the ZIR is identifying a new issue there is a lot of collaboration on how to solve it. It's the discrepancies with prior ZIRs that are the larger issue.

Bob explained that when the City requests information from the seller, they feel that they are assumed guilty until they prove their innocence.

Susan explained that when the City requests information from the property owner it's to help resolve record gaps or inconsistencies.

Bettie suggests that the group first work through what is done from the start and have a process for dealing with possible violations (minor and major) when there is no discrepancy from a prior ZIR. Then look at the discrepancy cases and develop more tools and approaches to solve those problems (with more flexibility than we have now).

John questioned what the disclosure and responsibilities were for the realtors, what level of inquiry they do. It's important for knowledge for fair and informed decision and expectation for each party in transaction. What are the remedies and price associated with them?

Adrienne gave the example of the City of Ventura where for $24.000 the City of Ventura will provide a computer printout of information in their computer database within 24 hours. The buyer is responsible to interpret the information.

Deborah stated that over time major violations could happen and if we took the City of Ventura's approach, we may not know about it for years.

Jim stated that in the City of Goleta they respond to complaints from the neighbors on possible violations. He also wants this group to better define major vs. minor violations.

John requested information from the SBAOR and City on materially important information.

June stated that ZIRs are important for the confidence for buyers. Important to know what the City knows about a property.

Deborah stated that this meeting had good progress. Next meeting it would be good to discuss major vs. minor violations from both the City and realtor's prospective.

John stated he'd like to hear what the "material effect" is from the realtors and how it affects the value.

Jim stated that when there are major violations, it makes sense for everything to come into the equation.

June stated that the educational component and complexity is important to understand.

It was agreed that the next meeting would focus on:

- Major/ minor violations
- Information on the complexities of the City's decisions;
- Definition of material fact – have the realtors describe what that covers/means

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: February 26, 2014 10:00 A.M.

Location: City of Santa Barbara – Community Development Building
Community Development Conference Room, 2nd Floor
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Laurel Abbott, SBAOR/Realtor
George Estrella, Chief Building official (left 10:40 A.M.)
Larry Cassidy, Building Inspector Supervisor
David Eng, Planning Technician

Susan Reardon provided an overview of the resources used to inform zoning inspections and the Zoning Information Reports:

1) **Archive Plans**: These are approved plans that are stored at the City and available for viewing by appointment at the City's record counter.
2) **Street and Planning Files**: These are stored at the City. These records are scanned and are available for viewing online and at the City's record counter.
3) **Sanborn Map**: Sanborn maps were originally used to assess properties for fire insurance risk. Locally they were updated until the 1960s. They provide a marker of historic conditions of buildings in Santa Barbara from which to compare ZIR inspection findings. They are available for viewing at the City's planning counter. Susan Reardon provided a brief explanation of how to read a Sanborn Map.
4) **County Residential Building Records**: These records are created by the County Assessor and provide information on the use, statistics, and condition of a building over time. Sometimes the permit history is noted. Susan Reardon explained that these records are useful when there are gaps in the City records or when the records are unclear. She noted that the County only provides these records to property owners or their designees.
5) **City of Santa Barbara Historic Survey**: The surveys provide images, building statistics, and brief narratives and assessments of residences within a historic survey area. They sometimes include the permit history of the building. The historic surveys are an ongoing program begun in the 1970s, and have been conducted over time by volunteers, contracted groups, and City staff. Historic survey records are stored at the planning counter and may be viewed upon request.
6) **Other/Aerial Photos**: Old/historic photos and aerial imagery are also used to help establish when an improvement first appeared. Photographs are sometimes provided by a property

owner or they may be in the City's project files. The City's Public Works Department has some aerial photos. UCSB has a more extensive aerial surveys catalog.

Bettie Weiss emphasized that the City welcomes all sources of information to help staff make the appropriate determinations in ZIRs.

The group entered into a discussion about errors and inconsistencies in ZIRs prepared over time. Deborah Schwartz asked whether there is a training manual and consistent training for City staff preparing ZIRs. Susan Reardon noted that training material is being prepared.

Deborah Schwartz noted that the language used to describe violations often varies depending on the staff person preparing the report. She suggested using standardized language in the ZIRs to provide more consistency. Susan Reardon explained that standardized language is often used in ZIRs. However, she and several others in the group also acknowledged that the unique circumstances of certain properties and violations would necessitate customized language.

Deborah Schwartz asked whether there is a checklist of documents and resources used in ZIR preparation. If not, she suggested incorporating one in the future.

The group entered into a discussion about gaps in records, specifically the time period when the County issued building permits in the City. Susan Reardon explained that in these cases, the City would rely on other sources of information.

The group entered into a discussion about the use of private inspectors. John Campanella suggested that it may be useful for findings from private inspectors to be included into City files. Bettie Weiss noted that a problem with this is the need for this information to be verified by City staff. Deborah Schwartz asked to continue the discussion of private inspectors to a future time.

Adrienne Schuele added that a major issue that needs to be examined is how the City should take ownership of errors made by its staff.

Susan Reardon provided an overview of major and minor violations:

1. **Major Violations**
    a. Illegal dwelling units (IDUs)
    b. Addition of new habitable space
    c. Illegal conversion or loss of required parking
    d. Improvements within 50 feet of coastal bluff or on the bluff face

2. **Minor Violations** are all other violations.

Susan Reardon noted that the City does not require violations to be abated within the escrow period and this is a common misunderstanding among agents and property owners.

Deborah Schwartz suggested clearly defining each of the four major violations (e.g. what is the difference between a dwelling and habitable space?) John Campanella also suggested comparing that with what the definitions are from realtors' standpoint.

Adrienne Schuele asked how the group should address the 1000s of inaccurate ZIRs. Susan Reardon disagreed with the assessment that there are 1000s of incorrect ZIRs.

Larry Cassidy explained the building inspectors' role in evaluating violations and took questions from the group. He explained that areas used for living, eating, or sleeping are what make a room "habitable." Noting that building inspectors cannot inspect everything on a property due to time constraints, he also explained that inspectors focus on basic characteristics such as the number of bedrooms and bathrooms, design review requirements, high fire area requirements, and life and safety requirements. He emphasized that if something is overlooked by an inspector, it does not mean it is approved. The group discussed how it is also common for changes to be made out in the field. Bettie Weiss urged that all changes be documented to prevent discrepancies later on.

John Campanella asked whether architects use approved archive plans to base new proposed plans on, whether realtors are coaching buyers to know the right questions to ask when buying, and whether buyers are provided with any supplemental information during the buying process.

Laurel Abbott returned to the topic of privatizing the ZIR process and the role private planners could play by investigating issues and potential violations beforehand.

Krista Pleiser referred to a program used by the City of San Marino where city-trained private inspectors abate violations beforehand. Bettie Weiss explained that this idea has been considered but that given the added time that private inspectors would need to access records and archives, investigations would be prolonged and the cost would not be significantly different. She also expressed concern that without City involvement, the parties involved would not know the City's position on the status of an improvement.

Deborah Schwartz suggested looking into an amnesty program (e.g. City of Ventura) under which property owners would be able to turn themselves in for violations beforehand without financial penalty. Bettie Weiss indicated that Ventura's amnesty program only pertained to the legalization of second units.

In discussing abatement of building violations, June Pujo asked whether stamped plans or inspector sign-offs prevail. Larry Cassidy replied that plans do usually and addressed the role of field changes. However, he noted that conformance to the adopted building code trumps everything. June Pujo followed with a question regarding zoning violations to which Bettie Weiss responded by saying that staff often makes judgment calls based on practicality and whether it's "close enough."

Deborah Schwartz suggested the City prepare a handout that could be given to the property owner that informs them how to address the identified violation.

Bob Hart revisited the topic of missing City files. Bettie Weiss acknowledged that some records are missing, especially County-issued building permits during the 1970s. She explained that other resources would be relied upon to identify a time of a particular improvement and apply appropriate ordinances to.

The group concluded the meeting by suggesting items for future discussion.

Susan Reardon listed the following items:

1. Continuing discussion of major versus minor violations.
2. Discuss administrative approvals (Susan Reardon to send a list to members)

Other members suggested the following additional items:

1. Understanding better what the realtors do for their clients in terms of disclosures and the ZIR process.
2. The statewide buyer advisory and real estate transfer disclosure statement from realtors.
3. The issue of grandfathering, legitimizing a violation, and the difference between these.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: March 12, 2014 10:00 A.M.

Location: City of Santa Barbara – Community Development Building
Public Works Conference Room
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
David Eng, Planning Technician

Susan Reardon reviewed the minutes of the February 26, 2014 ZIR Working Group Meeting.

ZONING VIOLATION ABATEMENT TIMEFRAMES

Deborah Schwartz asked whether any ZIR documents provide a timeframe for abatement.

Susan Reardon responded that the City does not require the violations to be abated prior to the close of escrow.

George Estrella stated that timelines are created when an enforcement case is started. The owner is typically given 30 days to contact the City. He stated that one of the goals of enforcement from Building and Safety's perspective is to establish a working dialogue with the property owner to ensure that progress is being made toward abatement.

Bettie Weiss noted that lenders sometimes play a role in when violations are abated. Adrienne Schuele added banks' strict standards often require all violations to be addressed immediately.

George Estrella asked whether realtors are encouraging property owners to address potential violations before a property is listed. Adrienne Schuele said realtors will encourage agents and sellers to obtain a ZIR as soon as a property is listed and that the buyer is responsible for researching the property. Bettie Weiss noted that one idea is to include information in the water bill about obtaining ZIRs.

Adrienne Schuele referenced the Transfer Disclosure Statement, where owners are to provide all material facts about their property. Things are more complicated when issues are revealed after an offer is made.

CATEGORIZING VIOLATIONS

Deborah Schwartz asked for clarification about non-conformities. Bettie Weiss explained that something is legal non-conforming if it was built and permitted under a previously adopted code.

Deborah Schwartz also sought clarification in the Fine Print for when violations needed to be abated immediately or in the future. Bettie Weiss was open to revising the Fine Print and suggested that group members provide input on this.

In response to a question about whether violations run with the land, Scott Vincent explained that the owner of a property is responsible for the condition of that property at that point in time. Adrienne Schuele noted that the hand-off of violations between old and new property owners is unique in each case, depending on circumstances surrounding the lender, buyers, or sellers.

George Estrella emphasized that the ZIRs are not health and safety inspections; they are zoning inspections. Bettie Weiss added that zoning inspectors do not report on everything (eg. kitchen remodels). George Estrella noted that some of the "minor" zoning violations could actually be "major" building violations.

Adrienne Schuele asked whether inspectors were liable for not disclosing all violations. Scott Vincent explained that state laws grant immunity to inspectors for this.

Adrienne Schuele felt that there are a lot of undocumented construction changes made in the field that are inspected and signed off on. Larry Cassidy noted that this is no longer the case and that practice has changed. George Estrella added that inspectors will inspect a property and try to assess when an addition or alteration was done.

June Pujo pointed out that there are health and safety issues for Zoning and those for Building and Safety. She suggested that the ZIR should identify major issues only as it relates to zoning. Bettie Weiss explained that the City does not feel constrained to give only zoning information in the ZIR. The ZIR gives information regarding work done without permits to convey the permit record and other information that City is aware of.

Adrienne Schuele said that she would like to see all of the information sources used for ZIRs provided to the buyer, adding that the City of Ventura prints out all building permits and property information for a $24 fee.

Bettie Weiss said that she would like to inform the public as much as possible of the range of information available and that the information the City of Ventura provides is currently available on our City's website. Efforts could be made to package this information and perhaps realtors could be trained on how to access it.

June Pujo acknowledged the importance of site inspections for major violations but questioned whether every building violation including minor ones should be listed.

Adrienne Schuele felt that a key problem remains, older incorrect ZIRs that create inconsistencies during inspections.

June Pujo stated that we need to better define what the report focuses on. Bettie Weiss agreed that the City does not want to raise a red flag on certain violations when it is not significant. Items such as a floor plan that deviates somewhat with an actual home could perhaps be listed as an informational item. She added that in any case, the City wants to err on the side of redundancy.

Krista Pleiser noted that the City of Monterey Park was eliminating their ZIR program.

George Estrella felt that ZIRs in general and despite their imperfections do maintain neighborhoods and helps the City and its housing stock. Bettie Weiss expressed concern about what would happen without ZIRs. June Pujo agreed that there is a value to ZIRs. However, there should be a focus on neighborhood compatibility issues and perhaps other violations can be listed as informational.

Deborah Schwartz raised the issue of amnesty for illegal dwelling units to which Scott Vincent responded and said that the City Attorney could draft a program and advise City Council to encourage and incentivize owners to volunteer violations on their properties.

Bob Hart reiterated the issue of properties receiving clean reports year after year, followed by a finding of a violation.

Bettie Weiss suggested the possibility for an ordinance change to grant approval of certain violations that do not adversely impact others. Bob Hart cited the example of a carport that is partially in the setback.

ZIR AMNESTY AND INCENTIVE PROGRAM

Krista Pleiser proposed an amnesty program that encourages property owners to obtain a ZIR for a discounted fee. She also suggested that after a certain period, only these ZIRs are used as a reference for future inspections. Jim Caldwell agreed that this would be a good option to consider. Krista Pleiser cited the City's sewer lateral inspection program as a successful effort to model.

Bettie Weiss said that City Council could consider subsidizing ZIRs. Jim Caldwell felt that this would be a good move on the City's part; if the City values ZIRs, they should be incentivized.

Bettie Weiss touched upon the City's impending overhaul of the zoning ordinance and how it could be written to better address zoning violations in the future. Scott Vincent added that the City could consider removing standards for violations that do not hurt anyone.

INCORPORATING EXTERNAL SOURCES OF INFORMATION IN ZIRS

Krista Pleiser also suggested that photos and simple floor plans should be recorded for ZIRs. Adrienne Schuele noted that there are some services that provide this. June Pujo noted that this would be an added expense.

Bettie Weiss asked whether home appraisal and home inspection reports could be provided to the City.

Scott Vincent said that information from City inspections could be combined with drawings and other information provided by the agent and owner. June Pujo questioned whether this approach would complicate things.

Krista Pleiser said she would share examples from the City of San Marino that show the level of documentation provided by their privatized ZIR process. She also emphasized that public relations would play a big role in improving the ZIR process.

NEXT STEPS

The group identified several tasks and discussion items for the following ZIR working group meeting.

1) The next working group meeting will focus on how to resolve discrepancies between the findings of a prior ZIR and what is on the site today when we think the City made an error in the previous ZIR.
2) Krista Pleiser will draft a conceptual ZIR amnesty and incentive program for discussion.
3) Staff will send the existing ZIR form to group members to review and comment on.
4) Realtors will provide what they consider "major" and "minor" violations for discussion.

ADJOURNMENT

Meeting adjourned at 12:15 P.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: April 17, 2014 9:00 A.M.

Location: City of Santa Barbara – City Hall
735 Anacapa Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Laurel Abbott, SBAOR/Realtor
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
Chris Agnoli, SBAOR/Realtor (sat in for Bob Hart)
David Eng, Planning Technician

Susan Reardon reviewed the minutes of the March 13, 2014 ZIR Working Group Meeting.

ADMINISTRATIVE ZONING APPROVALS

The group discussed a list of proposed items that could potentially qualify for administrative zoning approvals.

Bettie Weiss explained that when appropriate the administrative approval process could be incorporated into the ZIR process to expedite resolution of discrepancies found during an inspection. As the City's Staff Hearing Officer, Susan Reardon, for example, could provide administrative sign-offs on discrepancies on an addendum letter to the ZIR. Building and Safety would be involved whenever the case warrants it.

Both Larry Cassidy and George Estrella agreed that this would be a good approach to take. However, George Estrella offered the caveat that as-built improvements would need to meet current building and safety codes, and these would be reviewed on a case-by-case basis.

June Pujo asked whether there is a simplified building permit process (i.e. short-form versus long-form permit). Larry Cassidy explained that there is just one type of building permit but what is involved or required depends on the specific case.

The group asked how many cases are referred to building each year. Susan Reardon explained that 600-700 ZIRs are done each year but she would need to research further how many cases are referred to Building and Safety.

Susan Reardon touched upon discrepancies in ZIRs and noted that the discrepancies found today mainly has to do with ZIRs prepared during the late-1990s to mid-2000s. Discrepancies have been largely attributed to a particular staff member and also changing administrative standards for particular violations to be either called out, omitted, or noted as information only. On this, Deborah Schwartz stressed standardization of procedures and interpretations that remain consistent over time and staffing changes.

Deborah Schwartz asked for clarification on the intent and scope of the ZIR. George Estrella reiterated that ZIRs are not health and safety inspections. In the instance of ZIR violations, Building and Safety only responds to violations that Zoning notes in the ZIR. In the end, Building and Safety looks at whether an item meets current code, and applies a common sense approach to whether it is safe to leave an alteration as-is. Bettie Weiss added that the intent of the ZIR is to convey to a buyer what City records and site inspection reveal.

Adrienne Schuele cited the ZIR's purpose to provide information and felt that the City has taken the program beyond its original intent by pursuing full compliance of each property with the code. However, Susan Reardon clarified that the Municipal Code calls for any known non-conformities and violations of any ordinance or law to be reported. The group entered into a discussion of incorrect information in ZIRs.

Deborah Schwartz asked to refocus the discussion on the list of administrative approvals provided. She also asked to develop a flowchart of the entire ZIR process and to explore the "amnesty" program further. George Estrella pointed out that with certain building violations, there cannot be amnesty.

June Pujo commented that the list looked fine overall and that the possibility of administrative approval of the items is promising. She felt that the more significant issue is how items referred to Building and Safety would be handled. She asked whether a similar administrative approval process could be applied to building violations.

George Estrella explained that Building and Safety has an obligation to act on all building violations that it finds, as they are referred to them or if they discover it during an inspection for an otherwise "minor" violation.

Scott Vincent noted that the items on the list need further definition and refinement and asked for clarification on improvements that have existed "a very long time." Susan Reardon noted that this term usually pertains to improvements that have existed on the site prior to the 1960s, but would like discussion on that. Scott Vincent also expressed concern that administrative approval of unpermitted improvements that do not meet current standards would negate the effectiveness and equitable application of those standards to all properties. Bettie Weiss clarified that the administrative approvals process would only be in the context of previous and possibly inaccurate ZIRs. Susan Reardon noted that there was consideration for broader application of administrative approvals of items in list numbers 1 and 2 (akin to administrative approvals for fence and hedge heights), but unless there is support from Planning Commission and City Council to do so, the approvals will only be used in the context of ZIRs.

Adrienne Schuele, Jim Caldwell, and Laurel Abbott stressed that they want all information disclosed.

Bettie Weiss acknowledged that part of the reason issues have arisen from the ZIR program is that administrative procedures have changes over time and that the City's records are sometimes not always complete for each property.

The group returned to the topic of administrative sign-offs on unpermitted work. George Estrella explained that if he comes across something that appears old and is safe, he is apt to sign it off. But again, any serious violations would need to be addressed immediately.

Scott Vincent stated that the ZIR is to inform buyers and protect public safety. We need consistency and transparency going forward and a description of the enforcement timeline.

SUSPENDED ENFORCEMENT

The group explored focusing on using the ZIR primarily as an informational report to homebuyers and holding off on enforcement of violations. Homebuyers could abate the violation on their own time. George Estrella expressed his concern that this only delays the inevitable enforcement process. He also clarified that this approach may apply for unpermitted improvements that appear to have existed for a long time and do not pose any health and safety issues; however, it could not be use to remedy issues that do pose health and safety concerns.

Bettie Weiss suggested the approach of not immediately enforcing on and referring violations to Building and Safety that are not gross violations. She asked the group whether this was a suitable approach for the future.

John Campanella stated we should explore a free pass. In instances of discrepancies, either require abatement of all violations (whether major or minor) when the next building permit is sought or prior to the next sale of the property. The timing of abatement should be clearly stated on the ZIR form.

Adrienne Schuele asked whether Building and Safety would enforce on items presented to them by a buyer with a ZIR. George Estrella explained that they would not. Several group members expressed support for suspended enforcement.

GOALS

The group entered into a discussion of goals as the working meetings draw to a close. Deborah Schwartz asked staff to draft a policy document for the ZIR process. Bettie Weiss asked the group to focus on comments on the form for the next meeting.

Deborah Schwartz also asked whether the group would have input into the portions of the new ordinance that pertain to ZIRs. Bettie Weiss explained that the group would not be working directly with the new ordinance, but through its discussions on the ZIR documents and procedures would inform development of the new ordinance.

Bettie Weiss urged group members from the real estate community to think about whether the direction the discussions and proposed changes to ZIR policy are alignment with their goals. Deborah Schwartz added that she would like the see the entire group develop a unified voice on its position on ZIRs.

Laurel Abbott commented that not referring improvements to enforcement would alleviate some of the animosity with the public.

NEXT STEPS

The group identified several tasks and discussion items for the following ZIR working group meeting.

1) Group members will review the ZIR form independently and provide comments for discussion at the following meeting.
2) Revisit the "amnesty" program.

ADJOURNMENT

Meeting adjourned at 11:00 A.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: April 24, 2014 10:00 A.M.

Location: City of Santa Barbara – David Gebhard Public Meeting Room
630 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner/Acting Community Development Director
Scott Vincent, Assistant City Attorney
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Laurel Abbott, SBAOR/Realtor
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor

At this meeting the group discussed changes to the ZIR form. June Pujo and City staff had provided written suggested revisions to the existing ZIR form so the discussion focused on those two documents.

There was consensus to strengthen the purpose statement. An explanation on what the ZIR does and doesn't provide should be included. Emphasize the report is information based and not a complete inventory of entire site, nor a disclosure document as that term in used in the real estate community. Explain the process, what the ZIR is based on, and provide a generic list of what was used to prepare the ZIR. Include a list and link to information sources to help public be able to access City records. The "fine print" section should be removed from the ZIR form and the relevant/important information in the fine print should be placed in the sections that it refers to. The important stuff should not be buried in the fine print but highlighted in the appropriate sections.

Deborah Schwartz stated there should be an explanation on what the time limit means. Scott Vincent stated that the seller could use the ZIR to satisfy the ordinance requirements until it expires. Bettie Weiss stated that information could be added to the ZIR application form regarding extensions.

Adrienne Schuele suggested a draft ZIR be put out first that explains the ZIR findings. Bettie Weiss stated that would extend the time before a final ZIR is prepared.

Adrienne Schuele stated that there could be more discussion during the site inspection and that may clear some issues up. Laurel Abbott stated inspectors should call agents more often with issues. Susan Reardon stated that if agents are not readily available to respond to the issues it could add time to the completion of the ZIR. It was suggested that the inspector give a specific period of time for the realtor to get back to the inspector or the ZIR will be finalized without their input.

Bettie Weiss suggested a new section be added to the ZIR which discusses remedies and next steps to address identified violations, including administrative approvals. Scott Vincent suggested an illegal status box could be added which includes items that were determined to be illegal.

Adrienne Schuele stated that the City should save photos. John Campanella stated the City should limit saved photos to the ones that show the violations. Scott Vincent stated that the photos could be used to not only document violations but also establish a baseline.

Susan Reardon stated that property owners have expressed concerns in the past regarding privacy and safety issues with having photos of their property and the inside of their homes available in the street file and accessible via the City's website for the general public. Adrienne Schuele stated that the photos could be kept separate. Susan Reardon stated staff would have to explore that option further to ensure that the general public's concerns are met.

Deborah Schwartz suggested a glossary and possibly links to the definitions be added to the ZIR with definitions of terms used in the ZIR. Scott Vincent suggested a sentence could be added to the introduction section of the ZIR that indicates the terms used in the document are based on definitions in Chapter 28.04 of the City's Zoning Ordinance.

Adrienne Schuele stated more information on items that could affect future development or improvements on the site should be provided in the ZIR. Susan Reardon stated that staff could print out the MEA form and attach it to the ZIR. The MEA indentifies environmental constraints on a property.

All agreed that the statement regarding smoke detectors should be removed from the form.

June Pujo stated that time and space in the ZIR should be devoted to what is important.

Scott Vincent questioned why bedrooms are included for single family residences. Deborah Schwartz suggested that bedrooms be taken out for single family residences.

John Campanella questioned whether the fact that a property is in a historical district or included on the structures of merit, landmarks, or potential list is currently identified in the ZIR. Susan Reardon stated that it is.

June Pujo stated that being on the potential historic resources list may raise concerns with some property owners. Adrienne Schuele stated that it is good for people to know that information.

Adrienne Schuele questioned how staff determines that something is within a setback. Scott Vincent suggested wording be added that describes what the setback is based on, i.e. site plan, on-site observation.

Adrienne Schuele stated she liked staff use of the terms "appears to be" and "might be."

Discussion also occurred on the property description section of the ZIR form. The group discussed what should and shouldn't be included in the property description. There was consensus that the

property description should be what was observed on site and that the violations should be noted in a separate section. A distinction should be made on what is on site and what is permitted.

June Pujo suggested a table be provided. Susan Reardon provided the table that is currently in the Planning Commission staff report as an example but noted that all the information on that table would not be included in the ZIR.

Bettie Weiss suggested two columns; what was observed and what is permitted.

Scott Vincent suggested three columns; zoning standard, what was observed, and what is permitted.

Bettie Weiss stated there is a big difference between major and minor violations. By matter of City policy staff has indentified what violations are referred for immediate enforcement. Discussions could occur with the Planning Commission and City Council to confirm what staff classifies as a major or minor violation and what staff refers for immediate enforcement.

Deborah Schwartz questioned what happens in a subsequent ZIR if a building permit is never pulled and there are minor violations identified in a previous ZIR. Susan Reardon stated that if the violations still remain on site they would be identified in the subsequent ZIR and would still not be referred for enforcement. However, if a neighbor calls and files a complaint on the minor violation the City would deal with it at that time.

NEXT STEPS

1) Group members will review the ZIR form independently and provide written comments to Susan Reardon for incorporation into a revised draft ZIR.

2) Individual group members will email Susan Reardon their list of key items/topics they feel we haven't discussed completely or haven't discussed at all.

   Topics identified at the meeting included:
   a. How to respond to discrepancies
   b. Association's wish list/ideas on how to address discrepancies, their priorities, and what they could live with
   c. Pros/cons of making ZIRs optional
   d. Definitions such as habitable space, major/minor violations, non-conforming

ADJOURNMENT

Meeting adjourned at 12:00 P.M.

City of Santa Barbara
Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: June 3, 2014 10:00 A.M.

Location: SBAOR Offices
1415 Chapala Street

Present:
Susan Reardon, Senior Planner
Bettie Weiss, City Planner
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Krista Pleiser, SBAOR
Bob Hart, SBAOR
Laurel Abbott, SBAOR/Realtor
Jim Caldwell, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
Lonnie Cassidy, Building Plan Check Supervisor
David Eng, Planning Technician

Susan Reardon reviewed the minutes of the April 17 and April 24, 2014 ZIR Working Group meetings and asked the group for comments.

The objectives for the day's meeting were:

1) Discuss the administrative approval and permitting process and find consensus on the list of administrative approval items developed from previous group discussion.
2) Pros and cons of making ZIRs optional.
3) Clarify definitions (e.g. major versus minor violations, habitable space, and non-conforming space.

Susan Reardon also asked group members to provide comments to her on the ZIR form at their earliest convenience.

Laurel Abbott asked for further discussion on the issue of discrepancies, which had not been resolved. Susan Reardon agreed that the issue had not been fully discussed and asked the group to provide any comments.

Adrienne Schuele raised the issue that ZIRs are not exhaustive inspections and may leave out building violations that property owners are surprised they need to address later. She and Krista Pleiser said that there is a misperception among the public that a clean ZIR is a finding of no zoning and building violations.

Bettie Weiss explained that the ZIR states that it is not a building inspection. She suggested that this information could be included on other forms such as the application form, and that new language could be incorporated to direct the public to other types of inspections (e.g. private inspections) or the building counter for additional property information. Laurel Abbott added that the scope of the ZIR could be better defined. Scott Vincent also suggested that information on open and expired permits could be included from Tidemark. June Pujo cautioned against providing a level of information in the ZIR that goes beyond its primary purpose as a zoning report, as including additional information could be more time consuming and costly than desired.

Adrienne Schuele raised the issue of "clean" ZIRs that are not really so due to discrepancies or omissions. George Estrella explained that unless the violation is "major" the other violations are provided only as information. Bettie Weiss agreed with June Pujo that the City does not want to have the ZIR become something more than a zoning report but it does wants to provide as much information as possible (e.g. Master Environmental Assessment maps). Bettie Weiss explained that the expectation that the ZIR is a comprehensive report that addresses all of the City's codes is not realistic and perhaps more could be done to explain that to the public.

John Campanella referenced Buyer's Advisory documents and suggested that the ZIR could dovetail with the information categories in those documents: zoning, building, and code compliance. Bettie Weiss noted that the ZIR looks at zoning code and building permits, but does not get involved with building codes. John Campanella suggested that this should be clearly explained. Bettie Weiss and June Pujo noted that additional inspections such as a home inspection would provide the building code compliance information that the ZIR does not.

Lonnie Cassidy noted that the public often inaccurately assumes that the City departments and divisions operate as one entity, which is not the case. Different divisions such as Building and Safety and Planning operate under different regulations.

Bettie Weiss steered the discussion to examine the pros and cons of the ZIR, with consideration of the working group's efforts to improve it. She summarized the group's desire to highlight major violations in a prominent box on the report and have other violations listed elsewhere. Krista Pleiser added that the lists could also be organized by how violations could be remedied.

Bettie Weiss asked the group how various parties would be affected if the ZIR were eliminated.

Laurel Abbott explained that in most cities, permit planners, architects, and inspections do the ZIR. Bettie Weiss relayed her discussions with private sector planners and explained that they do their best to provide their interpretations of zoning issues. However, the City's interpretations are what matters and is ultimately necessary. June Pujo explained that as a private planner, she would need to consult with the City to provide reliable information and did not see a scenario where the City was not involved. She felt that having the City conduct the ZIR was the most efficient option.

Adrienne Schuele revisited the issue of discrepancies in ZIRs and expressed her concern about the City's interpretation of information at different times. Bettie Weiss reiterated the City's approach to discrepancies that arise in ZIRs, which is to make an assessment based on all available information available in City records and any info the owner provides.

Deborah Schwartz referred to the ZIR process in the City of San Marino. Krista Pleiser summarized the process in the City of San Marino where city-certified private inspectors conduct inspections using a form provided by the City. The inspectors submit the form to the City, which then verifies the information against their records. Bettie Weiss stated that San Marino is very limited on what is inspected.

Deborah Schwartz asked whether the City would consider issuing a certificate of compliance for inspections and stand by it. Scott Vincent explained that the City could do that but would not recommend it unless there is a more robust and detailed process that involves more documentation such as photos and floor plans.

Krista Pleiser noted that buyers are often uncertain about what City inspectors are looking for and suggested a checklist that property owners can reference. She noted the types of items examined by inspectors for the City of San Marino, some of which include building items. George Estrella explained that the City's existing ZIR program is not equipped to ensure building code compliance.

Bettie Weiss asked the group about pros and cons of immediate enforcement as part of the ZIR program. She acknowledged that lenders might want to see all issues resolved immediately despite the buyer and selling agreeing to handle violations at a later date. Laurel Abbott explained that it is more appropriate to address violations in conjunction with new building improvements since property owners are more financially prepared to address violations when they are already funding discretionary building improvements. Adrienne Schuele added that it is often inconvenient or not possible to address discrepancies within the 30-day escrow period. Susan Reardon stated that there is no City requirement to abate violations before escrow closes.

Laurel Abbott asked whether there could be an expedited permitting process for addressing certain violations. Bettie Weiss explained that if the violations are minor enough, City Council could grant Planning staff the ability to address and approve zoning issues quickly. However, it will be unlikely that this could be done for violations that require a building permit, which must abide by a separate set of codes.

Scott Vincent noted that City staff already dedicates a large amount of resources toward resolving ZIR discrepancies quickly and was unsure what more could be done to improve the process.

Lonnie Cassidy noted that Building and Safety counter staff is proactive about helping speed minor violations through the process but a major roadblock is the ability of the public to provide required information in their submittals, especially from those who are unfamiliar with the City's permitting process.

Bob Hart noted from personal experience that meeting the City's project submittal requirements can be difficult, even for minor improvements. Bettie Weiss acknowledged that Planning often has more stringent plan requirements that warrant simplification. Susie Reardon explained that Planning is currently examining what is truly necessary on plan submittals. George Estrella concurred that some levels of planning review could be simplified and done administratively.

Deborah Schwartz felt that as long as zoning laws exist, it is the City's authority and responsibility to follow-through and ensure compliance. In carrying this out, she suggested four areas that could be improved:

1) Streamlining
2) Consistency
3) Clarity
4) A clear set of inspection items

Deborah Schwartz also suggested further exploration of an incentive program to encourage property owners to voluntarily address zoning and building violations.

Bob Hart also asked the group to consider zoning waivers or exceptions for certain violations that neighbors agree to and do not affect the general public. Susan Reardon noted that this is something that will be considered with the new zoning ordinance. Bettie Weiss explained that the City has an obligation to enforce the regulations in the Code. June Pujo asked whether suggestions from the group could be incorporated into the new zoning ordinance. Bettie Weiss and Susan Reardon explained that the ZIR process would be improved to the extent that it can, in response to input from the working group. Other concerns will be considered for implementation in the new zoning ordinance.

Adrienne Schuele did not feel that the point of sale is the most effective way to enforce on violations. June Pujo agreed that the process can be cumbersome but felt that having enforcement occur during the point of sale is a more objective enforcement tool, if it focuses on the right things. Bettie Weiss felt that letting buyers know of violations later on could be more problematic for them. Deborah Schwartz added that the ZIR process reduces an antagonistic neighborhood environment.

John Campanella sought clarification on legal nonconforming items. Bettie Weiss confirmed that legal nonconformities are not violations. Susan Reardon added that legal nonconformities are called out in ZIRs because that affects what improvements could happen on the property.

Bob Hart asked whether the ZIR fee is essentially a tax on selling a home in the city. Deborah Schwartz noted that industry professionals would charge a fee that is comparable to what the City charges. Bob Hart also asked whether the small number of properties that have significant issues warrant the mandatory inspection. Bettie Weiss noted that the ZIR is a deterrent to illegal work, and City Council is of the opinion that the ZIR is a necessary and an effective tool.

The group briefly discussed a voluntary abatement program as a pilot program.

Laurel Abbott suggested communicating to the public the City's recent collaborative effort to improve the ZIR process and letting people know that the changes are a work in progress that can be revisited for further refinement and reconsideration.

Bob Hart noted that the City has been responsive to past concerns regarding timeliness of ZIRs and staff has helped address issue.

NEXT STEPS/ CONCLUSION

Bettie Weiss explained that the improvements will be presented to the working group and asked the group to convey to the public that it has completed the first phase of brainstorming, and once finalized by the working group, will be presented the improvements to Planning Commission and City Council. At the same time, City staff will consider the resources available to implement the improvements.

Deborah Schwartz and Krista Pleiser will put together a conceptual program for a voluntary abatement program.

Susan Reardon will draft the procedural improvements and communication items.

Scott Vincent asked how staff will respond to issues that buyers want addressed immediately. Bettie Weiss explained that the amount of resources available to quickly and adequately respond to issues found in the ZIR or in a voluntary abatement program will be considered.

Bob Hart also wanted confirmation that minor violations are not immediately enforced on and could technically be passed on to future buyers. The group agreed that this could be clarified in the ZIR report.

ADJOURNMENT

Meeting adjourned at 11:46 A.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: July 22, 2014 10:00 A.M.

Location: City of Santa Barbara – Public Works Main Conference Room
630 Garden Street
Santa Barbara, CA 93101

Present:
Susan Reardon, Senior Planner
Bettie Weiss, City Planner
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Bob Hart, SBAOR/Realtor
Jim Caldwell, SBOAR/Realtor
Adrienne Schuele, SBAOR/Realtor
Scott Vincent, Assistant City Attorney
George Estrella, Chief Building Official
Larry Cassidy, Building Inspector Supervisor
Lonnie Cassidy, Building Plan Check Supervisor
David Eng, Planning Technician

Susan Reardon presented drafts of new ZIR forms, which incorporate input from the group members and staff. Some of the changes and features of the new form include the following:

1) Reorganization of information, with violations listed first.
2) Reworded language regarding nonconforming property attributes.
3) Draft and final report dates.
4) Inspector and contact information listed on the front.
5) The integration of the "fine print" into relevant sections of the ZIR

The group entered into a discussion regarding the proposed 5-day review period during which agents can review an e-mailed draft of the ZIR, before it is accepted as a final document. After exploring the process, it was agreed that it would be better to keep with the existing policy of the 10-day appeal period.

Adrienne Schuele raised the question of how ZIRs will be handled if new information prompts an amendment after this period. Susie Reardon noted that depending on when the new information was received and what the information was, a memo to the file or an amended ZIR would be prepared.

Adrienne Schuele stressed the importance of communicating with property owners if inconsistencies are found among different ZIRs for the same property. Susie Reardon explained that staff has been reaching out to property owners when this does occur.

June Pujo stressed that procedures for appealing and amending a ZIR be made available and Susie Reardon and Bettie Weiss assured the group that this information would be included on the ZIR form.

Susie Reardon clarified for the group that the main difference between the two proposed ZIR forms is in the violations section area.

Deborah Schwartz asked how County records fit into the ZIR. Bettie Weiss explained that the City does not typically go to County records and that homeowners typically submit County records to the City. Susie Reardon touched on the checklist proposed to be included in the ZIR, which indicates all of the information sources used to develop a ZIR.

Deborah Schwartz recommended that the phrasing in the major and minor violation forms be consistent. Scott Vincent felt that the language should be different to avoid confusion when staff highlights a particular paragraph, depending on the type of violation selected.

Deborah Schwartz also asked for clarification of the term "original plans." Susie Reardon explained that "original plans" refers to plans for the initial construction at a property.

Several members asked about the need for two ZIR forms. Susie Reardon clarified that there will only be one ZIR form but depending on the type of violation identified, the violations would be identified as either "minor" or "major." If one or more of the violations are major violations, all of the other violations will be included on the form with the major violations.

Bob Hart asked whether abatement was tied to close of escrow. Bettie Weiss explained that they were not, but would be subject to the timeline established by the building inspector. If no major violations are involved, minor violations do not need to be addressed until a building permit is pulled. Lonnie Cassidy explained that building permits for roofs and HVAC would not trigger review of minor violations on file. Bettie Weiss stated that the types of building permits that trigger the abatement of minor violations will be spelled out for the public.

June Pujo felt that the way major and minor violations are presented on the form may be confusing to the public. For example a minor violation appears as a major violation when it is listed together in a ZIR with major violations. Bettie Weiss agreed that this could be worked on.

June Pujo also asked whether County Assessor information or a survey could be used to inform an inaccurate ZIR, with regard to lot sizes and property lines. Bettie Weiss explained that the City would welcome the information. Scott Vincent suggested that a noted could be added to ZIR application form encouraging property owners to volunteer supplemental property information. Bettie Weiss agreed that this would be a good idea, and to include the request it on the application and the ZIR itself.

June Pujo appreciated the contact information on the form but felt that the public should be directed to the ZIR preparer. Susan Reardon explained that the majority of questions regarding abatement are one's that can be answered by planning counter staff.

Adrienne Schuele felt that the form should clearly state that it is not a building and safety report. Susan Reardon said that she could better highlight this information. George Estrella added that the language should use the generic term "building code" rather than reference the Uniform Building Code.

John Campanella appreciated the information regarding abatement timelines and that they are dependent on health and safety concerns rather than escrow periods.

Bob Hart asked for clarification on the terminology legal nonconforming.

The group entered into a discussion of what is considered habitable space and whether it should be tied to the definition used by Building and Safety. Because habitable space is a major factor in determining whether violations are major, Adrienne Schuele felt that the term needed to be defined. Deborah Schwartz and others felt that defining habitable space was too large of an undertaking for the group, and felt it would be better addressed by the new zoning ordinance. Susan Reardon said she could draw up guidelines and examples of habitable space for the purpose of the ZIR.

Susan Reardon discussed the Master Environmental Assessment. As much of the information may not be relevant to the typical homebuyer, the group agreed that the document should not be included in the ZIR.

Susan Reardon also discussed providing a list of expired building permits. Because the scanned street file provides a more comprehensive permit history, the group decided to forgo providing a list, and direct people to the street file online.

Susan Reardon turned the discussion to resolving discrepancies. Loss of parking would continue to be an immediately enforceable violation. The conversion of non-habitable to habitable space would be noted as a violation but would only be referred for immediate enforcement if it's deemed to be a health and safety hazard. This assessment could be made in conjunction with a City Building Inspector.

Adrienne Schuele asked that mention of building permits in the draft paper also note the minor permits that would not trigger enforcement action. She also felt it was important to specify the number of reports that have had discrepancies.

The group entered into a discussion of the impacts that discrepancies have had on past ZIRs. Scott Vincent noted that one issue might be that the reports are requested at the last minute. Jim Caldwell cited cost as a deterrent to obtaining them early in the sales process. Bettie Weiss pointed out that the cost is a matter of policy with the City Council and that if a case could be made for the City to subsidize the cost, it could be an option. Jim Caldwell suggested breaking up the payment for the ZIR into two payments, of which the latter would be paid at the close of escrow. Adrienne Schuele echoed Jim Caldwell's concern about the cost of the ZIR. Bob Hart suggested that a reduced fee could be offered as an incentive for property owners to obtain the ZIR earlier.

Adrienne Schuele asked to clarify who "enforcement" is on the draft document, and suggested that "a very long time" to be 25 years instead of 50. June Pujo asked whether the mention of major and minor violations is consistent with the list of major and minor violations previously drafted. She asked how much unpermitted square footage would trigger a major violation. Susan Reardon explained that any new habitable space would be a trigger.

NEXT STEPS/ CONCLUDING COMMENTS AND QUESTIONS

Deborah Schwartz and Krista Pleiser will meet to develop a conceptual program for a violation abatement program. The group agreed to a short meeting to discuss this at a date to be determined.

The group agreed to email Susan Reardon their comments on the ZIR forms and draft paper.

Staff is targeting to return to the Planning Commission in late September or October.

ADJOURNMENT

Meeting adjourned at 11:54 A.M.

City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: September 23, 2014 10:30 A.M.

Location: SBAOR Offices
1415 Chapala St

Present: Susan Reardon, Senior Planner
Bettie Weiss, City Planner
Scott Vincent, Assistant City Attorney
Larry Cassidy, Building Inspector Supervisor
Lonnie Cassidy, Building Plan Check Supervisor
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
Bob Hart, SBAOR/Realtor
Krista Pleiser, SBAOR/Realtor
Adrienne Schuele, SBAOR/Realtor

The primary purpose of this meeting was to discuss the Draft Zoning Violation Abatement Pilot Program.

Adrienne Schuele brought up the issue of her understanding of the original intent of the ZIR as being information only and how it has morphed over time to enforcement. She wants someone to take liability for the ZIR.

Bob Hart noted that there has been progress on the timely preparation of ZIRs and the clarification of major and minor violations but the group still hasn't addressed inaccurate reports and the fact that there is no accountability or reliability.

Bettie Weiss acknowledged that the realtor's want the City to "grandfather" the improvements and the City is saying it is a problem and we need to deal with it. We proposed expanding staff's ability to approve/authorize improvements more readily.

Adrienne Schuele stated that the City should just provide the information and let the buyer interpret it.

Bettie Weiss stated that an important component of the ZIR for the buyer is the City's interpretation of the information and the City puts a lot of importance on our interpretation.

Scott Vincent pointed out that the error in a ZIR is usually of omission, not an affirmation that the improvement was o.k. He indicated that there are several reasons for that. One is that the improvement didn't exist at that time or that it did but was not indicated as a violation. Regardless of that fact it is still a violation.

Bettie Weiss stated that the ZIR is a disincentive to do illegal work.

John Campanella stated that the City's interpretation of the information is important and that the City interprets information every day. City Ordinances change and it is important to know if an improvement is non-conforming. The interpretation on whether an improvement is non-conforming is important and that interpretation should not change. The City needs to stand by the interpretation of non-conforming.

Deborah Schwartz questioned where the gap is in SBAORs view when there is missing information by the prior ZIR. How can we get closer? She acknowledged that nobody's perfect and that the City has moved. What is reasonable that SBAOR can stand by?

Bob Hart indicated that is hard for him to say for the people who relied on a previous ZIR.

Krista Pleiser stated that it is important that the interpretation stands up over time, and she questioned why other communities don't have ZIRs

Bettie Weiss stated that staff uses as liberal of an interpretation as possible in missed instances.

John Campanella stated that his opinion is that professional private inspectors do not take 100% of the liability for their inspections. The inspectors have disclaimers in their contracts.

Deborah Swartz questioned what type of coordination happens between Planning and Building staff.

Lonnie Cassidy stated that one of the ZIR inspectors has good Building Code knowledge as they used to work in the Building Division and that there are two plan checkers assigned to ZIRs that the ZIR inspectors can discuss building issues with. Building staff also requires minimal or no plans for building permits for minor violations.

Adrienne Schuele requested that the archive plans be bought to the site inspection so issues could be discussed on site. Bettie Weiss stated we could look into that but there is limited time allotted for the site inspections as there are multiple scheduled in a day.

Regarding the draft Violation Abatement Program, Deborah Schwartz indicated that public education and communication is an important component.

Krista Pleiser indicated that the draft Program was modeled after the Sewer Lateral Program. The idea is that the City would go to the site and inform the property owner what needs to be fixed. The property owner could then budget for it.

Bettie Weiss questioned whether the City would issue the report without any enforcement and questioned what the incentive would be for a property owner to apply for this report.

Krista Pleiser indicated that it was envisioned that the City would follow-up on violations and Deborah Schwartz indicated that an incentive could be that there would be no penalties, permitting fees or inspection fees. The incentives would have to be figured out.

Susan Reardon expressed concerns whether a property owner would request this report because there are many violations that, for a variety of reasons, a building permit cannot be issued, they just need to be removed from the site. In general, property owners do not want the City in their business.

Krista Pleiser stated that the Program was envisioned more for minor violations.

John Campanella thought the Program could be beneficial for the aging population who know they may have to sell the house in the near future. It would give them the ability to find out what items need to be fixed. Susan Reardon stated that the existing ZIR process could meet that need. A property owner can come in and apply for a ZIR at any time, not just when they are in the process to sell their home or thinking of selling their home.

Adrienne Schuele stated that we should not sustain the concept that it is easier to ask forgiveness than to get the original approval.

Deborah Schwartz indicated that there would be a time limit for the Program to help prevent the unintended consequence of the Program being an incentive for illegal construction.

Bob Hart suggested that instead of the Violation Abatement Program, the City could have a pre-sale ZIR for a reduced fee.

John Campanella indicated that the preliminary ZIR would need to be clearly marked that it is not to be used for the transfer of the property. A final ZIR would need to be obtained prior to the transfer of the property. He felt that a benefit of that approach would be that the homeowner could then address any violation on their own time line.

Bob Hart suggested with this approach there could possibly be an extension of the timeline for enforcement for major violations as an incentive.

There was agreement in the group that instead of establishing a separate Violation Abatement Program, elements of the Program could be incorporated into the ZIR process improvements. The City should establish a good public relations effort to inform the public of the benefits and appropriateness of a ZIR beyond just when residential property is being sold. Incentives should be established to encourage property owners to obtain a ZIR prior to the property being listed for sale.

Questions were raised regarding the policy guidance for the definition of residential habitable space that was emailed to the group and whether the group would be able to review the draft Planning Commission staff report before it was finalized. After discussion, it was decided by the group that date of the Planning Commission hearing on the working group's efforts would be pushed back to November to give the group time to review the draft Planning Commission staff report and then meet one more time to discuss the draft Planning Commission staff report.

NEXT STEPS

Susan Reardon will email the group members the draft Planning Commission staff report and reschedule the Planning Commission hearing to November.

The group will meet in October to discuss the recommendations of the working group and draft Planning Commission staff report.

ADJOURNMENT

Meeting adjourned at 12:40 P.M.

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City of Santa Barbara

Community Development Department

ZIR Working Group Meeting Minutes

Date/Time: October 21, 2014 10:00 A.M.

Location: City of Santa Barbara – PW Water Resources Conference Room
617 Garden Street
Santa Barbara, CA 93101

Present: Susan Reardon, Senior Planner
Scott Vincent, Assistant City Attorney
Deborah Schwartz, Planning Commissioner
John Campanella, Planning Commissioner
June Pujo, Planning Commissioner
Bob Hart, SBAOR/Realtor
Krista Pleiser, SBAOR/Realtor
Laurel Abbott, SBOAR/Realtor
Adrienne Schuele, SBAOR/Realtor
George Buell, Community Development Director
Andrew Stuffler, Chief Building Official
Larry Cassidy, Building Inspector Supervisor

The primary purpose of this meeting was to discuss the draft Planning Commission staff report that was prepared for the November 13th Planning Commission public hearing.

Adrienne Schuele indicated she had changes to the minutes and that she would forward them to Susan Reardon.

Laurel Abbott questioned whether staff has implemented some of the changes we have discussed because she has noticed some changes on recent ZIRs. Susan Reardon stated staff has.

Laurel Abbott indicated that the real estate market is moving into a more normal market and that this is a good time to see how the process improvements work out. An idea that was brought up was to implement the process improvements and wait a couple of years to see how the improvements work before they are finalized.

June Pujo indicated that the discussion under major and minor violations should be clear on whether it was a pre-existing categorization, a clarification of a general idea, or a brand new concept.

Regarding the pros and cons of ZIRs, Adrienne Schuele stated that she doesn't mind one more document. Her concern is when interpretations change from year to year.

Susan Reardon responded that the purpose of the update and standardizing of the procedures for preparing ZIRs and identifying violations is to help prevent changing interpretations and provide more consistency in the preparation of ZIRs.

Deborah Schwartz stated that the work the group has been doing is to clarify, streamline, and codify the process so that any staff person could pick up, utilize and implement consistently. She also stated that the staff report should clearly state where we found consensus, where we have an agreement gap, and where we have an agreement on a path forward.

John Campanella stated that interpretation or calls made need to get into the record. A new interpretation of old rules should not take precedence over what was interpreted at the time the ZIR was prepared.

Krista Pleiser stated that a buyer could look at the City's website and see the street file which contains the permits and City approvals.

Scott Vincent acknowledged that, but stated that the ZIR provides Staff's interpretation of the facts and historical record in City files and compares them with the findings of the physical inspection of the property.

June Pujo suggested a summary section be added that indicates what the working group accomplished, what was clarified, what was streamlined, what was created so the process would be handled more consistently, and what is still being worked on.

Bob Hart acknowledged that when we started this process, timing of the ZIR was a big issue. ZIR inspections were scheduled after the escrow period or just the day before. SBAOR members were upset and now timing is a non-issue for them.

Laurel Abbott stated that she was not sure that all property owners know they need a ZIR and some banks won't let City zoning inspectors on foreclosed property. She questioned how we could make property owners aware of the requirement.

Susan Reardon stated that several months ago she put information in the water bill insert informing property owners of the requirement of a ZIR and what information the ZIR provides.

Laurel Abbott questioned what happens when a property owner sells the property without obtaining a ZIR.

Susan Reardon stated that when we find out about it, usually when the new owner is seeking a building permit, we require that a ZIR be obtained at that time since it is a Zoning Ordinance requirement. The City's fee resolution gives staff the ability to charge a double fee for an after the fact ZIR.

June Pujo questioned whether we could put information regarding the ZIR requirement in the property tax bill. Scott Vincent said we don't administer that program and would be surprised it the Assessor's office would agree to that.

Susan Reardon questioned the group if there was consensus on the classification of minor and major violations and on the proposed policy guidance on identifying habitable space.

The group indicated that there was consensus on the classification of major/minor violations. SBAOR members had concern with the policy guidance on habitable space. Calling a space

habitable without a clear definition is a major concern for them because it affects whether an improvement is referred for enforcement.

Adrienne Schuele stated that not establishing a definition at this time is kicking the problem down the road.

Susan Reardon stated that the guidance for identifying habitable space would be included in the ZIR procedures for consistency in the determination of what constitutes habitable space.

Susan Reardon also acknowledged that revisions to the non-conforming provisions in the Zoning Ordinance will be a major component of the New Zoning Ordinance process currently underway. The current Zoning Ordinance doesn't allow the change of use of the portion a building that is within a required setback. Staff has used the term habitable space when an area has been converted from non-habitable areas to another use. She indicated staff will re-evaluate the use of term habitable space and what we are actually trying to identify in the ZIR and possibly use another term.

Deborah Schwartz suggested that the staff report be tighten to clarify the term for the purposes of the Planning Commission discussion and any request staff may have of the Planning Commission for action.

June Pujo questioned whether staff was using the revised ZIR form yet.

Susan Reardon responded that revising the form in our computer database will be a major work item that staff will work on after Council direction.

Krista Pleiser stated that she believes the ZIR should be amended if the violations identified in it are abated.

Susan Reardon indicated that if the abatement required a building permit, the building permit would be the record that the violation was abated. If a building permit is required for the abatement of the violation, then staff would need to verify that the violation was removed which would involve an additional site visit.

Krista Pleiser suggested that a property owner could submit a before and after photo to show the improvement was gone and that a check box could be added to the ZIR form that the violation has been abated.

Susan Reardon stated she would make note of that suggestion for inclusion in the ZIR procedure document on how to address situations where the violations have been abated. What is the process- amend ZIR, memo to file, photos?

Adrienne Schuele questioned how the Building Division felt about delayed enforcement in dealing with discrepancies.

Larry Cassidy responded that his staff currently makes that decision quite often. The zoning inspector will come and talk to his staff and show pictures to determine if the improvement is something that needs to be addressed immediately.

Larry Cassidy also stated that violations that pose an immediate fire or life safety concern need to be added to the list of major violations that would be referred for immediate enforcement.

Adrienne Schuele stated that we need to be clear that there would still be enforcement, even with delayed enforcement, if a complaint were received regarding the violation.

June Pujo commented that the comprehensive checklist under the In-Progress Section of the report will help create transparency and consistency.

Krista Pleiser questioned the 50 year period proposed as part of the Zoning Administrative Approval Process. Laurel Abbott suggested that specifying a year would be better than a revolving time period.

Susan Reardon indicated that a date could be specified. She suggested 1975 when there was a major Zoning Ordinance change or 1974 which was when the first provisions for a ZIR were codified.

Deborah Schwartz questioned what items identified in the Changes to the ZIR process section would require more sustained staffing resources. She stated if there are any, they should be pointed out for City Council.

Susan Reardon stated that at this time, the only item that staff believes could take more resources long term is the goal to complete 80% of the ZIRs within 10 working days of application submittal.

Deborah Schwartz suggested that the section regarding cost of the ZIRs be merged with the abatement violation section since the groups focus when discussing the cost of the ZIR was related to trying to encourage property owners to request ZIRs earlier. If you get a ZIR earlier, you find out the violations earlier.

Adrienne Schuele requested the information regarding the original ZIR ordinance, amendments to the ordinance, and original Council minutes be attached to the Planning Commission staff report.

Krista Pleiser requested that the suggested review period of the ZIR process improvements be included in the Planning Commission staff report.

ADJOURNMENT
Meeting adjourned at 12:00 P.M.

ATTACHMENT 2

ACTUAL TIME: 2:13 P.M.

A. ZONING INFORMATION REPORTS - PROCESS IMPROVEMENTS

The purpose of this public hearing is for the Planning Commission to receive the recommendations of the Zoning Information Report (ZIR) Working Group and forward recommendations to the City Council on potential ZIR process improvements and Zoning Ordinance amendments.

Contact: Susan Reardon, Senior Planner
Email: SReardon@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4555

Susan Reardon, Senior Planner, gave the Staff presentation. Bettie Weiss, City Planner, was also available to answer the Commission's questions.

Ed Fuller, President of the Santa Barbara Association of Realtors (SBOAR), summarized comments of appreciation to the Commission on behalf of the Association and asked for continued improvements on reliability and accountability. Additional remarks were made by Adrienne Schuele, SBOAR/Realtor.

Chair Schwartz opened the public hearing at 2:45 P.M.

The following people commented on the project:

1. Jarret Gorin, Van Guard Planning, LLC, acknowledged that within the past year ZIR's were being completed sooner. Remained concerned with the burden of proof being on the owners when discrepancies are found.
2. Steve Engels shared his personal experience of going through the ZIR process and receiving allegations of illegal window and door movement on his property. Expressed concern with having had to spend substantial money to clear the allegations and prove innocence.
3. Jeff Havlik echoed a similar experience of the prior speaker. Three prior ZIR's did not reveal violations that were found.
4. Steve Epstein, Realtor, stated the city's policy is "guilty until proven innocent." Stated that the ZIR is a worthless document in the hands of buyers and sellers. Appreciates improvements made to the ZIR process, but find that it is too little, too late.
5. Ann Harkey shared her son's experience in selling his house and the ZIR process that leaves room for many assumptions made by City Staff with the burden on the seller. Questioned the use of the term "appears to be" on a recent ZIR.
6. Jan Banister, Realtor, spoke about discrepancies between ZIR's done on the same property. Accountability and reliability are strongly needed and missing.

7. Erik Taiji spoke for the rights of the consumer to appeal a violation. The ten days given are insufficient when a consumer needs time to make contacts to correct the violation. Also, there is currently no closure on an appeal.

With no one else wishing to speak, the public hearing was closed at 3:04 P.M.

Scott Vincent, Assistant City Attorney, provided clarification of the term 'grandfathering.' It is a term given to the concept of legal nonconforming, meaning that the improvement was legal, based on zoning, at the time the improvement was made and because of zoning changes, the improvement then became non-conforming to the new zoning requirements. Illegal construction, whether discussed in a ZIR or not, is still a zoning violation. Mr. Vincent recommended against a process to grandfathering zoning violations. He stated an error in a ZIR should not legalize a zoning violation. The people that would be most affected if the violation were to be legalized without proper City approvals would be the neighbors who would have to suffer the consequences.

Chair Schwartz called for a recess at 4:20 P.M. and reconvened at 4:30 P.M.

Commissioner's comments:

1. The Planning Commission acknowledged the work done by the ZIR Working Group and the improvements made to the ZIR process. The Commission recommended City Council initiate an amendment to the Zoning Ordinance for the Administrative Zoning Approval process and direct staff to implement the revised ZIR template and identified changes the ZIR process.
2. Commissioners Thompson and Lodge want to see inspectors better trained so that fewer mistakes are made.
3. Commissioner Lodge supports keeping ZIRs as a requirement.
4. Commissioner Pujo supports ZIRs as a process, good tool, and beneficial. and listed areas that could be improved further:
    a. Agrees with Staff about the idea of potentially pushing ZIRs back to after the time of sale to the next building permit would only push any potential issues down further and not benefit all parties, especially the buyer of the property.
    b. The Working Group did a good job of sorting Major/Minor violations and she supports additional staff revisions before going to Council, especially for Item 2 under Major Violations that needs further clarification of square footage being discussed.
    c. The ZIR template changes are a major improvement in clarity and are more simplified by the inclusion of attachments.
    d. The Work Program outlined in the Staff Report is good.
    e. Discrepancies fall under Oversights or omissions. The City cannot later overlook something that exists.

f. The work that is being done with proposing administrative zoning approvals both under ZIR and the NZO review are good stream lining tools and should be welcomed by the development community.
g. Under the non-conforming section, recommends that Staff be absolute and if a non-conforming determination cannot be made within the ZIR, then it needs to be clear that it is not a final determination and with referral for a process of how the information could be verified.

5. Commissioner Thompson agrees with improvements made, especially the administrative zoning approval, new ZIR report format, and improved timeliness. Encourages that the Working Group continue to work to improve the process and possibly reconvene in a year. In a perfect world, he would eliminate the ZIR, but understands that it will not happen so we want make the ZIR process the best possible so that it provides a good service to citizens of the City.
6. Commissioner Campanella said that disclosure is a major overriding factor for the seller and the buyer. He also added:
   a. A continued discussion should take place on when do minor violations have to be remedied, to what extent, and justification for conforming/non-conforming. Continuing to clearly express when a violation needs to be abated can put a buyer at ease that this is not a pressure to close.
   b. Suggested the Work Group look at unbundling violations for a permit, depending on the type of permit, such as an exterior permit that does not impact the interior of the house.
   c. The new ZIR reports are designed much better, are easier to understand, are more descriptive, consistent, and tell you what you can do and when. The combination of forms and the feedback from realtors have improved the process.
   d. Buyer disclosures are required and ZIR's are one way to accomplish this protection for the buyer. We have to be more reasonable on when the corrections need to be made on the minor side and making sure that we are getting good feedback and the process is working for the buyer and seller.
7. Commissioner Schwartz acknowledged significant progress made by the Working Group on the forms, the content of the forms, the consistency, and the clarification of terms. The topic of outsourcing this function has come up and would still require the responsibility of overseeing the quality of the work, all of which would require the cost of human resources to manage the outsourcing. Her research shows that the cost of outsourcing is in line with the fees charged by the City. Areas that still need work are:
   a. Terms used are still too vague to be used in a report with a physical inspection that carries the weight of a ZIR, such as "might", "appears to be", "there is evidence of" without further detail and clear explanation. Concerned with the implications and consequence for the buyer and seller created by the vagueness.

b. Based on the continued volume of community concern, we still have a long way to go in improving our ordinance and the tools we are using and the way we are having Staff utilize these tools, which is why training is questioned. Agrees with Commissioners Campanella and Pujo on identified work efforts.
c. Asked Staff to continue to look at improvements that could be incorporated into the appeal process.
d. Encouraged more work on a program for greater public outreach, public education, notification which could help engage, educate, and build community confidence to bring in violations to the City and result in fewer violations in the City.

Mr. Vincent clarified that the language in ZIRs is not "vague" when the language is qualified. He recommended that the language used in ZIRs inform the reader what information was evaluated in reaching a conclusion regarding a violation.

Ms. Weiss will have the Council confirm interest in greater outreach and education of the public. Staff may request additional funding from the Council to support that effort.

Krista Pleiser, SBOAR, thanked the Commission for the open communication and working toward improvements on the ZIR process. Commissioners Campanella, Pujo, and Schwartz were members of the Working Group.

Classification of Major and Minor Violations Cited in ZIRs

Major Violations

1. Illegal dwelling units. See SBMC§28.04.590 for the definition of Residential Unit.
2. Addition of new floor area (except detached non-conditioned accessory space) or conditioned (i.e. – heating/AC) space. See SBMC§28.04.315 for definition of Net Floor Area.
3. Loss of required parking. This includes the physical removal of the garage/carport; the conversion of the garage/carport to another use; built-in physical obstructions such as walls or rooms (office, storage, laundry, etc.); loss of access to the garage/carport (such as removal of garage door opening, placement of a structure on the driveway, addition of a barrier or lip that limits access to the garage or removal of an approved driveway material); change in the garage door from 2-car to 1-car w/ pedestrian door.
4. Improvements within 50 feet of the coastal bluff or on the bluff face. This includes, but is not limited to the planting of new or removal of significant landscaping, and patios, decks and any fences.
5. Other violations that pose an immediate fire or life safety risk.

Minor Violations

Any other violation that does not fall under the above categories. Examples include, but are *not* limited to:

- Detached accessory building (no heating, AC, plumbing), shed, trellis, pottery shed, misc structures (outside sinks and showers, chicken coops, work benches, trash enclosures, etc.) in required setback or open yard.
- Gates, fences and arbors in the front setback that are over 3 ½ feet.
- In the garage:
    - Cabinets and workbenches which encroach into the required minimum interior dimensions
    - Washer/dryer and/or laundry sink. New plumbing or electrical requires a building permit
    - Addition of any flammable flooring material such as carpet or linoleum
    - The addition of a doorway between a bedroom and a garage or carport
- Decks, patios, and permanent fixtures such built-in fireplaces or fire pits, built-in seating which are over 10 inches in height in a required setback.
- Attached patio covers.
- Detached patio covers which are over 120 square feet.
- Interior remodels that don't include additional floor area.
- Air conditioning units, pool equipment, water heaters and softeners in required setbacks.
- Expansion of paved areas accessible to vehicle in required setbacks.
- Fountains or ponds in interior setbacks.
- New door and window openings within the required setbacks.

28.04.590 Residential Unit.

A. A building or portion thereof designed or occupied for residential purposes, containing not more than one (1) kitchen per residential unit, but not including hotels or boarding houses.

B. A residential unit may be declared by the Community Development Director when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of:

1. Sink or bar sink;
2. Garbage disposal;
3. Dishwasher;
4. Toilet;
5. Bathing facility;
6. Interior locking doors;
7. Exterior entrance;
8. Exterior staircase;
9. Separate yard, patio, deck or balcony;
10. Separate phone line, cable line, or utility line;
11. Separate garage or parking area (covered or uncovered) or carport;
12. Countertops or cupboards;
13. Sleeping loft; or
14. Separate address/mail box designation.

Issuance of a building permit or other approvals does not, of itself, establish that a building or portion thereof is not a residential unit.

C. Notwithstanding this Section, a building or portion thereof configured or occupied for residential purposes, whether permanent or temporary, containing a modular cooking unit shall not be deemed a residential unit providing:

1. A performance standard permit or conditional use permit has been issued pursuant to either Chapter 28.93 or Chapter 28.94 of this Code; and
2. The facility has current, valid state licenses to operate a residential care facility for the elderly, community care facility or hospice; and
3. There is a staffed congregate kitchen and dining facility on-site providing regular meals to all residents. (Ord. 5380, 2005; Ord. 4858, 1994.)

28.04.315 Floor Area, Net.

The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

A. **GENERAL RULE**. Net floor area shall be defined as the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five (5) feet above the finished floor.

B. **SPECIAL RULES**.

1. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.
2. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

Zoning Information Report Process Improvements

City Council

February 10, 2015

Background

- SBAOR - ZIR Issues
  - Discrepancies with prior ZIRs
  - Timeliness & Necessity
  - Consistency & Reliability
  - Understandability & Usability
  - Violation Identification & Abatement
  - Cost

Background

- City Council review August 2013
- Planning Commission review September and October 2013
- ZIR Working Group Meetings – January through October 2014
- Planning Commission Recommendations to Council November 2014

ZIR Working Group Members

- Three Planning Commissioners
- Two SBAOR Staff members
- Three Realtors
- Two Planning Staff members
- Two Building & Safety Staff members
- Assistant City Attorney

Outcome/Recommendations

- Classification of Major and Minor Violations
- Improvements to ZIR template
- Dealing with Discrepancies between ZIRs
- Administrative Zoning Approvals

Classification of Violations

- Major Violations
  - Illegal Dwelling Units
  - Unpermitted floor area/conditioned space
  - Physical loss of required parking
  - Improvements within 50’ of coastal bluff or on bluff face
  - Violations that pose an immediate fire or life safety risk

Classification of Violations

- Minor Violations
  - All other violations, such as:
    - Detached accessory buildings
    - Patio covers
    - AC units, pool equipment, water heater/softeners in required setbacks
    - New door/window openings in required setbacks
    - Washing machine/dryer in garage

Changes to the ZIR template

- Better define purpose & scope of ZIR
- Clarified language re: major/minor violations
- Specify violation abatement timelines
- Specify procedures for appealing/amending ZIR
- Information sources used in preparation of ZIRs

Discrepancies between ZIRs

- Average of 45 ZIRs prepared per month
- Estimate 2-4 ZIRs per month have a discrepancy with a prior ZIR
- Vast majority involve violations in the minor category

Discrepancies between ZIRs

- Planning Process – Currently
  - Waive Planning fees
  - ZIR inspector processes application
  - Minimal Information required
  - Expedited discretionary review

Discrepancies between ZIRs

- Planning Process – Proposed
  - New Administrative Zoning Approval authority
  - No longer refer new floor area/conditioned space to enforcement unless it poses a fire or life safety risk

Discrepancies between ZIRs

- Building Permit Process – Implemented
  - Committed to streamline process
    - Two dedicated Building plan check positions
    - Increased consultation of Zoning inspector with Building staff
    - No option to waive building permit requirement

Changes to ZIR Process

- Current
  - Complete 80% of ZIRs within 10 working days – currently at 83%
  - More collaboration with property owner
  - Retention of inspection photos long-term

Changes to ZIR Process

- In-process
  - Update & standardize ZIR preparation procedures
  - Create:
    - Inspection checklist for Zoning inspector
    - Frequently Asked Question handout
    - Handout on how to abate violations

Changes to ZIR Process

- After Council Direction:
  - Process Amendment to Zoning Ordinance to Create Administrative Zoning Approval
  - Implement Improved ZIR template
  - Implement Other Administrative Improvements – Staff Procedures, Public Handouts, etc.
  - Public Outreach/Education

Recommendations

- Consider Planning Commission recommendations on ZIR process improvements
- Initiate an amendment to the Zoning Ordinance to establish an Administrative Zoning Approval process

Next Steps

- PC Public Hearing on Zoning Ordinance amendments – Spring 2015
- Council OC review – Summer 2015
- PC Recommendation on Zoning Ordinance Amendment – Fall 2015
- Council Adoption of Zoning Ordinance Amendment – Late Fall/Winter 2015

Agenda Item No. 23

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Architectural Board Of Review Project Design Approval Of A New Seven-Unit Apartment Building At 1818 Castillo Street

RECOMMENDATION: That Council

A. Deny the appeal of Brian Barnwell of the Architectural Board of Review's decision to grant Project Design Approval for the proposed new seven-unit apartment building; and

B. Direct Staff to return to Council with Decision and Findings reflecting the outcome of the appeal.

EXECUTIVE SUMMARY:

On May 26, 2015, the Architectural Board of Review (ABR) granted Project Design Approval, on a 3/1 vote, for a new three-story, seven unit, rental housing development at 1818 Castillo Street. Brian Barnwell, a neighbor, has appealed the Project Design Approval asserting the following: 1) The project is the only three-story building within blocks, exceeding the neighborhood standards for height, bulk, and scale; 2) The ABR did not conduct an organized site visit to understand the neighborhood context; 3) Story poles were not erected for the project; 4) The individual garages were not adequately discussed relative to building height and mass, and; 5) The AUD ordinance is designed to produce smaller units and smaller buildings in and around the Downtown, and the proposed project does neither. The appeal letter is provided as Attachment 1.

Staff believes that the ABR considered the concerns of the appellant and other neighbors regarding the compatibility and appropriateness of the three-story project within the neighborhood. At the May 11, 2015 hearing, staff advised the ABR that it could refer the project to the Planning Commission or request visual aids such as story poles, streetscape elevations, or 3-D modeling of the project. The ABR requested additional streetscape details related to building massing and a survey of two- and three-story buildings within a one- and one-half block radius. Story poles were not requested. Many of the ABR members stated that they either had driven by the site, or were familiar with the neighborhood; therefore, an organized site visit was not necessary.

The proposed project complies with all zoning standards, particularly the Average Unit-size Density (AUD) Ordinance requirements. Staff believes the project was properly reviewed by the ABR, including findings of consistency with all applicable design guidelines and the project compatibility analysis and; therefore, the ABR appropriately approved the project. Staff recommends that Council deny the appeal and uphold the ABR approval.

DISCUSSION:

Project Description

The project site is located in the Oak Park neighborhood and is situated on a 12,656 square foot lot, with a land use designation of Medium-High Density Residential (15-27 dwelling units/acre). The proposal includes the demolition of an existing single-family home, a studio apartment, detached garage, and two sheds, and construction of a three-story residential apartment building under the AUD Incentive Program. The project will result in seven units comprised of two, two-bedroom units and five, three-bedroom units, totaling 6,569 square feet. The proposed density for the project is 25 dwelling units per acre with an average unit size of 938 square feet. There will be seven covered parking spaces provided on the ground floor of the building. The project site plans are included as Attachment 2.

Background

The ABR initially reviewed the project at a noticed concept hearing on March 30, 2015. During this meeting, two neighbors spoke in opposition to the project's mass, bulk, and scale. On May 11, 2015, the ABR conducted a second concept review of the project and requested additional information for analysis of neighborhood compatibility. During this meeting, five neighbors spoke and several emails were received in opposition to the project stating concerns regarding neighborhood compatibility and issues related to the one-space per unit parking requirement. The ABR discussed whether an organized site visit should be conducted and determined that there was not a need. However, the applicant was directed to provide additional visual aids to study the project's compatibility with the neighborhood.

On May 26, 2015, the applicant returned to the ABR, which had a quorum of four members. Five neighbors spoke in opposition to the project voicing concerns related to neighborhood compatibility and the need for additional parking. After considering public comment and discussing the project, the ABR made the required Project Compatibility Analysis findings and granted the Project Design Approval on a 3/1 vote. The ABR meeting minutes are provided as Attachment 3.

ABR member Wittausch was unable to make the Project Compatibility Analysis findings, and voted against the project, based on the design of the seven parking spaces in single car garages and the cantilevered mass of the front unit along Castillo Street.

APPEAL ISSUES

The appellant requests that Council deny the project approval, asserting that the proposed project should not have been approved by the ABR due to the excessive size and height, which adversely affects the nature and quality of the neighborhood and sets precedence for the neighborhood. The appeal letter further states that because there were only four ABR members present, the approval vote did not represent the majority of the Board. Additional assertions as to why the project was not correctly analyzed by the ABR included the following:

- There is no “turn around” area for guests or emergency vehicles.
- The parking is accessed from the interior of the residential units lending to the garage area being used as something other than parking.
- With garages having the potential for being used as a use other than parking, the impacted on-street parking will be further impacted.
- The spirit of the AUD ordinance was to create smaller units and smaller buildings primarily in and around the Downtown.

Building Height, Size, Bulk, and Scale:

The appellant contends that the project will be the only three-story building within several blocks, exceeding the neighborhood standards for height, bulk and scale. However, the property abutting the subject property to the east contains a building that is two-story with a third story mass towards the center of the lot.

The appellant also asserts that the proposed individual garages in the townhouse style design add to the building height and massing of the building. At least one ABR member expressed a similar concern at the May 26, 2015 meeting. However, the majority of the Board did not concur with this conclusion. The project is zoned R-4 (Hotel-Motel-Multiple Family Residence), which is described in the Municipal Code as having a principal use of multi-family housing, together with recreational, religious and education facilities required to serve the community. The Board also understood that the maximum height allowed for AUD projects in the R-4 Zone is four stories and 45 feet. The project has two-story elements at the front and rear of the site, with a maximum height of 28’ -7”, and third-story dormer elements near the interior, resulting in a total building height of 33 feet. It was further understood, that although some R-4 neighborhoods might be predominately developed with one- and two-story buildings, the intended development potential for this zoning district allows for higher density multi-unit development.

There was some initial discussion by the ABR of whether or not the garages should have garage doors. Ultimately, it was the Board’s decision that the project design was acceptable and did not require a change to the proposed parking design.

Site Visit and Visual Aids

The appellant contends that due to the lack of an organized site visit and placement of story poles the ABR did not adequately assess the impacts of the project to the residential buildings within the 1800 block of Castillo Street. The ABR discussed whether an organized site visit was necessary, and determined that because several board members had already driven by the site on their own and others were very familiar with the neighborhood, an organized site visit was not needed. The ABR also indicated that the neighborhood typically considered during the review of a project is not limited to the street frontage or the immediate block and requested that the applicant provide a survey of two- and three-story buildings within a one and one-half block radius of the subject site. The applicant subsequently submitted an aerial and photograph survey of two- and three story buildings in the surrounding area. The ABR determined that sufficient information and photographs of adjacent properties had been provided and found the project appropriate for the neighborhood.

Site Design and Use of Garages

The appellant asserts that there is no on-site turnaround for vehicles including guest, delivery and emergency vehicles, thus making it necessary for these vehicles to back-out on to the street, which is contrary to existing City guidelines. Transportation Division staff reviewed the proposed project for compliance with the City's Standards for Parking Design and found the project to comply with the minimum distance necessary for a vehicle to enter each of the garages in one forward movement and to exit each of the garages and property in one backward and one forward movement. Projects developed under the AUD ordinance are not required to provide on-site guest parking; therefore, the vehicular access is intended for the residents of the property and additional on-site turnaround and parking was not required.

The appellant also claims that the garages for this apartment building will likely be used for uses other than parking, such as storage, expansion of living space, or a room rental, forcing the required parking onto the street. Each unit has been designed with an attached one-car garage that has interior access to the living space of the unit. Generally, the ABR and staff do not speculate what the owner or tenant may do in the future and must analyze the floor plans that are currently proposed.

At the time of the ABR hearings, the appellant raised the issue that the garages should instead be carports to avoid them being used for purposes other than parking. All properties within the city are required to maintain access to the required off-street parking at all times. In the event that required parking becomes inaccessible, any citizen may submit a request for investigation to the Community Development Department for enforcement of this provision.

Purpose and Intent of the AUD Incentive Program

The appellant contends that the AUD ordinance is designed to produce smaller units and smaller buildings in and around the Downtown, and that the proposed project does neither. The City's AUD Program promotes critically needed residential development, particularly non-subsidized rental units. It encourages housing by allowing increased densities based on unit size: the smaller the average unit size for the project, the greater the density allowed.

The density allowance for AUD projects located in the Medium-High Density areas, range from 15 to 27 dwelling units per acre depending on unit size. These densities are purposely similar to those allowed under the former Variable Density provisions, but with smaller unit sizes. In this instance, the AUD Program allows for up to seven small units, whereas the variable density provisions would have allowed up to five units of any size and could have resulted in a similarly sized or larger building. The variable density provisions required an additional parking space per unit, and guest parking.

The approach taken to develop the AUD Program involved policy tradeoffs that make AUD projects potentially more controversial. One such tradeoff is parking. As part of the General Plan Update process, the City Council discussed and acknowledged that on-street parking might be impacted in some neighborhoods by the reduced parking requirements of the AUD Program; however, that was an appropriate tradeoff in order to produce more housing.

The AUD Program requires a minimum of one parking space per residential unit and no guest parking. This reduction in parking is intended to encourage affordability and help decrease building mass. Reduced parking requirements for AUD projects are also consistent with Housing Element Policy H17 and Implementation Action H17.1 that direct flexibility in development standards to facilitate additional housing.

As indicated above, projects located in the Medium-High Density areas and developing under the AUD Program are allowed a density range of 15 to 27 dwelling units per acre with a maximum average unit size range of 905 to 1,450 square feet. The proposed density for the project is 25 dwelling units per acre, which allows a maximum average unit size of 945 square feet. The project proposes a maximum average unit size of 938 square feet, therefore complying with the density and unit size allowances of the AUD Program. Additionally, the proposed project is consistent with Housing Element Policy H10, encouraging new housing, and Housing Element Implementation Action H11.10, encouraging the construction of three bedroom or larger rental units.

Therefore, staff supports the proposed three-story, seven-unit design that the majority of ABR members approved, given that the project is consistent with all applicable regulations and the Project Compatibility Analysis has been satisfied.

RECOMMENDATION:

The proposed project has undergone a thorough review by the ABR and staff. The main issue is whether the project is compatible with the neighborhood and appropriate for the site in terms of size, bulk, and scale. Staff believes that the ABR fully considered this issue and found the project consistent with the Project Compatibility Analysis criteria and therefore a compatible development.

Staff recommends that Council deny the appeal and uphold the ABR's decision to grant Project Design Approval to the new seven-unit apartment building and direct Staff to return to Council with Decision and Findings reflecting the outcome of the appeal.

NOTE: The project plans and files were separately delivered to the City Council for their review and are available for public review in the City Clerk's Office.

ATTACHMENT(S):
1. Appellant Letter, dated August 21, 2015
2. Proposed Site plan, floor plans, and elevations
3. ABR Minutes

PREPARED BY: Suzanne Riegle, Associate Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

RECEIVED
2015 JUN -2 PM 1:44
CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Request to Appeal an ABR Decision:

By this letter, as a representative of the neighborhood, I wish to appeal the following:

Name of Body: ABR

Meeting Date at which decision was made: May 26, 2015

Description of decision being appealed: Final approval of new construction of 7-unit apartment building at 1818 Castillo St.

Applicant Number: MST2015-00092

Grounds for the appeal request:

Below we list the grounds for the appeal. By its excessive size and height and poorly designed parking, the project negatively affects the nature and quality of an entire neighborhood and it sets precedents for future construction that we do not believe were part of the original intent of the AUD Ordinance.

I. Building height, size, bulk, and scale:

1. The building is the only 3-story building within several blocks. It dramatically exceeds neighborhood standards for height, scale and bulk.

2. There was no site visit by the ABR to help the board understand the excessive size and scale when compared to the surrounding properties.

3. There were no story poles to give a three dimensional understanding of the project scale.

4. There was inadequate discussion of the impact of individual garages within the envelope of each individual unit, which creates additional height and is the reason the third story exists (it is pushed up by inclusion of the garage in the unit mass.)

II. Parking: Garage vs. Carports

1. There is no automobile turn-around on-site which thus necessitates that every car that cannot nose into a garage will have to back out onto busy Castillo St. Back-outs are contrary to current City transportation department design guidelines. (Arguments by the designer that each tenant has a garage to turn around in does not address the common daily occurrence of entry by guests , emergency vehicles, delivery trucks, etc. that will come and go on a regular basis)

2. The AUD is an interim ordinance which can be said to be in "beta testing." In the lengthy City out-reach program from which this ordinance came, the issue of parking was not fully discussed nor its consequences fully realized. While the appellants recognize the AUD wisdom of reduced parking, it is still the City's stated goal that what little parking is provided is required to be for cars. It must at least act as parking and at least, by design, get used as parking. Such will not be the case in an affordable worker apartment unit with a built-in garage with interior access from the living space. It is almost prima facie that the tenant will use the garage for other than cars (storage, additional living space, potential room rental, etc.)

3. With the garages almost guaranteed to be used for other than car storage, the on-street parking density along Castillo will only get worse and it is very dense now.

III. The Spirit of the AUD

The ordinance was created in the recognition that the downtown area has a variety of services that reduces the need for auto use and thus the need for parking. As noted in the Planning Commission Staff Report on the AUD Zoning Ordinance Amendments (dated April 4, 2013, section III, page 2): "The AUD Program would regulate residential density based on the average unit size, and is designed to produce smaller units and small buildings located primarily in and around the Downtown."

We reiterate, the AUD Ordinance is designed to produce smaller buildings and smaller units in and around downtown. This project does none of that.

IV. ABR Final Approval Vote:

The ABR is a seven member body. At the time of the vote on this project, three members were absent. While the remaining four members technically constitute a quorum, their approval vote of three yea's would not/does not constitute a typical majority of the full board.

We quote the comments of the nay vote on the ABR, Mr. Wittausch:

A. "No story poles were provided" (but were needed on the first and only 3-story project within several blocks of the site.)

B. "No appeal to the PC" . . .(was made in face of several questions of neighborhood compatibility, building bulk/size, garage parking vs. carport parking, combined parking vs. individual garage adjacent to each unit, no on-site turn around.)

V. Appellant Information:

Brian B. Barnwell, 1830 Castillo St, Santa Barbara CA 93101; 805.708.4690;
brian@barnwellappraisals.com

Brian B. Barnwell Date June 2, 2015

Sheet Index

A1.0	Cover Sheet
A2.0	Site Plan
A3.0	Floor Plans
A4.0	Unit Plans
A5.0	Exterior Elevations
L-1	Landscape Plan
C.1-C.4	Grading and Drainage Plans

Vicinity Map

Project Description

The proposed project includes the demolition of an existing single family home, a studio apartment, a detached garage, and two sheds. The site will be developed with seven rental units that are two and three bedroom.

Project Data

Address:	1818 Castillo Street
Owner:	Randy Douglas
Lot Area:	12,656.25 SF or .291 acres
Lot APN:	027-012-023
Density Residential: (15-27 du/acre)	
Land Use Designation: Medium High	
Zoning:	R4 - AUD
Allowable Density:	(.291 x 25 DU/AC) = (7.26) 7 units
Stories:	2 and 3
Height	+/- 27-44'

Proposed Development

Net Habitable Floor Area
2 - 2BR Units @ 792 SF x 2 = 1,584 SF Net
5 - 3BR Units @ 997 SF x 5 = 4,985 SF Net
6,569 SF Net

Gross Floor Areas (Including Garage)
2 - 2BR Units @ 1,132 SF x 2 = 2,264 SF Gross
5 - 3BR Units @ 1,377 SF x 5 = 6,885 SF Gross
9,149 SF Gross

Building Coverage	4,039	SF	32%
Landscape Area	3,303	SF	26%
Paved Area	5,314	SF	42%
	12,652	SF	100%

Existing Buildings

Main Building	969 SF
Garage	288 SF
Guest	271 SF
Shed	227 SF
	1,755 SF Gross

Open Space (Common Outdoor Living Space Method)

Private Open Space	Provided
Unit 1, Second Level, Private	86 SF
Unit 2, Second Level, Private	99 SF
Unit 3, Second Level, Private	99 SF
Unit 4, Second Level, Private	99 SF
Unit 5, Second Level, Private	99 SF
Unit 6, Second Level, Private	99 SF
Unit 7, Second Level, Private	86 SF

Common Open Space (15% Net Lot Area) 1,898 SF 2,262 SF

Required Common Area (20x20) = See Site Plan

Parking Calculations

Parking	Required	Provided
Vehicle	7 Covered	7 Covered
Bicycle	7 Covered	7 Covered

AUD Ordinance

Allowable Units	Allowable Ave. Unit Size	Total Allowable SF
7	945	6,615

Proposed Project

Units	Unit Size Net SF	Total Net SF
(2) 2 BR	792	1,584
(5) 3 BR	997	4,985
		6,563

Average Unit Size = 938 Net SF

Applicable Codes

2013 California Building Code
2010 California Plumbing Code
2008 California Electrical Code
2010 California Fire Code
2013 California Energy Code
2010 California Administration Code
2010 California Referenced Standards Code
City of Santa Barbara Municipal Code

ATTACHMENT 2

rrm design group
10 E. Figueroa St., Suite 1
Santa Barbara, CA 93101
Tel: 805.963.8283 Fax: 805.963.8184
www.rrmdesign.com

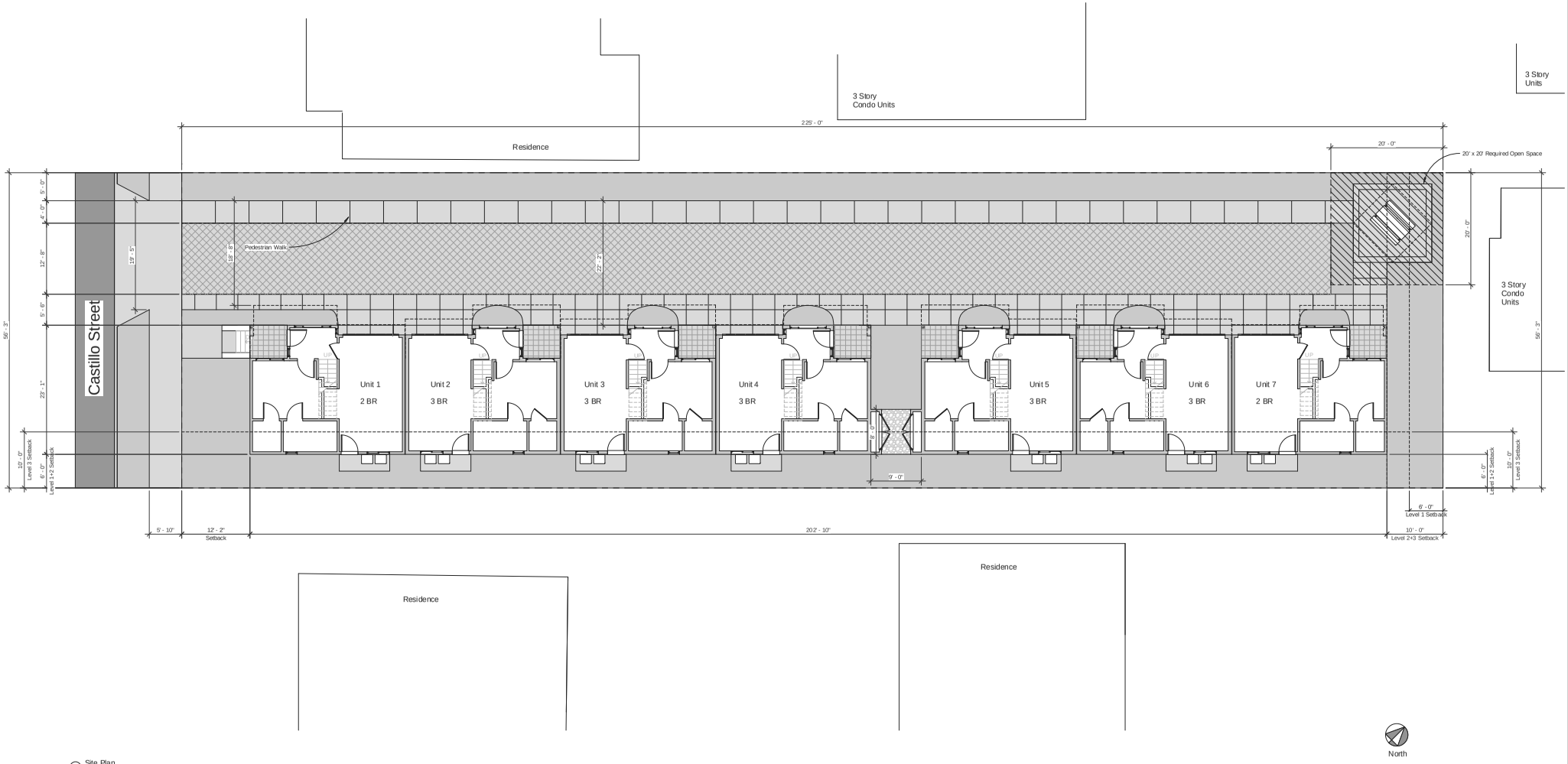
1818 Castillo St. Apartments

1818 Castillo St.

Cover Sheet

A1.0

5/26/2015



1 Site Plan
1/8" = 1'-0"

rrm design group
10 E. Figueroa St., Suite 1
Santa Barbara, CA 93101
Tel: 805.963.8283 Fax: 805.963.8184
www.rrmdesign.com

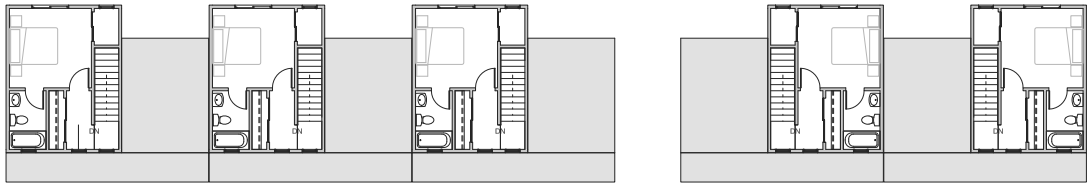
1818 Castillo St. Apartments

1818 Castillo St.

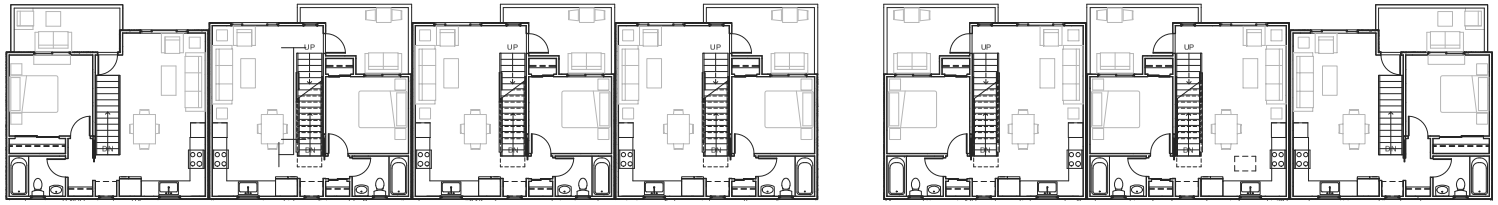
Site Plan

A2.0

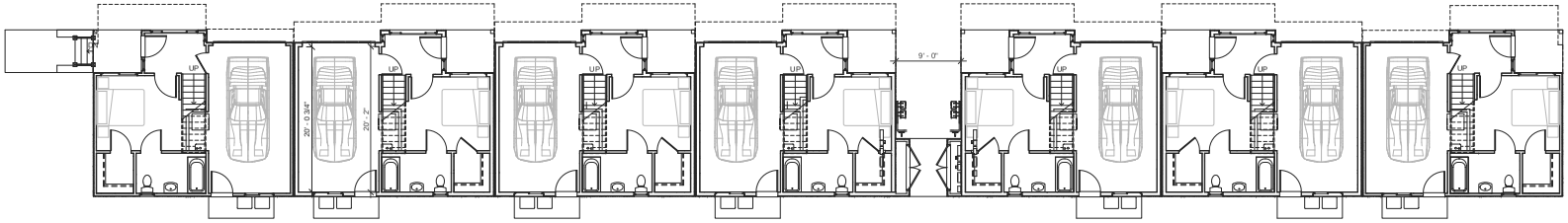
5/26/2015



3 Level 3
1/8" = 1'-0"



2 Level 2
1/8" = 1'-0"



1 Level 1
1/8" = 1'-0"

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Santa Barbara, CA 93101
Tel: 805.963.8283 Fax: 805.963.8184
www.rrmdesign.com

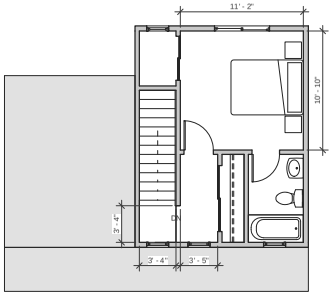
1818 Castillo St. Apartments

1818 Castillo St.

Floor Plans

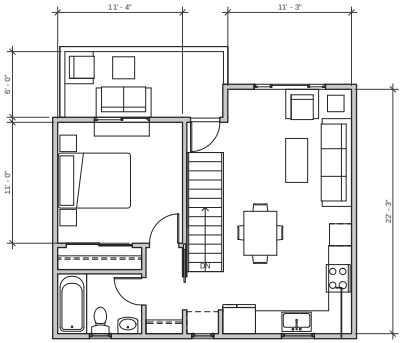
A3.0

5/26/2015



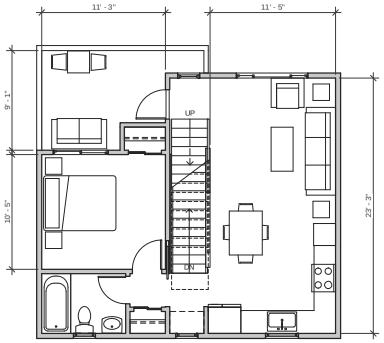
Net Area: 236 SF Gross Area: 267 SF

5 3 BR - Level 3
3/16" = 1'-0"



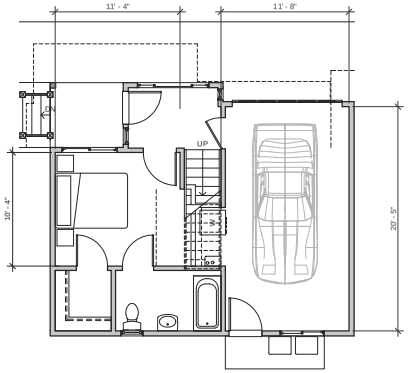
Net Area: 515 SF Gross Area: 561 SF

2 2 BR - Level 2
3/16" = 1'-0"



Net Area: 493 SF Gross Area: 533 SF

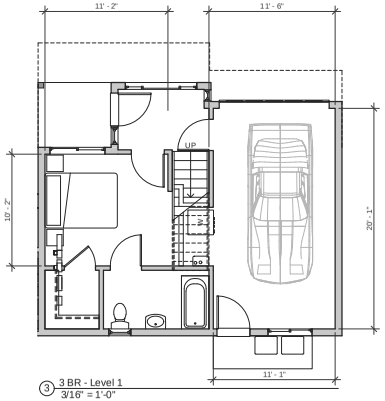
4 3 BR - Level 2
3/16" = 1'-0"



Net Area: 277 SF Gross Area: 575 SF

Total Area: 792 SF **Total Area: 1,136 SF**

1 2 BR - Level 1
3/16" = 1'-0"



Net Area: 268 SF Gross Area: 575 SF

Total Area: 997 SF **Total Area: 1,375 SF**

3 3 BR - Level 1
3/16" = 1'-0"

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www.rrmdesign.com

1818 Castillo St. Apartments

1818 Castillo St.

Unit Plans

A4.0

5/26/2015

② East Elevation
1/8" = 1'-0"

① Street Elevation
1/8" = 1'-0"

③ North Elevation
1/8" = 1'-0"

④ South Elevation
1/8" = 1'-0"

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1818 Castillo St. Apartments

1818 Castillo St.

Exterior Elevations

A5.0

5/26/2015

Legend of Plan Symbols

concrete pic-nic bench with colorful market umbrella

3 Story Condo Units

Residence

adjacent citrus (orange)

Castillo Street

Castillo Street

new street tree (pyr kaw)

existing mex. fan palm in parkway (REMOVE)

Unit 1 2 BR

Unit 2 3 BR

Unit 3 3 BR

Unit 4 3 BR

Unit 5 3 BR

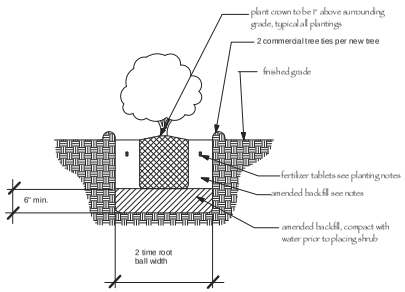
Unit 6 3 BR

Unit 7 2 BR

UP

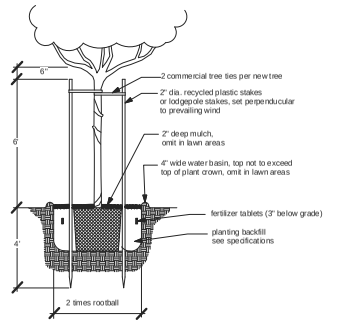
Residence

Residence



E TYPICAL SHRUB PLANTING

NOT TO SCALE



D TYPICAL TREE PLANTING

NOT TO SCALE

Preliminary Planting Legend

- 15 gal gleditsia triancanthos 'sunburst'
- 15 gal pyrus kawakamii (evergreen pear)
- 24" box olive (fruitless) (multi-trunk)
- 15 gal podocarpus henkelii
- 15 gal stenocarpus sinuatus (firewheel tree)
- 15 gal chionanthus retusus (chinese fringe tree)
- 15 gal photinia serrulata
- 5 gal mahonia aquafolium (oregon grape)
- 5 gal cotinus 'golden spirit' (bright yellow smoke tree)
- 5 gal raphiolepis clara (indian hawthorn)
- 1 gal miscanthus sinensis 'adagio'
- 5 gal mahonia aquafolium 'compacta' (dwarf oregon grape)
- 5 gal dietes grandflora 'variegata' (striped leafed fortnight lily)
- 5 gal phormium 'apricot queen'
- 1 gal nandina compacta (dwarf heavenly bamboo)
- 1 gal hemerocallis 'cortez cove' (daylily)
- 1 gal pennisetum 'orientalis' (dwarf fountain grass)
- 1 gal raphiolepis 'ballerina' (dwarf indian hawthorn)

vines

- 5 gal pyrostegia venusta (flame vine)

groundcovers

- flats @ 6" o.c. dymondia margaratae
- 3" deep, palm springs 3/8" angular gold gravel

Scale: 1" = 8' 0"

CM+LA

Charles McClure + Landscape Architect & Associates, Inc.

5290 Overpass Road
Suite 115
SANTA BARBARA
CA, 93111

Ca. License No. 3114

Ph. (805) 696-6864

since 1989

what can be conceived can be created

landscape planning for:

1818 Castillo Street Apartments

1818 Castillo Street
Santa Barbara, California

Charles P. McClure
Landscape Architect
Ca. Lic. No. 3114
exp. 3-31-2017
Santa Barbara
Since 1989

signature

date

REVISION : △

5-25-15 Front building moves north, adjust

SHEET TITLE :

Preliminary Landscape Plan

DATE : April 2015

SCALE : 1/8 = 1'-0"

DRAWN : C.M.

JOB :

SHEET :

L-1

OF 1 SHEETS

ARCHITECTURAL BOARD OF REVIEW
MINUTES

1818 CASTILLO ST (MST2015-00092) **R – NEW MULTIFAMILY**

Proposal to demolish an existing single-family home, studio apartment, detached garage, and two sheds, and construct a three-story residential apartment building under the Average Unit Size Density Incentive Program. The project will result in seven units comprising two, 2-bedroom units and five, 3-bedroom units, totaling 6,569 square feet. This 12,656 square foot parcel is designated as Medium High density with a maximum average density allowed of 945 square feet per unit. The average unit size for this project will be 938 square feet. There will be seven covered parking spaces provided on the ground floor of the building.

March 30, 2015

(One-time Concept Review; Comments only.)

Actual time: 5:29 p.m.

Present: Detlev Peikert, Architect; and Gordon Brewer, RRM Design Group.

Public comment opened at 5:37 p.m.

1) Brian Barnwell, opposition; expressed concerns regarding neighborhood compatibility of the proposed project for the area.
2) Kip Bradley, opposition; expressed concerns regarding neighborhood compatibility.

Public comment closed at 5:40 p.m.

Public comment via email from Pamela Lasker and John Smith was acknowledged and addressed regarding neighborhood compatibility and parking density concerns for the area.

Motion: **Continued four weeks to Full Board with following general comments:**

1) A majority of the Board found the clean, simple, cottage design style and meandering path acceptable, charming, and compatible with the neighborhood.
2) Restudy the third story massing and number of units that seem incompatible with the cottage style of the architecture and the narrow size of the lot; consider relocating third story units to the rear of the property.
3) Restudy the plate heights.
4) Restudy the cantilevers and overhang dimensions into the driveways to be possibly relocated back.

5) Provide more useable landscaping and open space.
6) Restudy the neighborhood compatibility of the project scale; provide photographs of neighboring three-story buildings.

Action: Wittausch/Miller, 5/0/0. Motion carried. (Hopkins stepped down, Gradin absent).

May 11, 2015

(Second Concept Review. Action may be taken if sufficient information is provided. Project requires an environmental finding for a CEQA Guidelines Section 15183 Exemption - Projects Consistent with the General Plan. Project was last reviewed on March 30, 2015.)

Actual time: 3:48 p.m.

Present: Detlev Peikert and Lisa Plowman, Architects; and Suzanne Riegle, Associate Planner.

Public comment opened at 4:00 p.m.

1) Richard Handler, opposition; spoke of concerns regarding preservation of private view, project size and massing, and parking density issues.
2) Kathleen Hoffman, opposition; spoke of concerns regarding the proposed project size and massing, parking density issues, and noise impacts.
3) Brian Barnwell, opposition; (submitted a previous email) expressed concerns regarding project size and massing, felt the project was incompatible and out of scale with the predominantly single story neighborhood, parking density issues, and the related tendency for built-in garages to be converted into illegal rental units.
4) Pamela Lasker, opposition; (submitted two previous emails) expressed concerns regarding proposed project massing and number of units/bedrooms, and project size not compatible with the surrounding single story neighborhood.
5) Steven Harper, opposition; with expressed concerns regarding project size, massing, and amount of parking not compatible with the surrounding single story neighborhood.

Emails of concern from Pamela Lasker and John Smith, Scott Wilson, Deb Archambault, Heather Wright, and Deanne Turner were acknowledged.

Public comment closed at 4:15 p.m.

It was noted that a majority of the Board was either familiar with the project site or had visited or driven by the project site.

Motion: **Continued two week to Full Board with comments:**

1) Provide additional survey and photographs of the existing two story adjacent buildings within a two and one-half block diameter.

2) Study reducing the amount of paving and increasing landscaping where possible along the driveway side.
3) Study ways the unit at the street can be pulled back further away from the street to increase the landscape buffer. Study reducing the space between the buildings, if possible.
4) Two Board members would like the Applicant to study ways to reduce some of the overhangs at the driveways.

Action: Miller/Wittausch, 6/0/0. Motion carried. (Hopkins stepped down).

May 26, 2015

(Third Concept Review. Action may be taken if sufficient information is provided. Project requires an environmental finding for a CEQA Guidelines Section 15183 Exemption - Projects Consistent with the General Plan. Project was last reviewed on May 11, 2015.)

Actual time: 6:53 p.m.

Present: Detlev Peikert and Lisa Plowman, Peikert; Gordon Brewer, RRM Design Group; and Suzanne Riegle, Associate Planner.

Public comment opened at 7:00 p.m.

1) Richard Handler, (submitted email) opposition; with expressed concerns regarding parking density impacts.
2) Kathleen Hoffman, opposition; expressed concerns regarding planned turnaround space in the driveway, neighborhood impacts such as noise of garbage pick-up; project height effect on available southwest sun exposure; parking density impacts, and increased traffic in the area.
3) Stephen Harper, opposition; expressed concerns regarding the lack of neighborhood compatibility of the proposed mass and scale of the project, and parking density impacts.
4) Pamela Lasker (submitted email), opposition; expressed concerns regarding neighborhood compatibility impacts of the proposed three story height and mass of the project, and parking density concerns.
5) Frederick Lang, opposition; expressed concerns regarding current existing parking density and realty market value in the area.

Emails of concerns from Richard Handler, Pamela Lasker & John Smith, Kemble White and Steve Harper (with photos) were acknowledged.

Public comment closed at 7:15 p.m.

Failed Motion: Continued indefinitely to Full Board with comment for the Applicant

to restudy size, height, bulk and scale of the proposed project; and to consider resizing the proposed parking spaces.

Action: Wittausch. Motion failed due to lack of a seconder. (Hopkins stepped down, Poole (partially absent)/Cung absent)

Substitute Motion: Project Design Approval and continued indefinitely to Full Board with conditions:

1) The Chair read the following finding into the record: "The ABR finds that the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and CEQA Certificate of Determination on file for this project."
2) The Compatibility Analysis criteria (SBMC 22.68.045) were generally met as follows:
   a) The proposed project design is consistent with applicable ABR Design Guidelines, City Charter passages, and applicable Municipal Code provisions with regard to site design, architecture, and landscaping.
   b) The project's design is consistent with the architectural character of the City and appropriate for the neighborhood.
   c) The project's size, mass, bulk, size, height, and scale of the proposed development are appropriate for its location and neighborhood.
   d) The project's design is appropriately sensitive to adjacent landmarks and historic resources, City structures of merit, sites, or established scenic public vistas.
   e) The project's design provides an appropriate amount of open space and landscaping.

Action: Tripp/Miller, 3/1/0. Motion carried. (Wittausch opposed because he could not make the Compatibility Criteria Analysis findings, Hopkins stepped down, Poole (partially absent)/Cung absent).

Agenda Item No. 24

File Code No. 670.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 21, 2015

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: Direction To Staff On The 2015 Bicycle Master Plan

RECOMMENDATION:

That Council receive a presentation on preliminary bicycle network improvements developed from the community engagement process and provide input and direction to staff regarding the Draft Bicycle Master Plan completion.

EXECUTIVE SUMMARY:

Staff is asking Council to review the community engagement process and to provide input and direction regarding the further development of the Bicycle Master Plan (BMP) proposed network improvements. The community engagement phase was completed in June 2015. The next phase of the process is to develop a BMP that reflects what we heard from the community that will improve bicycle safety and which meets the technical feasibility of Santa Barbara's transportation system. Staff is looking for direction from Council regarding further analyzing all of the bicycle network improvements. Once this direction is received, the consultant will work through the summer and fall to complete the draft BMP. The BMP is scheduled for completion prior to the end of the 2015 calendar year.

DISCUSSION:

In order to develop the 2015 BMP, Council directed that a community engagement process be conducted, asking what the future of bicycling in Santa Barbara should look like. The process was designed to include multiple methods of community engagement, including an on-line survey, intercept surveys, an interactive website, bilingual community outreach, neighborhood summits, and organizational "road shows." Public participation was higher than expected, with 1,440 individuals participating in the survey, 190 participants during the citywide neighborhood summits, 10 organizations holding road shows, and over 400 comments on the interactive on-line mapping tool on the project website. The consultant team and the City's Engineering and Transportation staff also conducted a bicycle collision analysis using police reports. The various collision types

included bicyclists at fault, motorists at fault, dooring, left hook collisions, right hook collisions, and collisions involving a bicyclist on the wrong side of the road or travelling on the sidewalk. The consultant team identified collision hotspot locations and analyzed trends to identify how bicycle infrastructure, enforcement, and education efforts could be improved to make bicycling safer in Santa Barbara.

The community engagement process was held during the months of April and May 2015, concluding with five neighborhood summits. The results of the process suggest that people believe it should be a goal of the City to accommodate more bicyclists for all types of trips (1,310 of 1,440 survey respondents). The results also suggest that this perspective is shared between all types of road users. For example, 85 percent of survey respondents who drive a car as their primary mode of travel support this goal. The bicycle network improvements were created with this goal in mind.

After developing initial bicycle network recommendations based on the community engagement results and safety analysis, neighborhood summits were held in five neighborhoods. The purpose of the summits was to vet the initial findings and recommendations with community members near the proposed locations. Each event included a presentation that outlined the history of the BMP effort, preliminary community engagement findings, safety analysis, and potential bicycle facilities for participants to consider. The presentation was followed by participatory activities that allowed all summit attendees to ask questions, share knowledge of local transportation conditions, and point out where they thought bicycle facilities should be added to accommodate more bicycling in Santa Barbara. Overall, approximately 190 participants were in attendance. At each neighborhood summit, several bicycle facilities and options were discussed and refined with the public.

The Public Outreach and Safety Findings Summary is attached for review (Attachment 1). At the Council meeting, the consultant who performed the outreach will summarize the findings and conclusions of the community input. They will also present suggested bike network improvements that were developed based on community input, collision data, and feasibility. These project alternatives were vetted with the community at five neighborhood summits. Project alternatives were further refined and presented to the joint Planning Commission (PC) and Transportation Circulation Committee (TCC) for consideration, held on July 9, 2015. Staff reviewed the PC and TCC's input at the meeting.

The following is a summary of the initial recommended bicycle network improvements. These potential projects need more investigation and refinement for feasibility, initial design, cost estimation, and other impacts. The consultant will also develop an implementation strategy and incorporate these projects into the Draft BMP to be completed by the end of this calendar year.

A map of the draft network with input from the Transportation/Circulation Committee and Planning Commission is attached (Attachment 2). A complete list of all potential projects is organized by neighborhood in the Summary Report. The five key community recommended projects are:

- State Street Spine Network: Green bike lanes and cross town connections via Micheltorena and Cota (some on-street parking removal required).
- Coast Connections: Modoc, Las Positas, Cliff Drive Class I multiuse pathways.
- Uptown Gap Closure: Class III connections along upper State, Bath/Castillo one-way extension and Pedregosa bike friendly street.
- Westside Connections: Chino/San Andres one-way system or Chino Bike Boulevard., Wentworth and Rancheria connections to Pershing Park/SBCC (some on-street parking removal required).
- Eastside Connections: Laguna/Olive one-way system, shared lanes or Olive Bike Boulevard, Alisos and Cacique Bike Boulevards.

At a special joint meeting of the Transportation Circulation Committee and the Planning Commission both voted unanimously to recommend that Council authorize the next phase of the BMP to develop and analyze all of the initial network projects.

ATTACHMENTS:
1. Public Outreach & Safety Findings Summary
2. Draft Network Facilities Map

PREPARED BY: Browning Allen, Transportation Manager/RD/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

BICYCLE MASTER PLAN

SANTA BARBARA

PUBLIC OUTREACH & SAFETY FINDINGS SUMMARY

June 2015

MELÉNDREZ

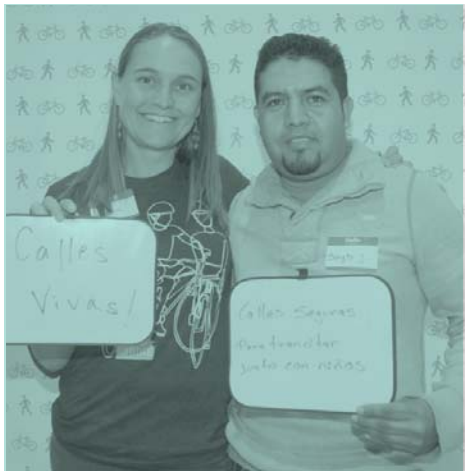
Daily Opportunities for FUN!

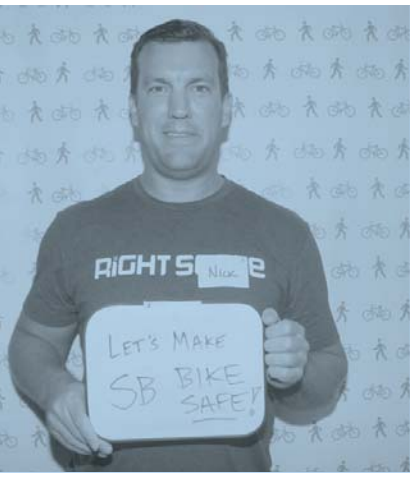
less bumps
more safe

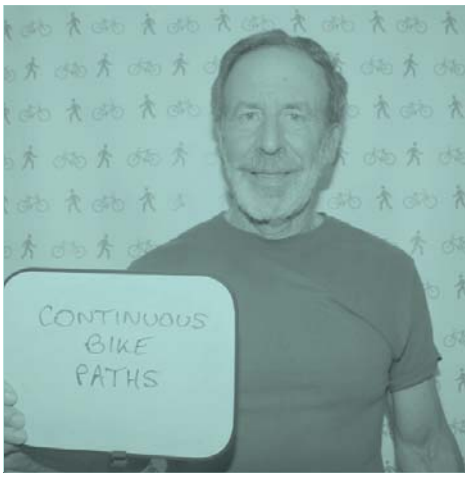
Streets closed to cars - bikes, pedestrians and gardens instead!

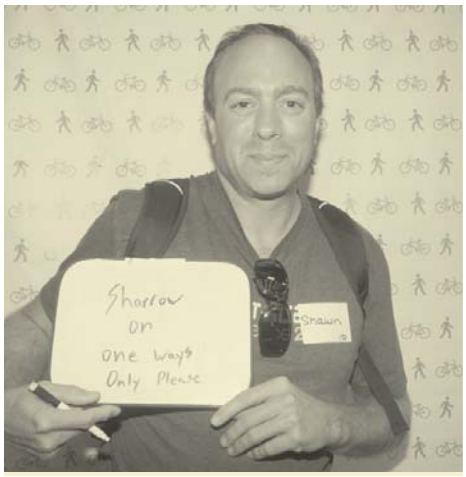
Safe Routes for all road users!

MONTECITO EXPRESS BY BIKE


Calles Vivas!
Calles Seguras


LET'S MAKE SB BIKE SAFE!


CONTINUOUS BIKE PATHS


Sharrow on one ways Only Please

SAFE ROUTES

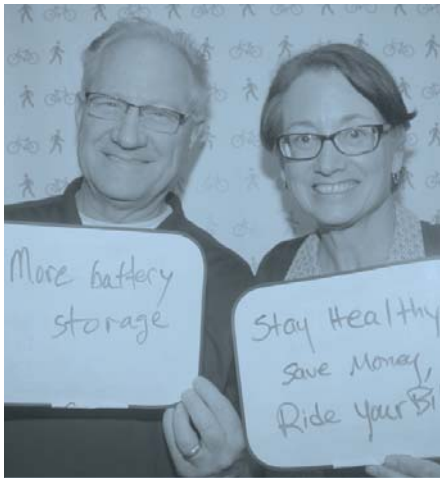
More Bike Routes

Ride More Bark Less

my
boy to
ride to
afely....
self

Share the
Road!
Bicycles
May Use
Full Lane

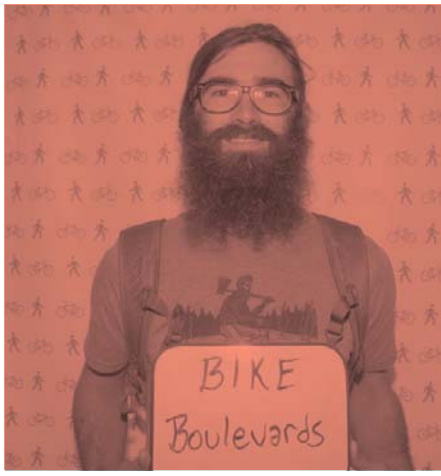
Bikes
4
Dummies


More battery
storage
Stay Healthy
Save Money,
Ride Your Bi

VOTE
R SAFER
KE ROUTES!

SAFE
Bike
Routes

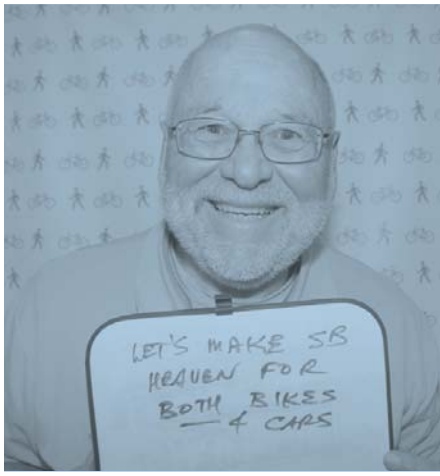
GIVE SB
GREEN
LANES


BIKE
Boulevards

SIBLE
TIONS!

Mejorar
Tráfico
Bici♡

El
Futuro
Son 2
Ruedas!


LET'S MAKE SB
HEAVEN FOR
BOTH BIKES
& CARS

KE 4
LEGS

&
Biking
for all

Mas rutas
de bicicleta
Safe
Routes!

BIKE BLVDs
PLEASE

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CHAPTER 1

INTRODUCTION

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INTRODUCTION

The primary focus of the of 2015 Santa Barbara Bicycle Master Plan (SB BMP) is to engage the community; involving a high quality media and tech interface, and creating various avenues for community members to identify the future of bicycling in the City of Santa Barbara. To engage the community, outreach methods were developed and launched that included an online survey, Facebook page, intercept surveys, an informational video, roadshows (informational meetings), an interactive mapping tool, and 5 neighborhood summits.

Each community-centered touch-point listed above, in addition to a technical analysis of bicycle safety in the City, provided quality insight into the future of bicycling in the City of Santa Barbara. This document summarizes the results of the outreach efforts that occurred from March - May of 2015.

The following chapters are included in this summary:

Chapter 1: Introduction
Introduction to the summary of public outreach to date.

Chapter 2: Survey Results and Findings
Summary of the online survey results and key takeaways.

Chapter 3: Interactive Mapping Summary
Summary of the interactive mapping tool that was hosted on the project website.

Chapter 4: Safety Summary
Summary of safety findings and collision mapping from 2004-2013 in the City of Santa Barbara.

Chapter 5: Neighborhood Summit Summary
Summary of the 5 Neighborhood Summits held in May, 2015.

Appendix
Sign-in sheets, activity maps, image gallery, and Neighborhood Summit presentations.

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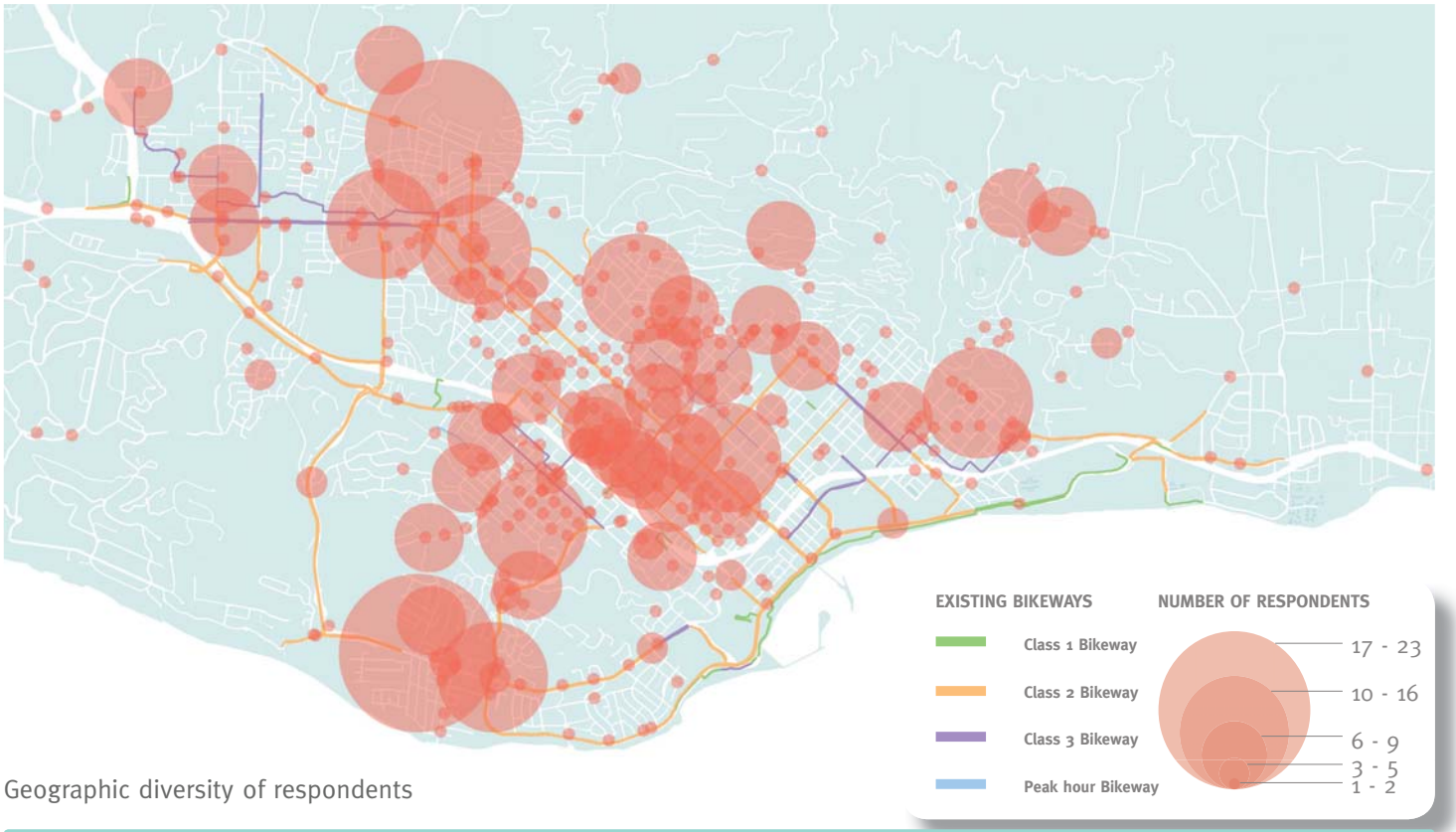
CHAPTER 2

SURVEY RESULTS + FINDINGS

SURVEY RESULTS + FINDINGS

The Bicycle Master Plan survey has proven helpful in gathering and quantifying community preferences regarding the future of bicycling in Santa Barbara. The survey was self-selected, online, and had a high rate of participation (1440 responses). While useful and informative, as a result of the online format, it is not a random selection of the entire population of Santa Barbara and therefore is not a statistically valid representation of the entire community's opinions. However, the results do show a diversity of Santa Barbara road users, businesses, and age groups. Additionally, the survey findings are indicative of a strong community desire to enhance existing bicycle facilities and safety for all road users in Santa Barbara.

WHAT IS THE NEAREST INTERSECTION TO WHERE YOU LIVE?



Geographic diversity of respondents

WHO WERE THE RESPONDENTS?

1,440 RESPONSES

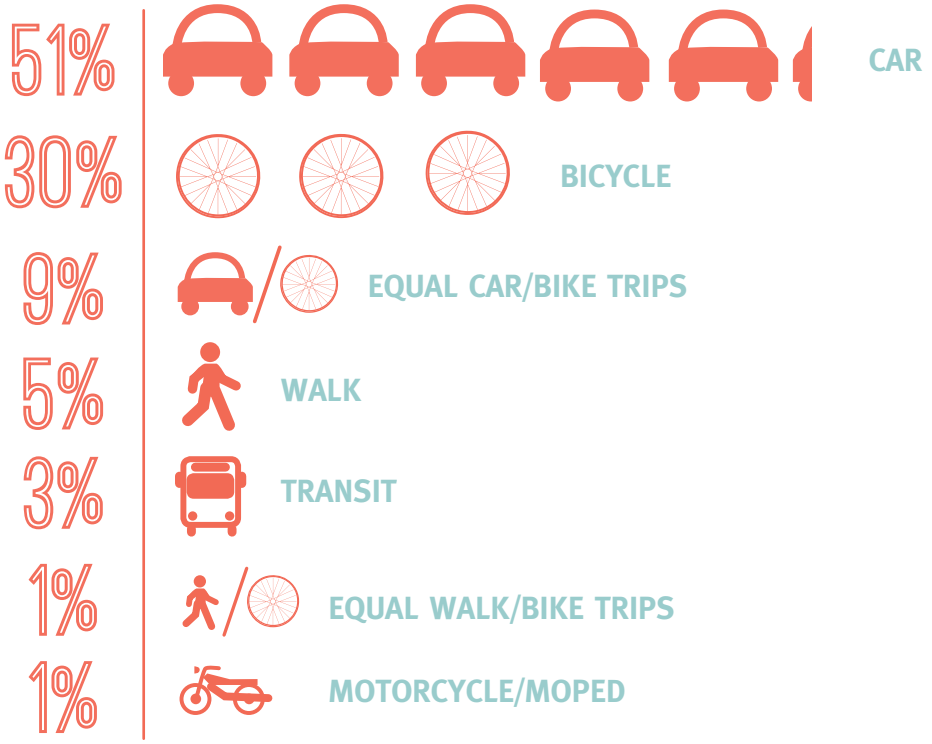
13% BUSINESS OWNERS

17% STUDENTS

18% PARENTS

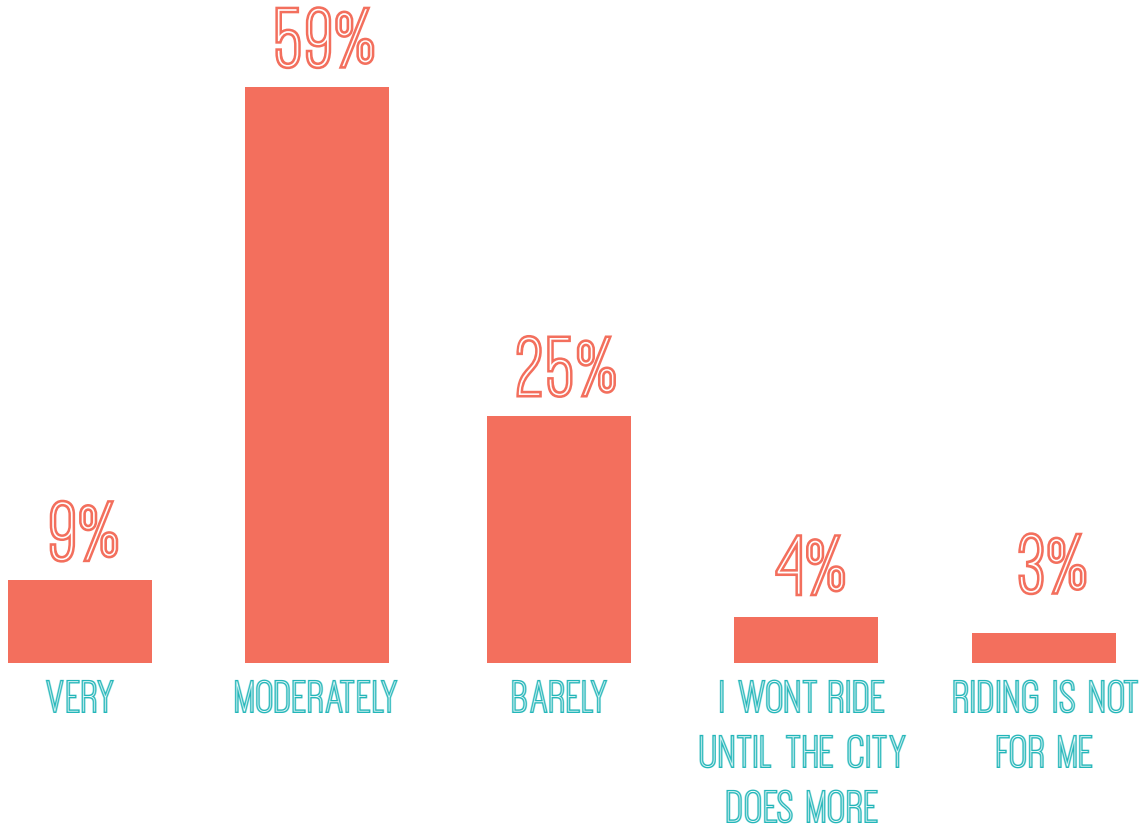
Diversity of respondents

WHAT IS YOUR PRIMARY MODE OF TRANSPORTATION?



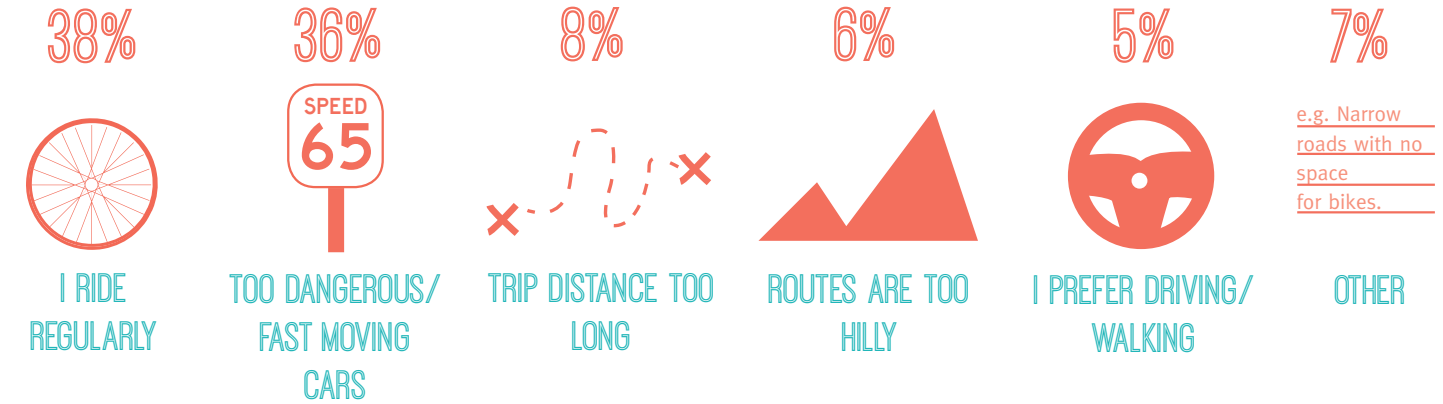
The majority of respondents (51%) identify using a car as their primary mode of travel in the last 7 days.

DO YOU THINK SB IS A SAFE PLACE TO RIDE A BIKE?



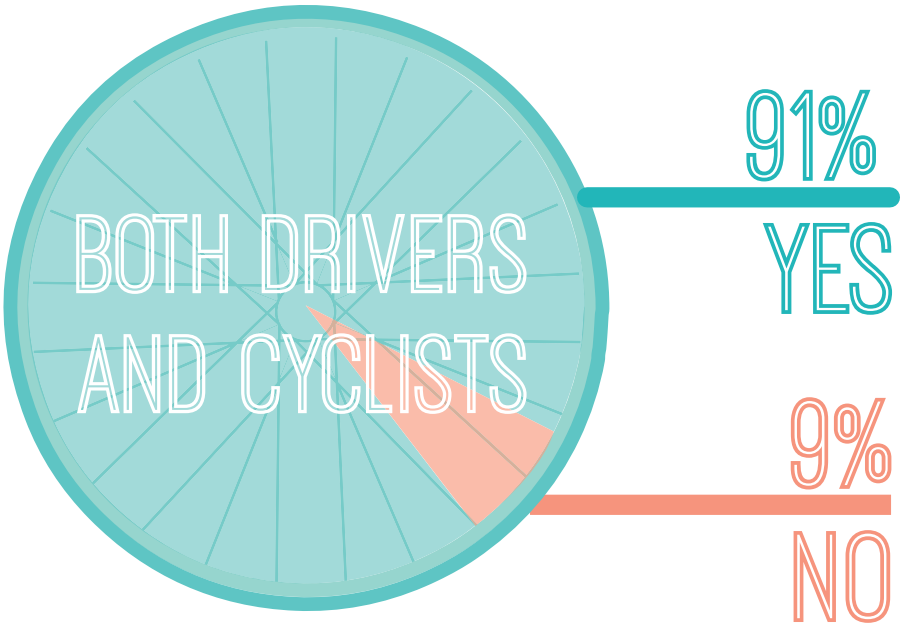
The majority of respondents think Santa Barbara offers a moderate level of safety for those riding a bicycle.

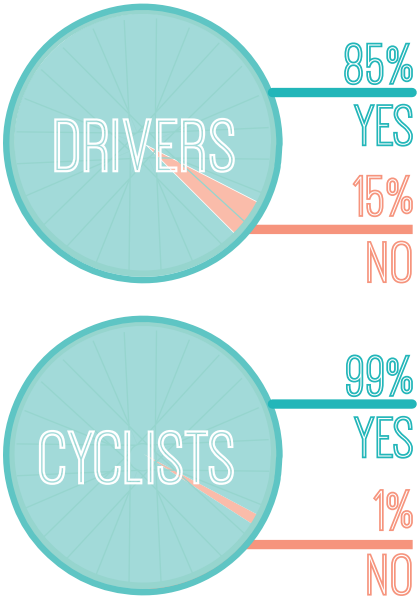
WHAT MOST PROHIBITS YOU FROM RIDING A BIKE IN SB?



A split of respondents ride a bicycle regularly in the City, while others identify fast moving cars as the primary obstacle to riding a bicycle in Santa Barbara.

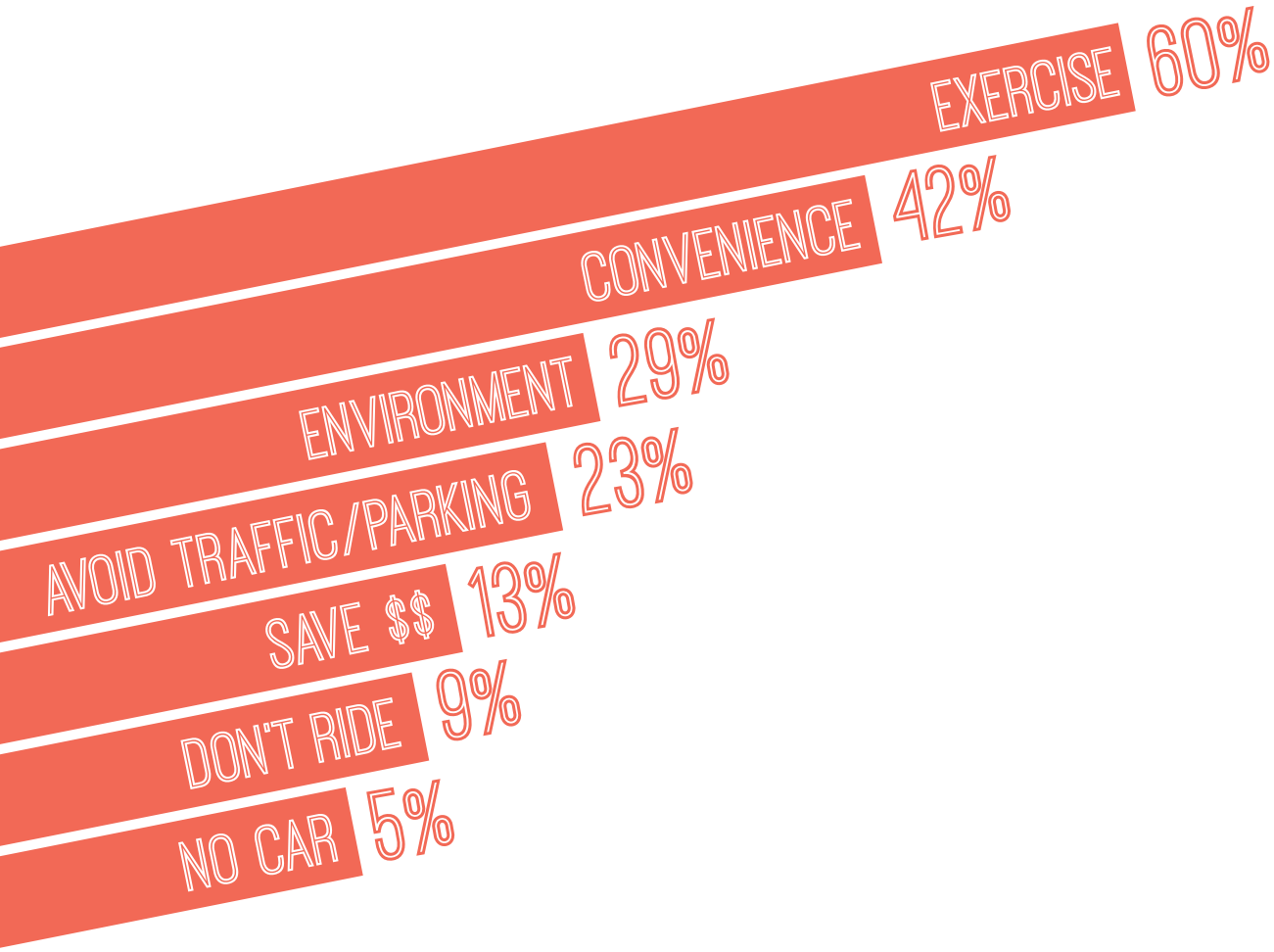
DO YOU THINK IT SHOULD BE A GOAL TO ACCOMMODATE MORE PEOPLE TO RIDE BIKES FOR WORK AND RECREATIONAL TRIPS?





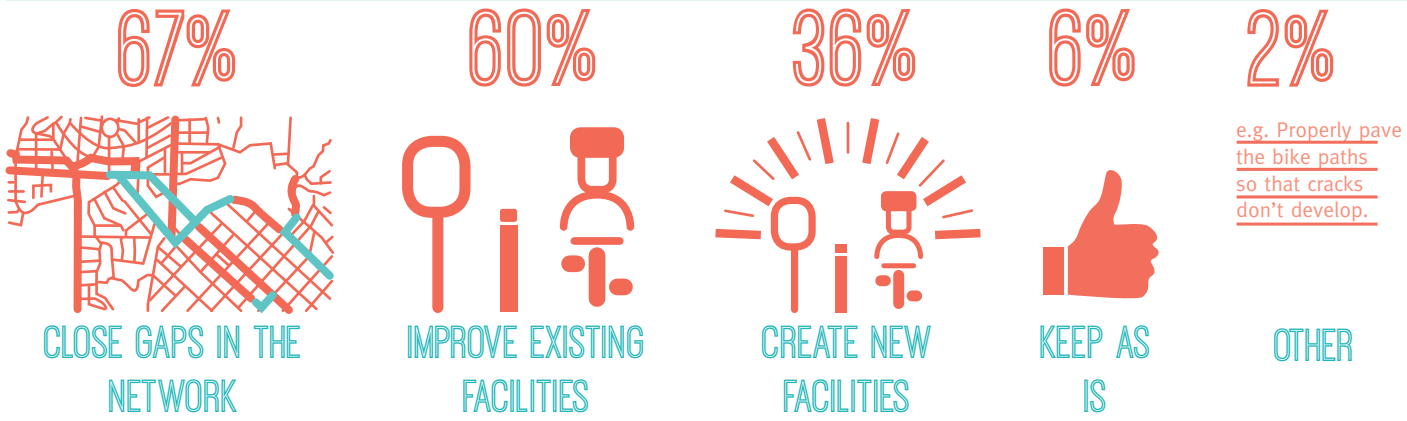
Of all respondents, 91% think it should be a goal to accommodate more people to ride bikes for work and recreational trips. Of those that stated that they used a vehicle as a primary mode of transportation in the last 7 days, 85% voted yes to this question. Of those that stated that they used a bicycle as a primary mode of transportation in the last 7 days, 99% voted yes to this question.

WHY DO YOU RIDE A BIKE?
(RESPONDENTS CHOSE TOP 2 - ANSWERS DON'T EQUAL 100%)



The top three responses to the question, "Why do you ride a bike" were: exercise, convenience, and the environment.

WHAT ARE YOUR PRIORITIES FOR THE SB BIKE PLAN?
(RESPONDENTS CHOSE TOP 2 - ANSWERS DON'T EQUAL 100%)



The majority of respondents would like to close gaps in the bicycle network and see improvements to existing facilities as a result of the SB BMP.

WHAT TYPES OF BIKE FACILITIES WOULD YOU LIKE TO SEE MORE OF IN SANTA BARBARA?
(RESPONDENTS CHOSE TOP 3 - ANSWERS DON'T EQUAL 100%)

BUFFERED BIKE LANES
70%

PROTECTED BIKE LANES
65%

COLORED BIKE LANES
53%

PAINTED BIKE LANES
35%

BIKE BOULEVARDS
31%

SHARROWS
12%

NONE
8%

A majority of respondents would like to see buffered bike lanes, protected bike lanes, and colored bike lanes in Santa Barbara.

WHAT ARE YOUR TRANSPORTATION PRIORITIES FOR SB?
(RESPONDENTS CHOSE TOP 3 - ANSWERS DON'T EQUAL 100%)

LARGEST = MOST POPULAR RESPONSE

SAFETY FOR ALL ROAD USERS 71%

EXTENDED BIKE ROUTES 67%

IMPROVE EXISTING ROUTES 58%

EDUCATION / ENFORCEMENT 27%

ENHANCED TRANSIT SERVICE 24%

COMFORTABLE WALKING EXPERIENCE 24%

KEEP EXISTING PARKING 15%

EASE OF DRIVING 12%

Respondents identified safety for all road users, extended bike routes, and improvement of existing routes as the top transportation priorities for Santa Barbara.

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CHAPTER 2

INTERACTIVE MAPPING SUMMARY

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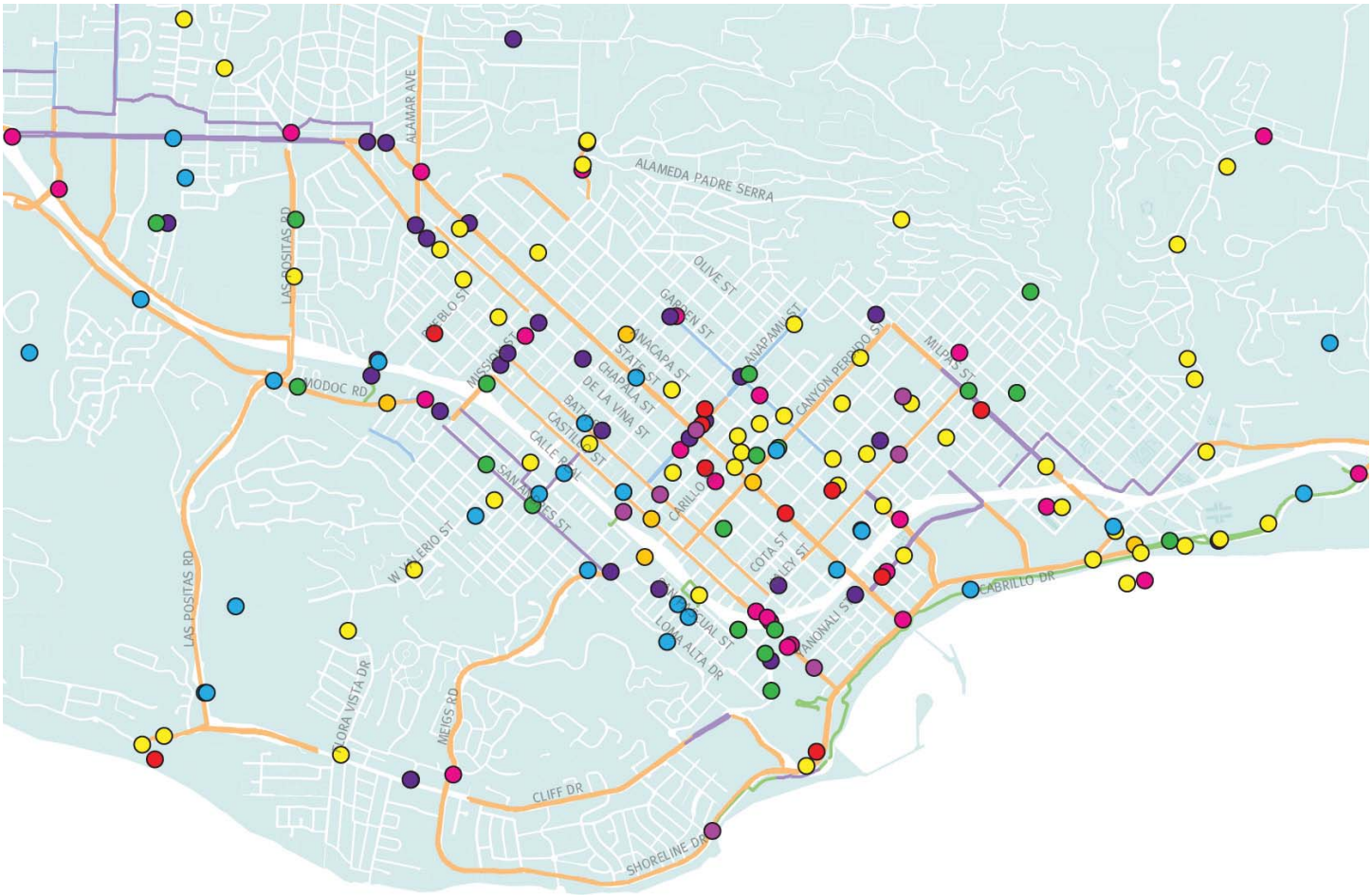
INTERACTIVE MAPPING SUMMARY

The interactive online mapping activity allowed community members to analyze existing bikeways and conditions of bicycling throughout the City of Santa Barbara. Participants were also able to propose ideas for additional improvements that could be made for cyclists. On the SB BMP project website, an interactive map at the top of the site prompted visitors to geolocate issue areas with regards to cycling in Santa Barbara. Participants were able to choose from the list below to identify areas of concern related to bicycling. Additionally, participants were able to "like", discuss, and comment on previously submitted comments. 179 participants submitted individual comments, while an additional 200+ participants commented on previously submitted responses.

- **MAINTAIN ROUTE AS IS**
- **UNDESIRABLE BIKE ROUTE**
- **DIFFICULT INTERSECTION**
- **IMPROVED TRAFFIC FLOW NEEDED**
- **BIKE PARKING NEEDED**
- **BIKE FACILITY NEEDED**
- **GAP IN THE NETWORK**
- **OTHER**

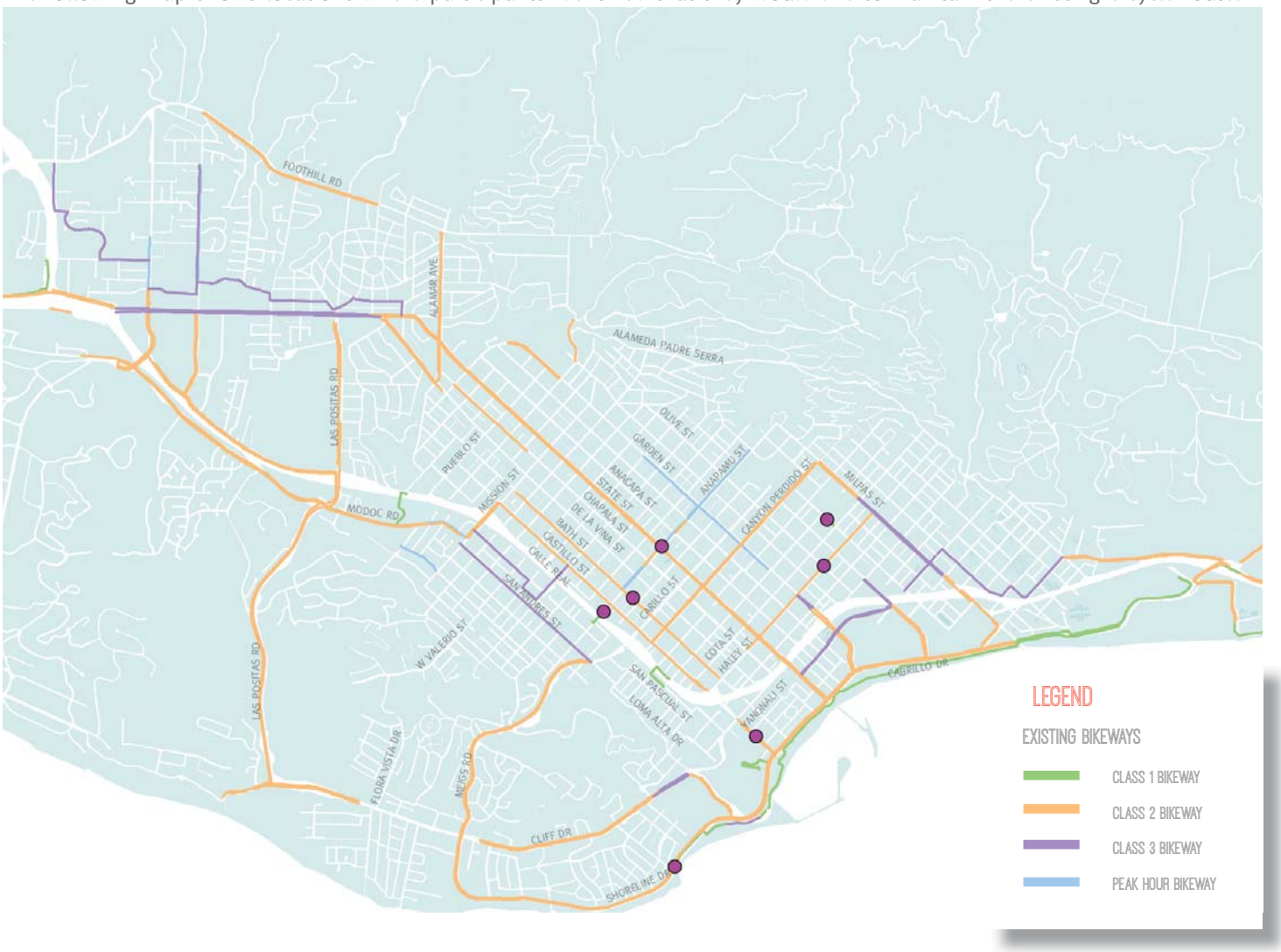
Of all responses, "gaps in the network" and "bicycle facilites needed" were identified as top areas of concern. Responses were mapped throughout the City, and provided key insights into the conditions of bicycling in Santa Barbara. Specific detail of findings are reflected in the pages that follow.



This image depicts the interactive mapping summary that shows individual comments made. Comments, likes, and discussions that occurred as a result of these pinpointed responses are reflected in the narrative of the summaries that follow.

MAINTAIN ROUTE AS IS

The following map shows locations where participants identified that they would like to maintain the existing bicycle route.



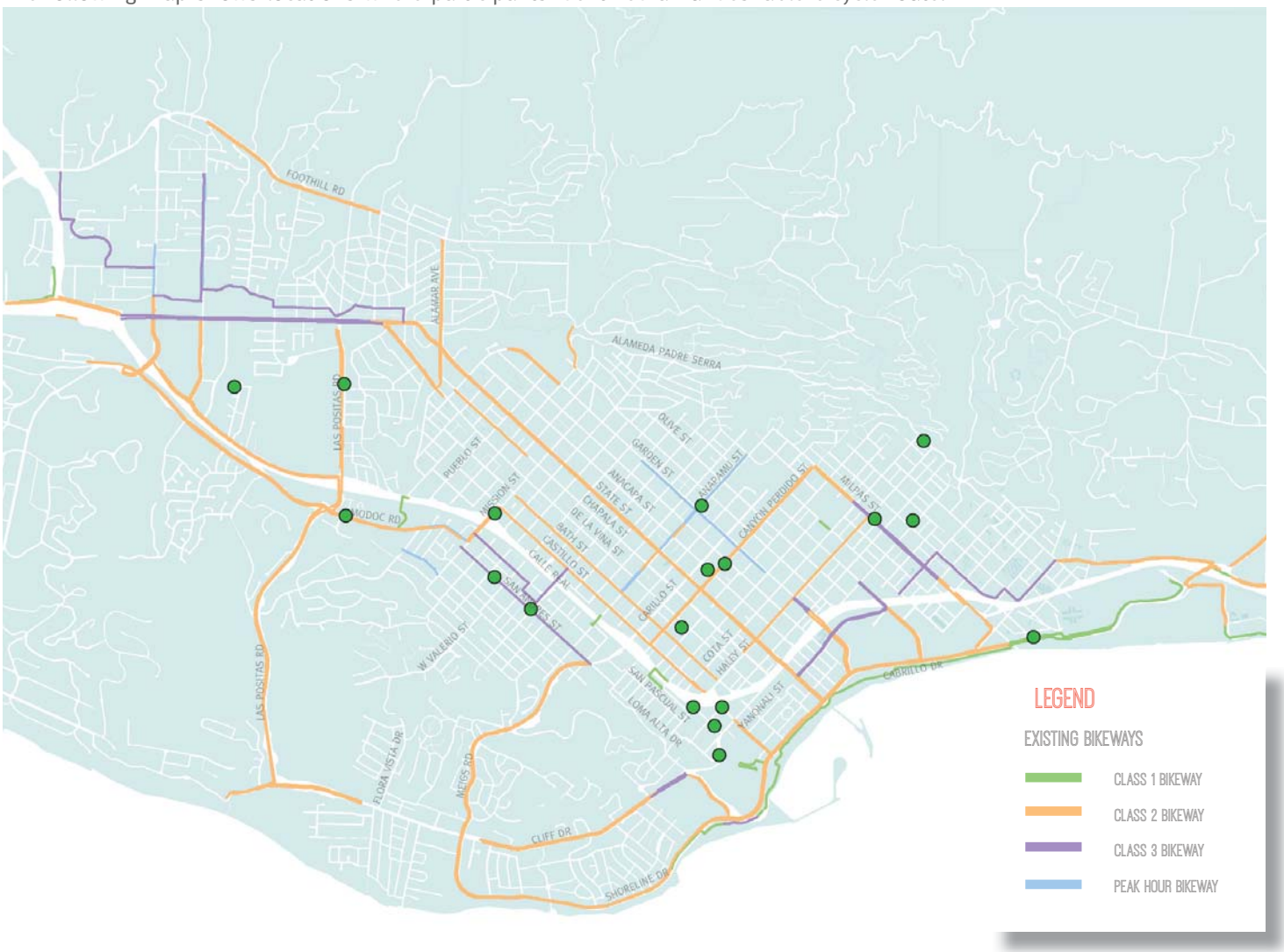
Participants most frequently identified quality existing bike paths in the Downtown, Westside and Mesa neighborhoods.

Reoccurring Comments / Themes

- **State Street:** Great bike lanes along State Street.
- **Bath Street / Castillo Street Couplet:** Great facilities for Uptown/Downtown movements.
- **Anapamu Street Overpass/Footbridge:** Great 101 crossing.
- **Castillo Street (South of Montecito Street)**: Nice, wide bike lanes.
- **Haley Street:** Nice cross-town bike lanes.
- **Ortega Park:** Nice bike path along Ortega Park on Quarantina Street.
- **Shoreline Drive:** Great bikeway along Shoreline Drive.

UNDESIRABLE BIKE ROUTE

The following map shows locations where participants identified an undesirable bicycle route.



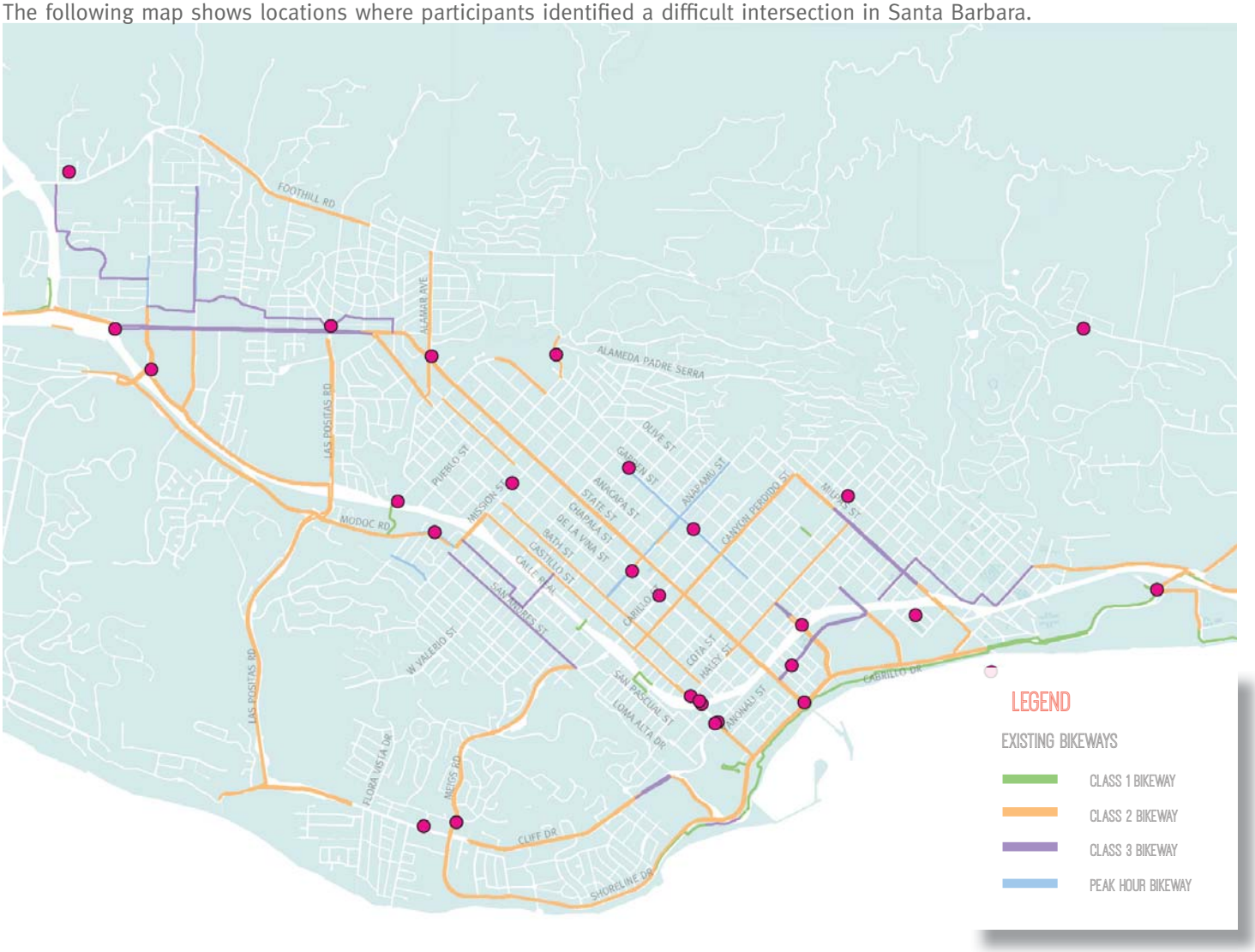
Participants identified undesirable bike paths on the Westside and Eastside, identifying a need for enhanced safety along the routes identified below.

Reoccurring Comments / Themes

- **Las Positas Road:** Narrow lanes, need for north/south connection.
- **Modoc Road:** Peak Bike hours create confusion along Modoc Rd.
- **Mission Street:** Need for east/west connection across the 101.
- **San Andres Street:** Modoc Rd. lanes end before crossing Mission St. -- need for a continued north/south connection. Cyclists today using Chino St. instead of San Andres St.
- **Overall:** Need for an alternative north/south bike route to State Street for bicycle riders.
- **Castillo Street:** Need for a bike path under the 101, connecting the Mesa to Downtown.
- **Cliff Drive:** Need connection from Cliff Dr. to Castillo St. (connecting people to SBCC campus).
- **Milpas Street:** Sharrows on Milpas St. do not work, need enhanced safety for north/south connection on the eastside.
- **Cabrillo Boulevard:** Pedestrians using Class I beach-way create conflicts. Currently undesirable route.

DIFFICULT INTERSECTION

The following map shows locations where participants identified a difficult intersection in Santa Barbara.



Participants identified various difficult intersections; many of which occur at 101-Fwy crossings.

Reoccurring Comments / Themes

- **Castillo Street & 101-freeway:** Difficult crossing.
- **Cabrillo Boulevard and Old Coast Hwy:** Need for enhanced bike movement along the roundabout.
- **State Street & 101-Freeway:** Difficult crossing.
- **Alamar Avenue & State Street:** Difficult crossing.
- **Mission Street & De La Vina Street:** Difficult crossing.
- **Garden Street & 101-on-ramp:** Difficult crossing.
- **State Street & Cabrillo Boulevard:** Difficult crossing.
- **Alisos Street & Carpinteria Street:** Difficult crossing.
- **Los Patos Way & Cabrillo Boulevard:** Difficult crossing.

IMPROVED TRAFFIC FLOW NEEDED

The following map shows locations where participants identified a need for improved traffic flow.

Participants identified a need for improved traffic flow on many streets that currently cross the 101-Fwy.

Reoccurring Comments / Themes

- **Castillo Street:** Although already a bicycle route, cars are moving fast along Castillo St.- potential for traffic calming measures.
- **Carrillo Street:** Need lights to be synced for through traffic.
- **Cabrillo Boulevard:** Need to have continuous bike path along Cabrillo.
- **State Street:** Difficult for through-moving bicyclists given consistent stop lights.

BIKE PARKING NEEDED

The following map shows locations where participants identified a need for bicycle parking.

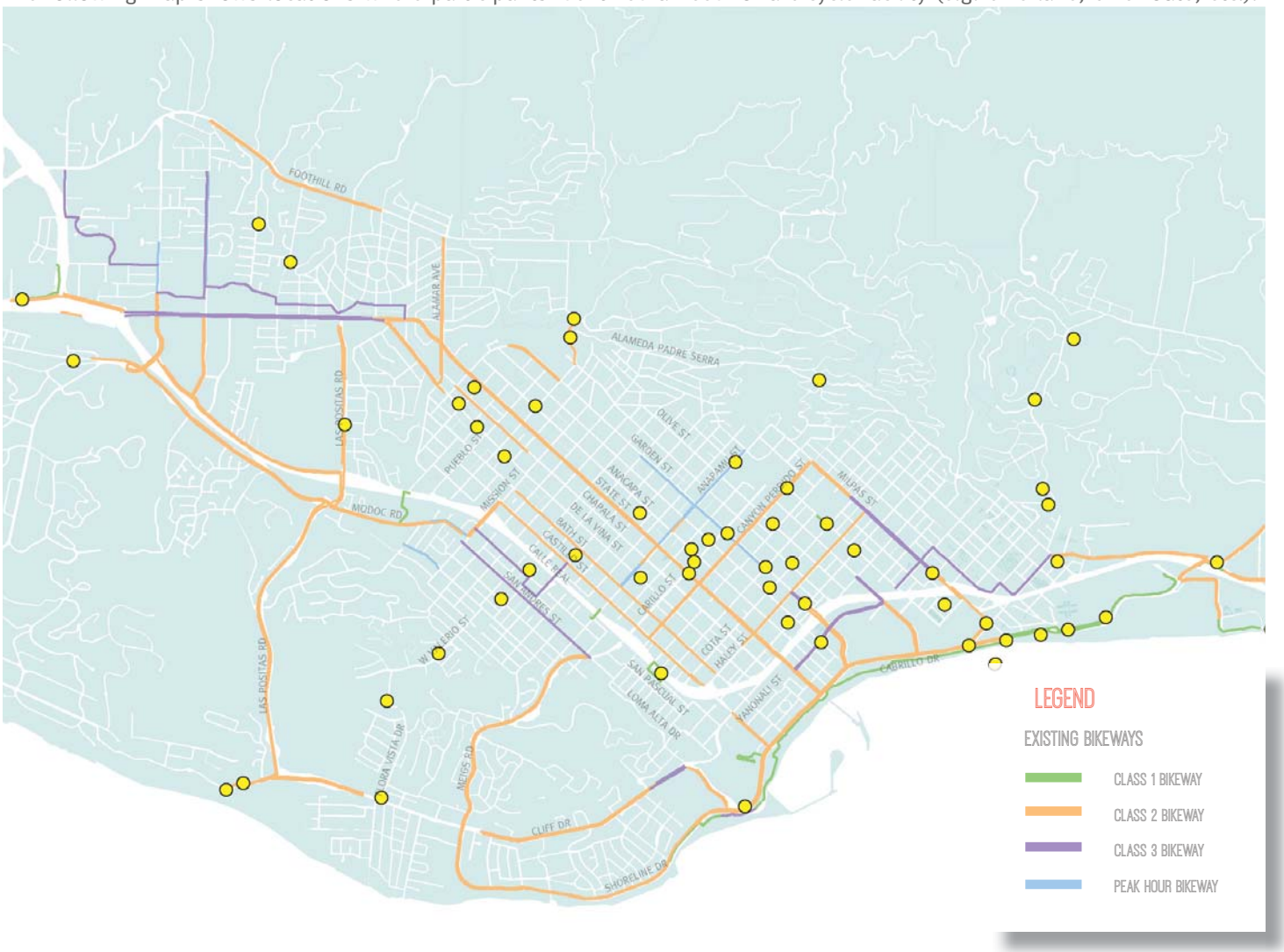
Participants identified key locations for bike parking; many of which fall within the Downtown neighborhood.

Reoccurring Comments / Themes

- **Hendry's Beach:** Bike parking needed at Hendry's Beach.
- **Cottage Hospital:** Need for public bike parking at Cottage Hospital (currently restricted).
- **Chapala Street:** Need for enhanced bike parking (to deter theft) along Chapala St.
- **Cota Street / Santa Barbara Street:** Need for bike parking near Farmer's Market.
- **Funk Zone:** Need more bike parking within the Funk Zone.

BIKE FACILITY NEEDED

The following map shows locations where participants identified a need for a bicycle facility (e.g. bike lane, bike route, etc.).



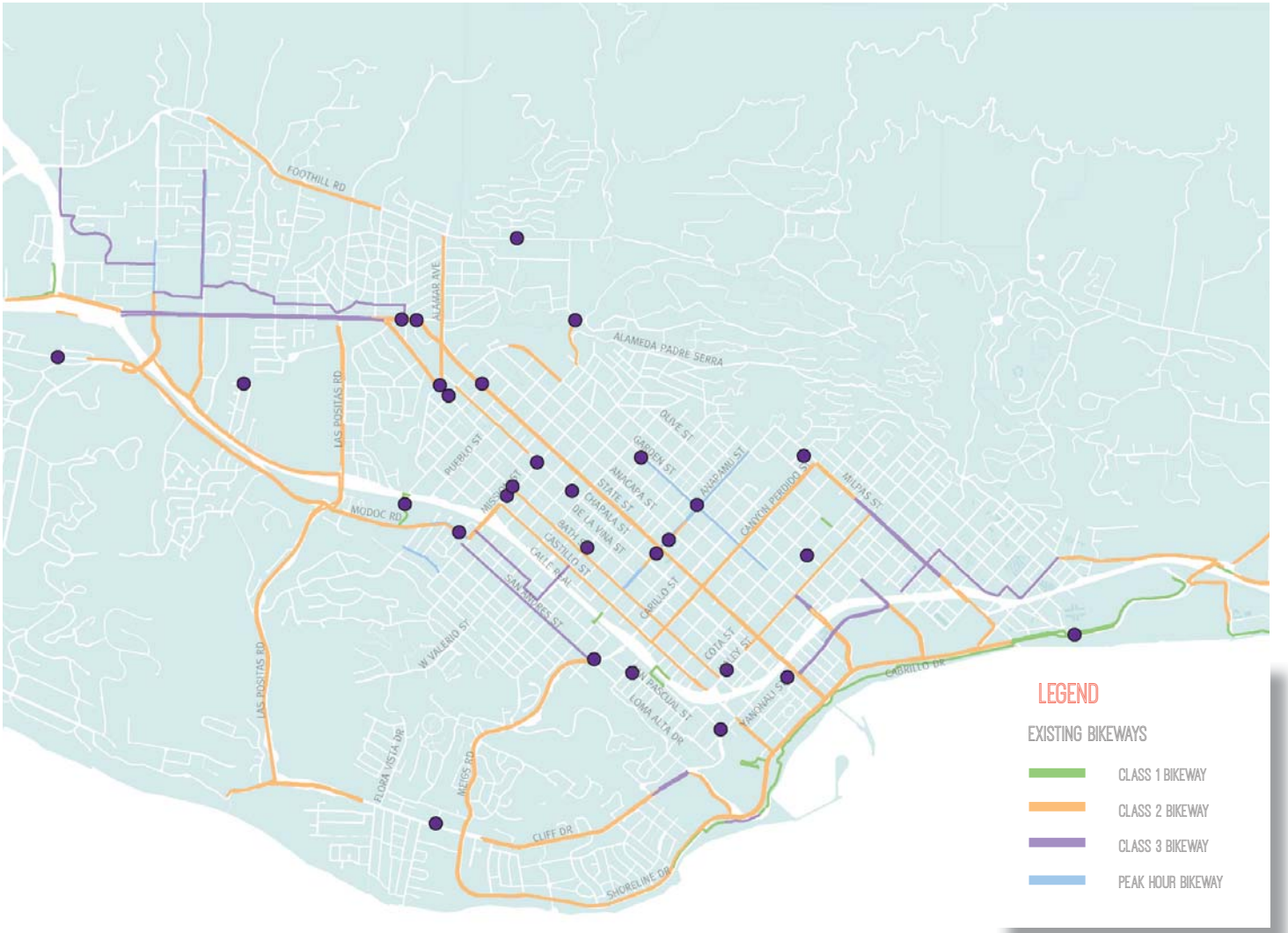
Participants identified many opportunities for a bike facility throughout the City.

Reoccurring Comments / Themes

- **De La Vina Street:** Either need to direct bicyclists off of De La Vina at Constance, or to the Bath St. / Castillo St. couplet or provide lanes along De La Vina if possible.
- **Chino Street:** Consider treatment to Chino St. to pull bikes off of San Andres St.
- **Micheltorena Street:** Narrow at the 101 crossing. Need for enhanced facility connecting Downtown and the Westside.
- **East/west path needed downtown.** Potential for heightened facility on Canon Perdido or Carrillo
- **North/south path needed adjacent to State Street.** Potential for Santa Barbara, Anacapa, Olive, or Garden St.
- **Cota or Gutierrez Street:** Need westbound bike lane to provide a couplet to Haley St.
- **Connection to the beach:** Need for north/south connection to the beach.
- **Cabrillo Boulevard:** Need to separate pedestrians and bicyclists. Need for continuous path.

GAP IN THE NETWORK

The following map shows locations where participants identified a gap in the bicycle network.



Participants identified a number of gaps in the bicycle network. Gaps from Uptown to Downtown and Downtown to the Westside were frequently discussed by participants.

Reoccurring Comments / Themes

- **State Street:** Gap in the lane near Calle Laureles.
- **De La Vina Street:** Bike lane ends at Constance Ave - may benefit from better signage directing people to existing routes off of De La Vina.
- **Chapala Street:** Either extend Chapala St. bike lane or connect Chapala St. over to existing bike lanes on Bath and Castillo
- **Bath Street / Castillo Street:** Extend Bath St. and Castillo St. bike couplet north of Mission Street to the hospital
- **Mission Street:** Need to have an east/west connection like Mission St. to cross the 101. Difficult to ride along Mission St.
- **Haley Street:** Gap existing on Haley St. between Castillo St. and Chapala St.
- **Garden Street:** Gap in the network - need for a north south connector in addition to State St.
- **Cabrillo Boulevard and Niños Drive:** Either extension of Class I bike path needed or appropriate signage for bicyclists as the facility changes.

OTHER

The following map shows locations where participants identified any other concerns related to bicycling in the City.

Many participants discussed the need for education, enforcement, and increased safety throughout the City.

Reoccurring Comments / Themes

- **Citywide:** General need for education and enforcement of traffic laws.
- **Modoc Road (Uptown):** High speeds on Modoc Rd. - potential for reduced speed limits.
- **Las Positas Road (Uptown):** Narrow bike lane - potential for extended bike path through the golf course.
- **Intersection of Las Positas Road and Modoc Road:** Need for enhanced crossing markers for bicyclists.
- **Las Positas Road (heading to the Mesa):** Need for heightened buffer from motorists.
- **End of Meigs Road/Carrillo Street lanes:** Need signage at end of Carrillo St lanes for eastbound bicyclists.
- **Cabrillo Beachway:** Need separated facility to reduce conflicts with pedestrians.
- **Old Coast Highway (near traffic circle):** Bike lane ends and cyclists must move into gutter or into traffic.

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CHAPTER 3

SAFETY SUMMARY

SAFETY SUMMARY

As safety continued to arise as a key community-identified area of concern throughout the outreach process, the project team examined bicycle-involved collisions in the City of Santa Barbara over the period of 2004 – 2013. In total, 1,051 bicycle-involved collisions were reported. The data were sourced from the California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) and processed by the City of Santa Barbara. The City provided the data to the project team in the standard SWITRS tabular format. This non-geocoded format assigns each collision to a nearby intersection or other reference point and, as necessary, includes an offset distance to the exact collision location. 434 collisions occurred at intersections, 197 collisions occurred less than 75 feet from an intersection, and the remaining 420 collisions occurred at midblock locations. Geocoding midblock collisions to their precise locations, using SWITRS offset distance and direction, was not possible within the scope of this project. Therefore, the City and the project team focused on mapping collisions that occurred at intersections or less than 75 feet from an intersection. The latter collisions were assigned to their nearest intersection since they can be considered to have occurred within the intersection approach area.
9 bicycle collision maps are reflected in the pages that follow:

- All bicycle-involved collisions
- Bicyclist at fault – signalized intersection
- Bicyclist at fault – unsignalized intersection
- Vehicle at fault – signalized intersection
- Vehicle at fault – unsignalized intersection
- Vehicle at fault – dooring (vehicle opened door in path of oncoming cyclist)
- Vehicle at fault – left hook (vehicle made left turn while bicycle proceeded straight in other direction)
- Vehicle at fault – right hook (vehicle made right turn while bicycle proceeded straight in same direction)
- Bicyclist on wrong side of road or traveling on sidewalk

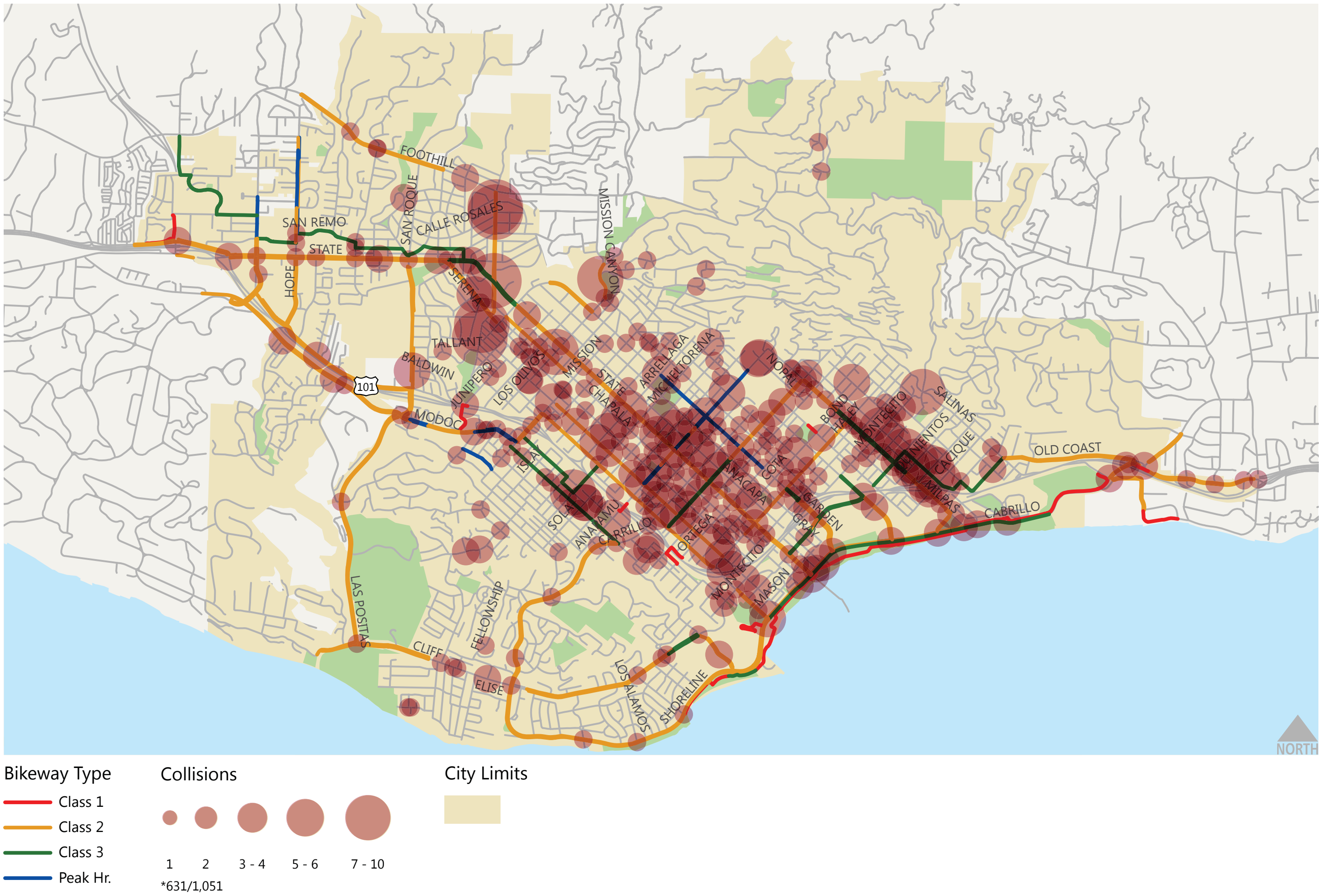
The first map on page 26 shows all bicycle-involved collisions regardless of collision type. For the remaining 8 maps, the City of Santa Barbara examined collision factors and classified collisions into the categories listed above. Each of these maps shows a subset of the mappable collisions and is designed to highlight a particular behavior. These maps help identify where specific physical modifications, targeted enforcement, or education may be most beneficial.

In reviewing the 10-year bicycle-involved collision history for Santa Barbara, the following themes emerge:

- The majority of bicycle-involved collisions were reported in the greater Downtown Area and on the Eastside, which may be explained by generally high bicycle use in these areas
- Of the various collision types, Bicyclist at Fault – Unsignalized Intersection (138 incidents) and Bicyclist on Wrong Side of Road or Traveling on Sidewalk (127 Incidents) were the most commonly reported
- Vehicle at Fault – Signalized Intersection (63 incidents) and Vehicle at Fault – Left Hook (64 incidents) were the least reported collision types
- Vehicle at Fault – Left Hook, Vehicle at Fault – Right Hook, and Vehicle at Fault – Dooring collisions tended to be less clustered. In other words, it was less likely for multiple collisions of these types to occur at a single location

The following section summarizes key trends observed on each map.

All Collisions

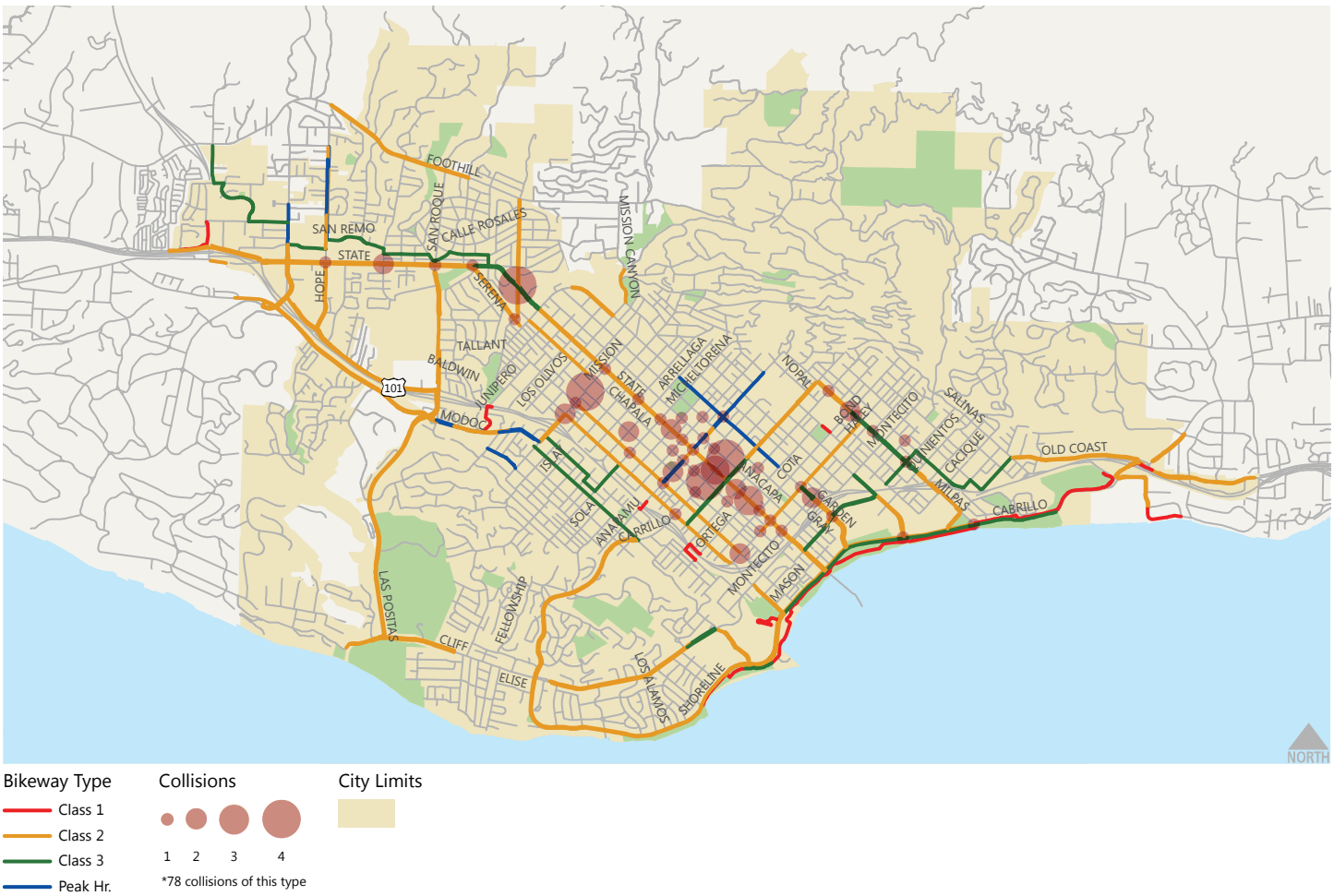


1,051 bicycle-related collisions were reported in the City of Santa Barbara between 2004 and 2013; 631 occurred at or within 75 feet of an intersection and were mapped. The citywide locations with the highest concentrations of collisions are shown in the table below. Each location experienced 6 or more bicycle-related collisions between 2004 and 2013. Many of these top-collision locations are near freeway ramps or along principal routes between freeways and major activity centers (e.g. Downtown or Santa Barbara City College [SBCC]).

Intersection	Neighborhood	Number of Collisions
De la Vina Street & Mission Street	Downtown	10
Carrillo Street & Highway 101	Downtown/Westside	8
Castillo Street & Montecito Street	Waterfront/SBCC	8
Micheltorena Street & State Street	Downtown	8
Mission Street & Highway 101	Downtown/Westside	8
Carrillo Street & State Street	Downtown	7
Cabrillo Boulevard & Helena Avenue	Waterfront	6
De la Vina Street & Figueroa Street	Downtown	6
De la Vina Street & Victoria Street	Downtown	6

Source: Statewide Integrated Traffic Records System.

Bicyclist at Fault - Signalized Intersection



Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2 3 4
*78 collisions of this type

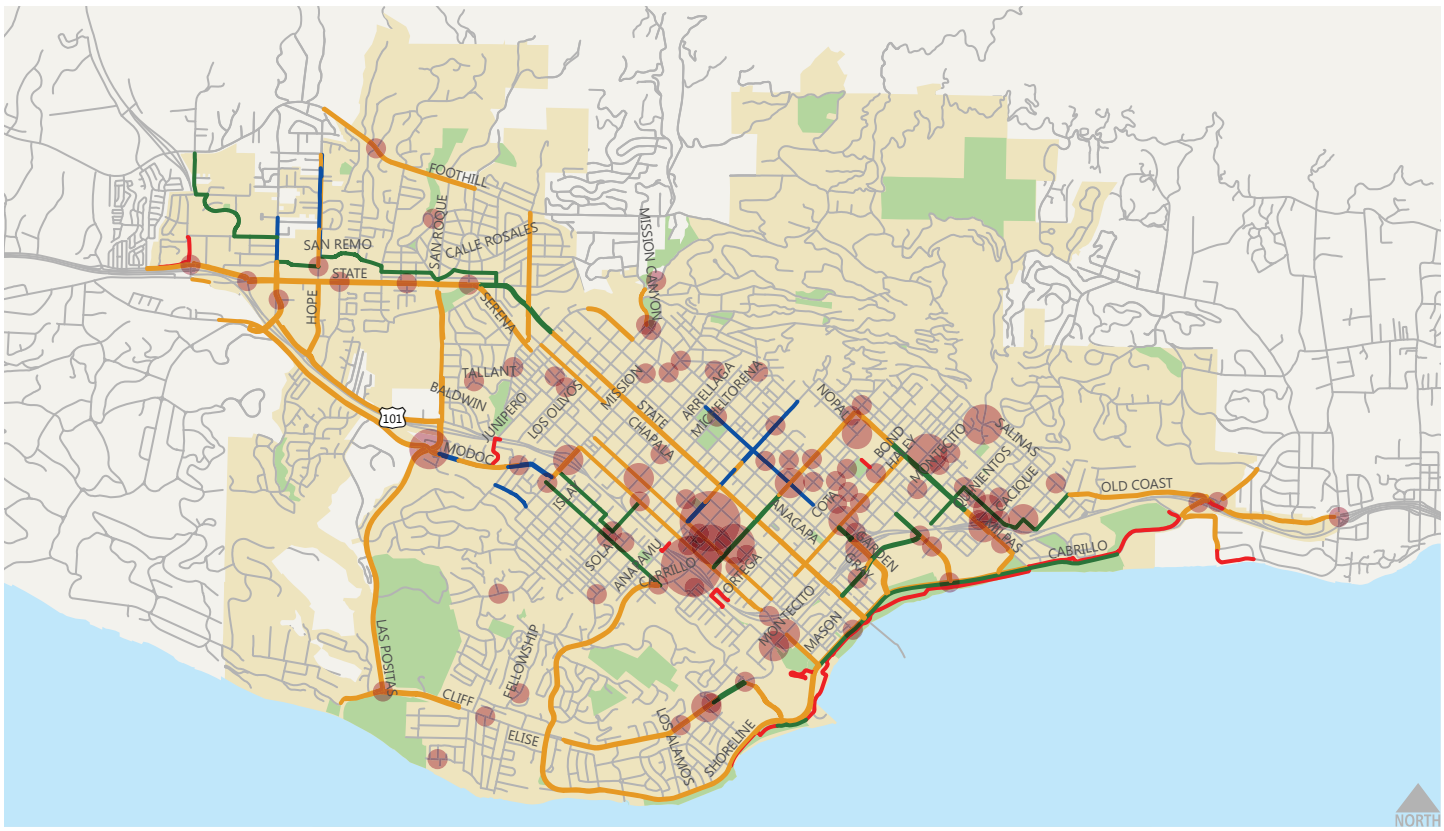
City Limits

78 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. All occurred at intersections and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
Alamar Avenue & State Street	Upper State Street	4
De la Vina Street & Mission Street	Downtown	4
Carrillo Street & Chapala Street	Downtown	4
Anacapa Street & Carrillo Street	Downtown	4
Carrillo Street & State Street	Downtown	3

Source: Statewide Integrated Traffic Records System.

Bicyclist at Fault - Signalized Intersection



Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2 3 4 5 - 6
*138 collisions of this type

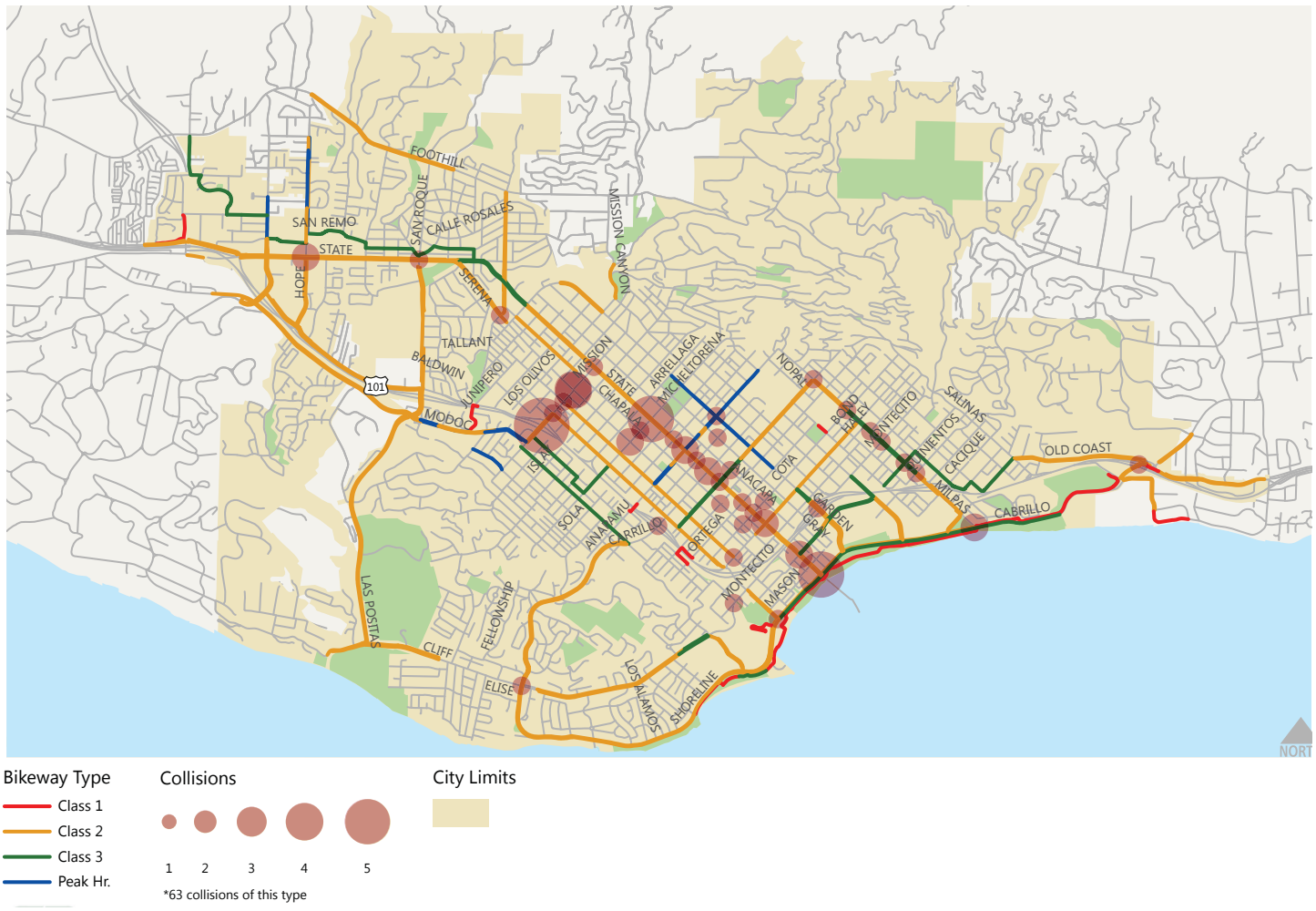
City Limits

138 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. All occurred at intersections and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
Carrillo Street & Highway 101	Downtown/Westside	6
De la Vina Street & Figueroa Street	Downtown	5
Las Positas Road & Modoc Road	Las Positas/Westside	3
Bath Street and Carrillo Street	Downtown	3
Canon Perdido Street & De la Vina Street	Downtown	3

Source: Statewide Integrated Traffic Records System.

Vehicle at Fault - Signalized Intersection



Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2 3 4 5
*63 collisions of this type

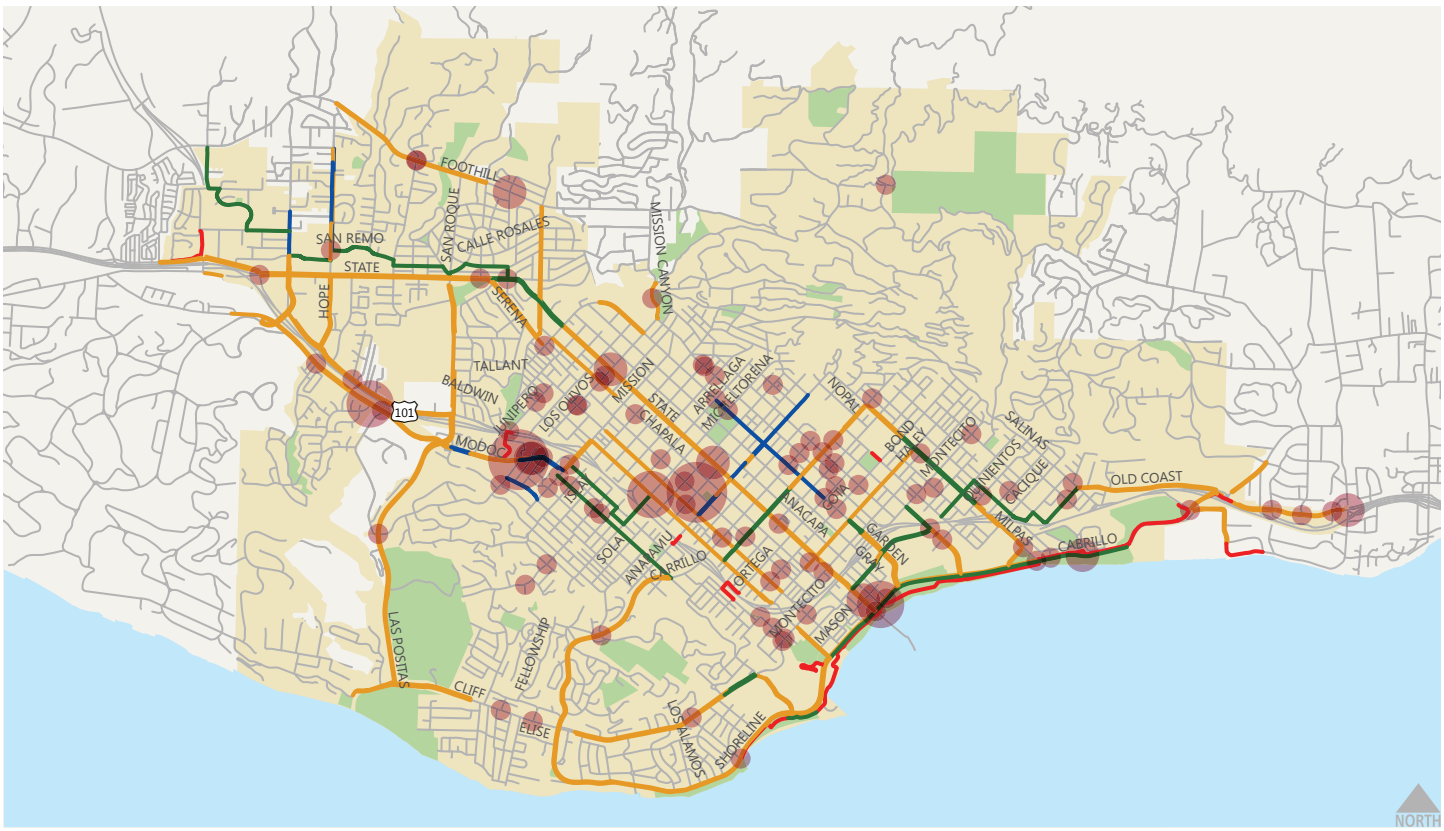
City Limits

63 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. All occurred at intersections and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
Mission Street & Highway 101	Downtown/Westside	5
Micheltorena Street & State Street	Downtown	4
Cabrillo Boulevard & State Street	Waterfront	4
De la Vina Street & Mission Street	Downtown	3
Hope Avenue & State Street	San Roque	2

Source: Statewide Integrated Traffic Records System.

Vehicle at Fault - Unsignalized Intersection



Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2 3 4 - 5
*125 collisions of this type

City Limits

125 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. All occurred at intersections and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
Modoc Road & Portesuello Avenue	Las Positas	5
De la Vina Street & Victoria Street	Downtown	5
Modoc Road & Palermo Drive	Las Positas	3
Castillo Street & Micheltorena Street	Downtown	3
Cabrillo Boulevard & Helena Avenue	Waterfront	3

Source: Statewide Integrated Traffic Records System.

Vehicle at Fault - Dooring

Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2

*29/74 collisions
- *Total collisions*
- *Mapped collisions (midblock locations not shown)*

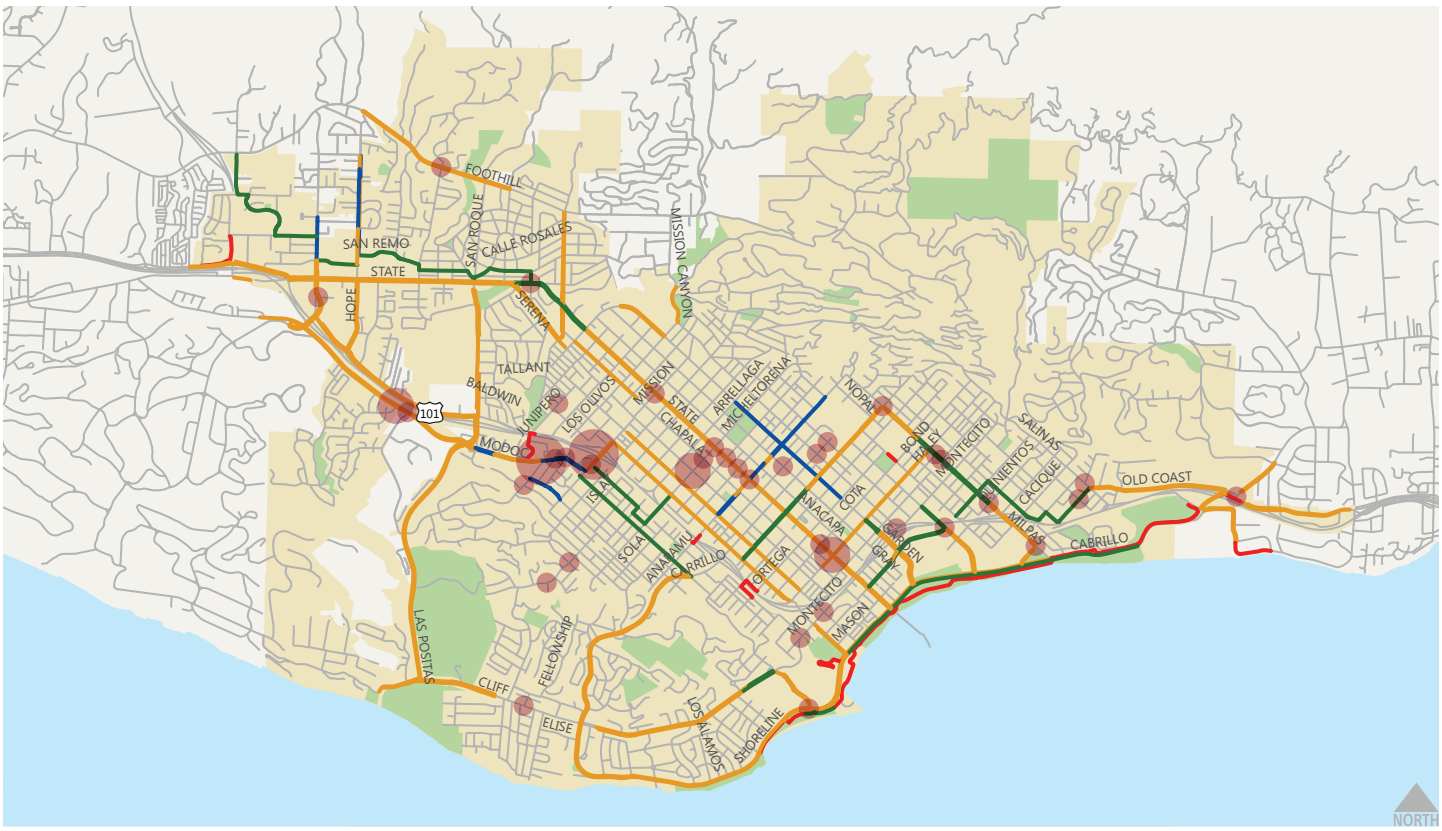
City Limits

74 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. 29 occurred at or within 75 feet of an intersection and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
De la Guerra Street & State Street	Downtown	3
Figueroa Street & State Street	Downtown	2
Anacapa Street & Canon Perdido Street	Downtown	2
Allaire Street & Quinientos Street	Eastside	1
Anacapa Street & Sola Street	Downtown	1

Source: Statewide Integrated Traffic Records System.

Vehicle at Fault - Left Hook



Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2 3

*48/64 collisions
- *Total collisions*
- *Mapped collisions (midblock locations not shown)*

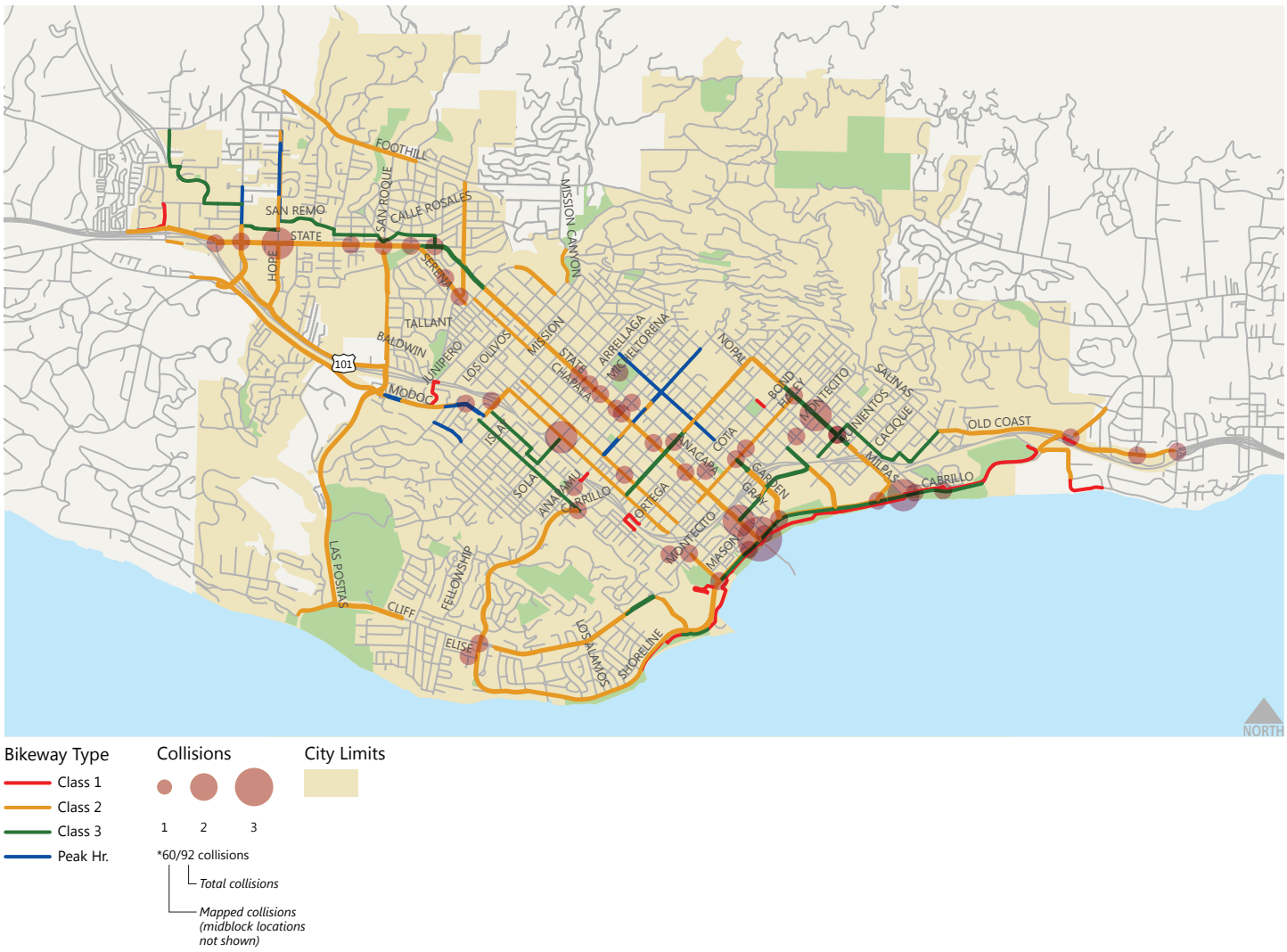
City Limits

64 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. 48 occurred at or within 75 feet of an intersection and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
Mission Street & Highway 101	Downtown/Westside	3
Modoc Road & Portesuello Avenue	Las Positas	3
De la Vina Street & Micheltorena Street	Downtown	2
Haley Street & State Street	Downtown	2
Modoc Road & Palermo Drive	Las Positas	2

Source: Statewide Integrated Traffic Records System.

Vehicle at Fault - Right Hook*



Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2 3

*60/92 collisions
- *Total collisions*
- *Mapped collisions (midblock locations not shown)*

City Limits

92 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. 60 occurred at or within 75 feet of an intersection and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
Cabrillo Boulevard & State Street	Waterfront	3
Cabrillo Boulevard & Milpas Street	Waterfront	2
Castillo Street & Micheltorena Street	Downtown	2
Hope Avenue & State Street	San Roque	2
Milpas Street & Montecito Street	Eastside	2

Source: Statewide Integrated Traffic Records System.

Bicyclist on Wrong Side of the Road or Traveling on Sidewalk

Bikeway Type
- Class 1
- Class 2
- Class 3
- Peak Hr.

Collisions
1 2 3 - 4

*73/127 collisions
Total collisions of type
Mapped collisions (midblock locations not shown)

City Limits

127 collisions of this type were reported in the City of Santa Barbara between 2004 and 2013. 73 occurred at or within 75 feet of an intersection and were mapped. The top 5 locations for collisions of this type are shown in the table below.

Intersection	Neighborhood	Number of Collisions
Carrillo Street & Highway 101	Downtown/Westside	4
Castillo Street & Montecito Street	Waterfront/SBCC	4
Calle Cesar Chavez & Yanonali Street	Waterfront	2
De la Guerra Street & Milpas Street	Eastside	2
Milpas Street & Highway 101	Eastside/Waterfront	2

Source: Statewide Integrated Traffic Records System.

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CHAPTER 4

NEIGHBORHOOD SUMMIT SUMMARY

190 PARTICIPANTS

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NEIGHBORHOOD SUMMIT SUMMARY

The following chapter summarizes the five neighborhood summits that took place in different parts of the City of Santa Barbara (Uptown, Downtown, Mesa, Eastside, and Westside) from May 16th to May 20th, 2015. The purpose of the neighborhood summits was to gain direction from the community regarding the future of bicycling in Santa Barbara. Each summit covered the same materials, yet focused on neighborhood-specific bike routes that were chosen based on preliminary survey findings, project goals, roadshows, intercept surveys, and safety analysis, and were then tested and vetted with participants at each neighborhood summit. In order to better engage the community, the workshops were highly interactive and held in Spanish or English depending on those in attendance (with translators available). Of the 2 Spanish language summits, one was held in English.

Each neighborhood summit included a presentation that outlined the history of the project, preliminary survey findings, data analysis, and potential bicycle facilities for participants to consider. The presentation was followed by participatory activities that allowed attendees to share knowledge of local transportation conditions and where they thought bicycle facilities should be added or prioritized. The addition of a photo booth also made the summit fun for attendees of all ages. Overall, 190 participants signed into the neighborhood summits. The results of participatory activities as well as the surveys are included in this summary report.

Summit Attendee Map. Upon arriving at a neighborhood summit, participants were asked to place a sticker near their place of residence.

EASTSIDE SUMMIT

1. ALISOS STREET BIKE BOULEVARD

- Introduction of the Alisos St. bike boulevard should be a priority between Cacique St. and Gutierrez St.
- North of Cota St. becomes hilly
- Cota St. between Milpas St. and Alisos St. is currently not preferred for bicycle riding

2. CACIQUE STREET BIKE BOULEVARD

- Consider extending the bike boulevard to Calle Cesar Chavez to make strong connection for a Downtown connection
- Cacique St. is under design as a bike boulevard

3. SALINAS STREET BIKE LANES OR BIKE FRIENDLY STREET

- Considered to be a challenging improvement
- Explore additional options east of Soledad St.

4. LAGUNA/OLIVE STREET BIKE FRIENDLY STREET

- Support for green backed sharrows uphill and downhill lanes
- Alternative idea: create a bike boulevard on Olive St.

5. SALSIPUEDES STREET/CALLE CESAR CHAVEZ BIKE FRIENDLY STREET

- Short term: Provide route on Quarantina St. under the 101 freeway
- Long term: Salsipuedes/Calle Cesar Chavez connection

6. MASON STREET BIKE LANES

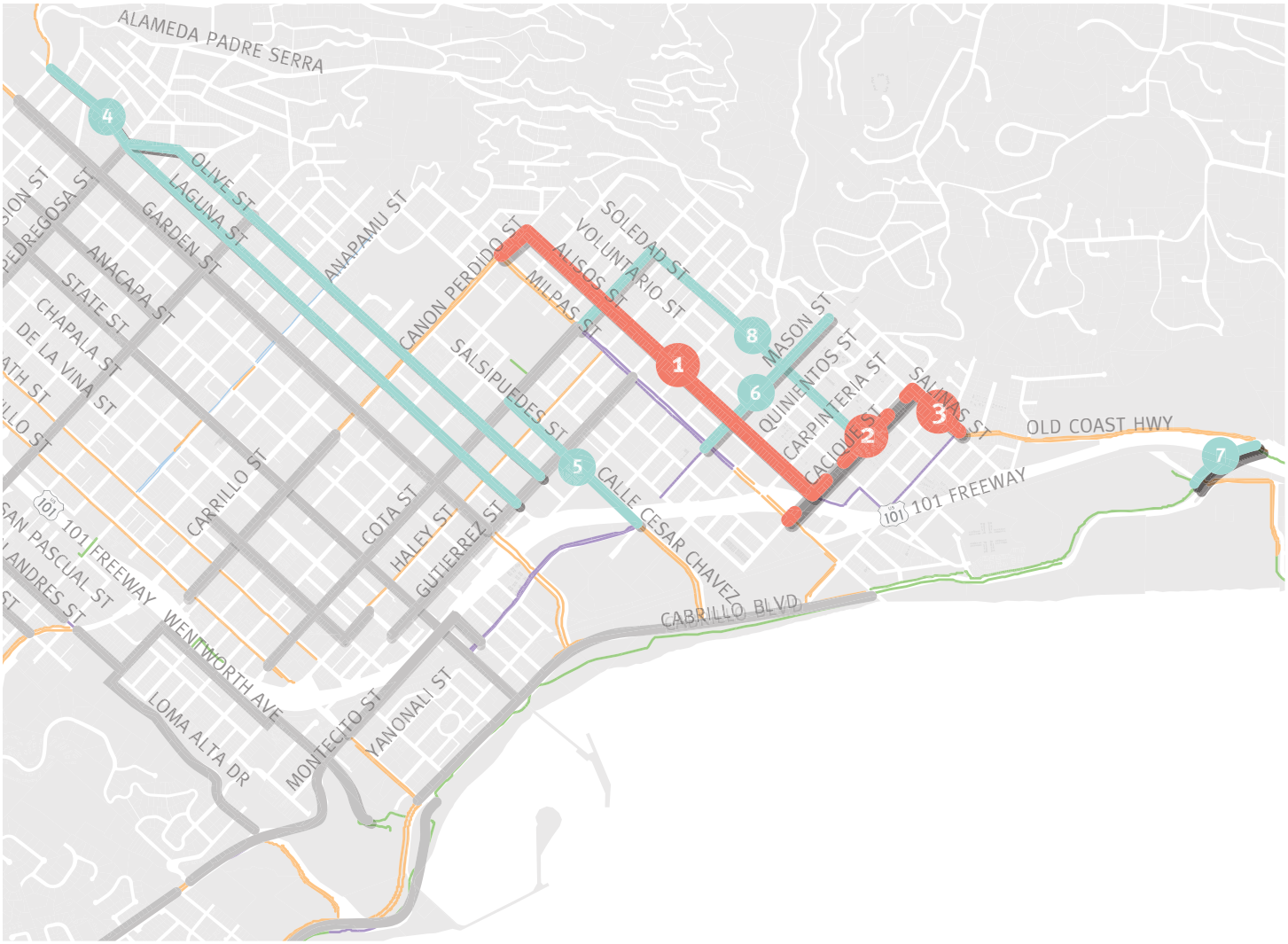
- This might interfere with pick up/drop off for schools
- This is already a good route to bike on even for kids, although it is currently not marked
- Consider green-back sharrows on Mason St.

7. CABRILLO BOULEVARD CLASS I BIKE PATH

- General support for this project suggestion; participants agreed for the need to for a connection to Old Coast Hwy.

8. SOLEDAD STREET BIKE FRIENDLY STREET

- General support for this project suggestion



Suggested Eastside neighborhood projects

Dashed lines indicate projects already underway

WESTSIDE SUMMIT

1. CHINO STREET/SAN ANDRES STREET ONE-WAY COUPLET WITH BIKE LANES

- Improve difficult intersection at Chino St. and Carrillo St.
- Mixed reviews: some participants suggested focusing improvements on Chino Street rather than San Andres street
- City engineering sees other benefits to the one-way couplet system

2. SAN ANDRES STREET/CANON PERDIDO STREET/WENTWORTH AVENUE/ CORONEL PLACE BIKE FRIENDLY STREET & RANCHERIA STREET BIKE LANES

- Good connection to the beach, San Andres St. and Meigs Rd.
- Need for better connections to the bridges on Wentworth Ave.

3. MICHELTORENA STREET BIKE LANES WEST OF STREET STATE AND BIKE FRIENDLY STREET EAST OF STATE STREET

- Need for a cross-town east/west route
- Will require further study given parking needs along Micheltorena St.
- Would require parking removal between Castillo St. and State St.

4. EUCALYPTUS/CHINO/MISSION STREET SHARROWS

- General support for this project suggestion
- Potential to add a spur along Modoc Rd. between Eucalyptus St. and Mission St.

5. SAN PASCUAL STREET/ARRELLAGA STREET/DUTTON AVENUE BIKE FRIENDLY STREET

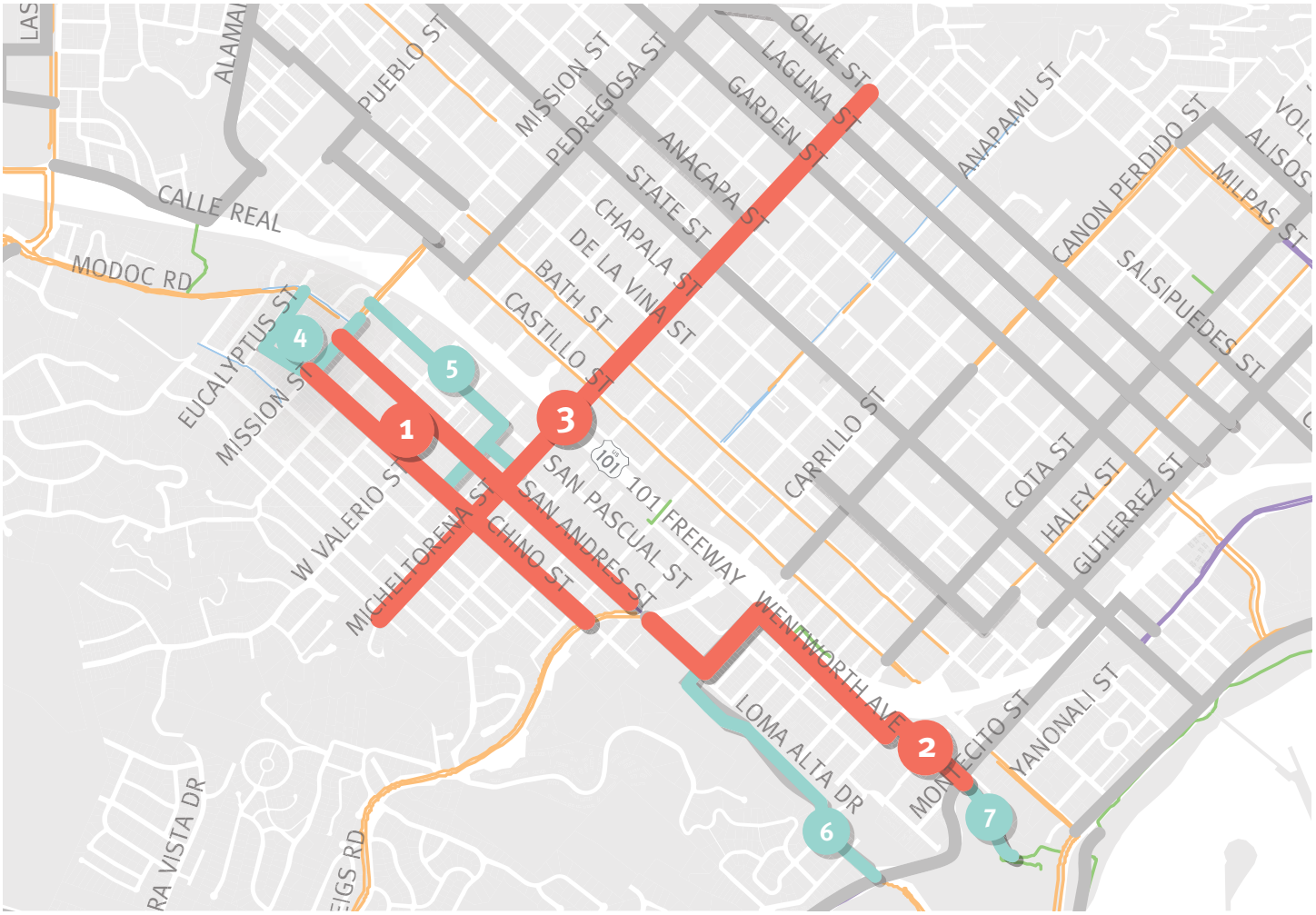
- Strong support for this project suggestion

6. LOMA ALTA DRIVE GREEN-BACKED SHARROWS

- While a nice concept, hills on Loma Alta Dr. make this a less desired project
- Good project suggestion

7. PERSHING PARK BIKE PATH

- General support for this project suggestion



Suggested Westside neighborhood projects

ADDITIONAL COMMENTS

- **Support for facility on Pedregosa St.**
- **Milpas St. should remain auto-oriented**
- **Chapala St. and Carrillo St. should also remain auto-oriented**
- **Possibility to connect #5 to San Pascual, through alleyways?**

UPTOWN SUMMIT

1) STATE STREET GREEN BIKE LANES

- Fix the gap between Constance Ave. and Calle Palo Colorado
- Improve the intersections from Uptown into Downtown
- Do not reduce traffic flow
- Strong support for green lanes

2) BATH STREET/CASTILLO STREET ONE-WAY COUPLET WITH BIKE LANES

- Strong support for this project suggestion
- Provide a bike box for left-turns on Mission St.

3) FOOTHILL ROUTE GREEN-BACKED SHARROWS

- Strong support for this project suggestion
- Enhance safety for all modes at intersections
- Continue the route depicted to connect to the Riviera
- Additional idea: introduce a parallel neighborhood bike route off of State St. in addition to the Foothill route

4) UPPER STATE STREET BICYCLE/PEDESTRIAN CONNECTOR (LONG-TERM)

- Approved in the 2006 Upper State Street study as consistent with the Circulation Element
- Some residents concerned about impacts to parking in their neighborhood

5) MODOC ROAD - CALLE PALO COLORADO CONNECTOR VIA 101 OVERPASS AND BIKE PATH ALONG SANTA BARBARA GOLF CLUB AND MACKENZIE PARK, WITH SPUR TO TALLANT

- Long-term project
- This suggestion should be further refined and studied

6) ALAMAR AVENUE/JUNIPERO STREET GREENBACKED SHARROWS

- De La Vina/Pueblo as an alternate to this project
- A good solution to alert car drivers
- City engineer recommends maintaining Alamar Ave. as a car-priority street for access to the 101

7) BATH STREET / CASTILLO ST CONNECT TO PUEBLO STREET: BIKE FRIENDLY STREET

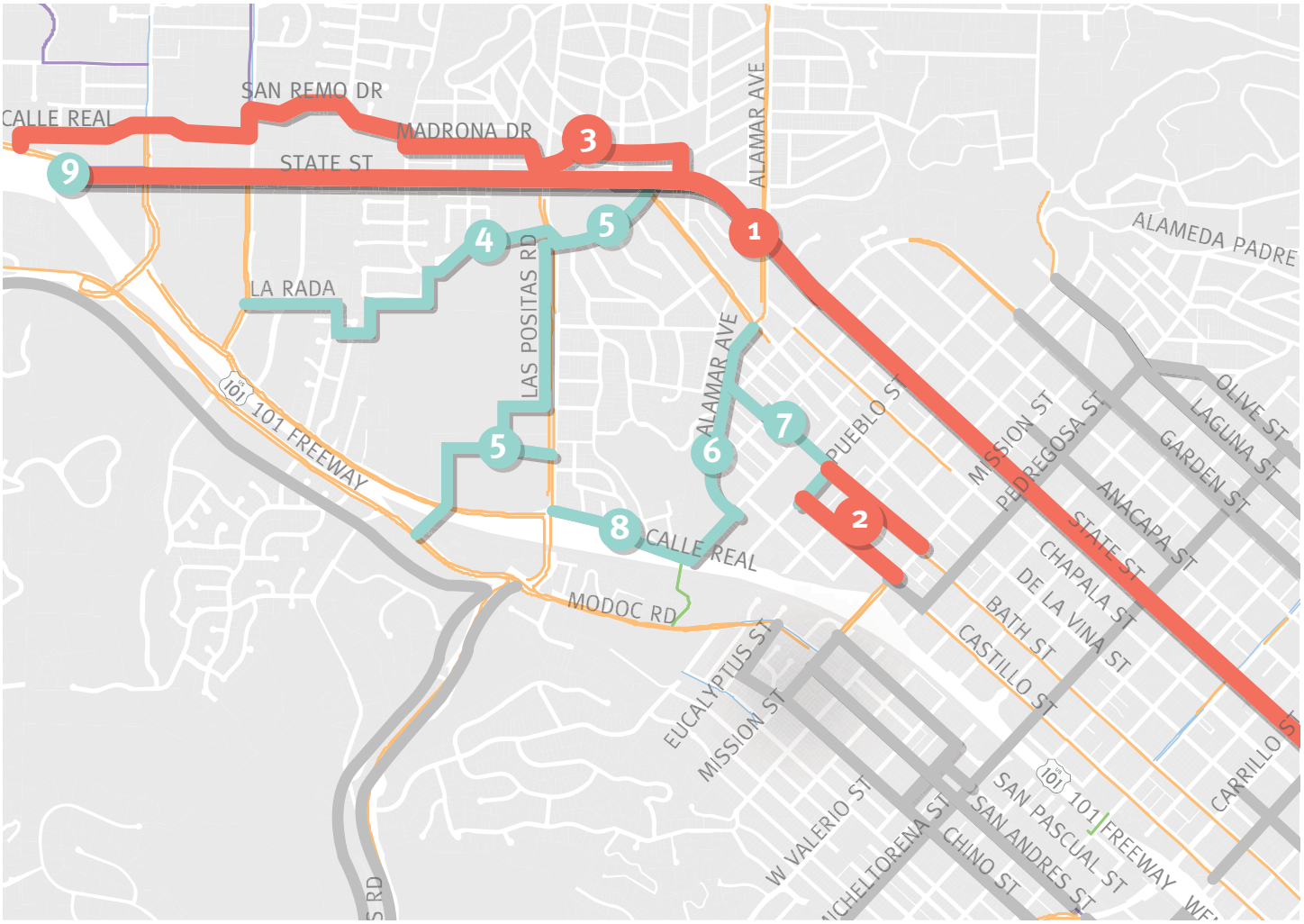
- General support for this project suggestion
- Additional idea: De La Vina connection from Constance St. to Pueblo St. with connection to Bath St. / Castillo St. via a three-block extension of bike lanes south on De La Vina St.

8) CALLE REAL CLASS II BIKE LANES

- Calle Real bridge needs to be enhanced with signage
- Potential contraflow on Calle Real

9) STATE STREET, CALLE REAL, 154, AND 101 INTERSECTION ENHANCEMENT

- Strong support for this project suggestion, many concerns regarding safety at this intersection
- Near term improvement may be done with directional paint



Suggested Uptown neighborhood projects

ADDITIONAL COMMENTS

- **Problematic intersections along Foothill Route at the 101**

DOWNTOWN SUMMIT

1) STATE STREET GREEN BIKE LANES

- Strong support for coloring green bike lane
- Closing the gap is a priority

2) COTA STREET BIKE LANE (WESTBOUND) OR SHARROWS

- General support for a Cota St. bike lane
- Possible removal of travel lane or parking lane to add bike lane
- Difficult intersections at Garden Street & State Street
- Gutierrez St. would be a long term parallel connection

3) MICHELTORENA STREET BIKE LANES WEST OF STREET STATE & BIKE FRIENDLY STREET EAST OF STATE STREET

- Need for a cross-town east/west route
- Workshop participants indicated that Sola St. may be an alternative option
- Will require further study given parking needs along Micheltorena St.
- Suggestion to add bike lanes or sharrows east of State St.
- Would require parking removal between Castillo St. and State St.

4) PEDREGOSA STREET BIKE BOULEVARD STREET & CASTILLO STREET CONTRAFLOW BIKE LANE

- Pedregosa St. may be a short term solution prior to Mission Street facility

5) GARDEN STREET SHARROWS AND BIKE LANES (GUTIERREZ STREET – HALEY STREET)

- Laguna Street is a preferable route over Garden St However, Garden St. connects to the waterfront

6) ANACAPA STREET BIKE LANE (SOUTHBOUND)

- Anacapa St. road diet between Micheltorena St. and Mission St. to connect to the proposed Micheltorena St. cross-town route

7) CABRILLO BOULEVARD BIKE LANE (EASTBOUND) REQUIRES TRAFFIC ANALYSIS

- General support for this project suggestion
- Green-backed sharrows between Castillo St. and Milpas St. and a road diet between Milpas St. and Los Patos Wy. would create a strong eastbound connection

8) CANON PERDIDO STREET SHARROWS (BETWEEN CASTILLO ST. AND SANTA BARBARA ST.)

- Important east/west connection; signage and education are critical

9) DE LA VINA STREET BIKE LANE (SOUTHBOUND)

- Some residents considered this a low priority project
- Lots of cyclists using De La Vina because of speed
- Would require a road diet between Carrillo St. and Haley St. to create Class II neighborhood connection

10) HALEY STREET BIKE LANE (EASTBOUND BETWEEN CHAPALA STREET AND DE LA VINA STREET)

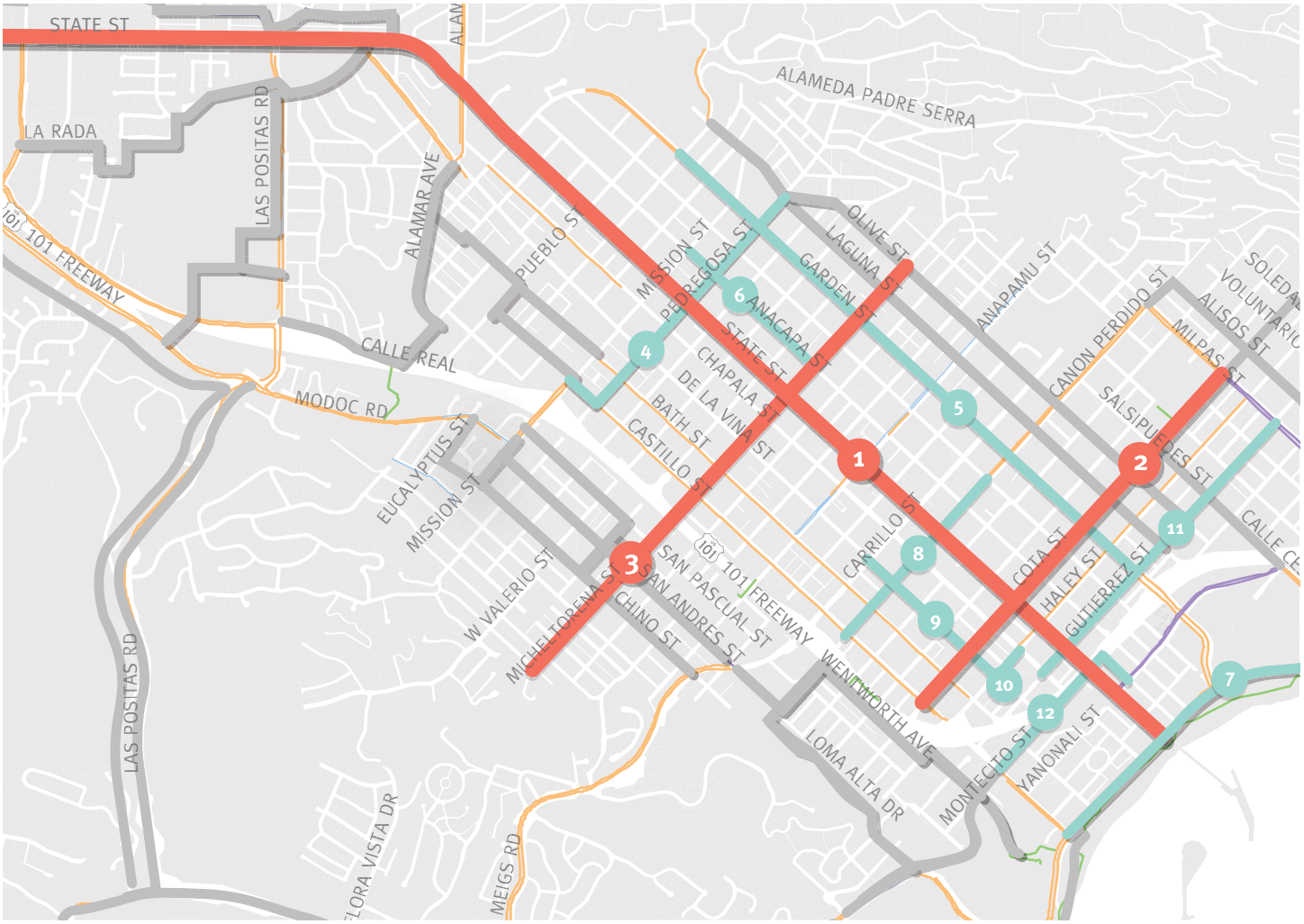
- Some residents considered this a low priority project
- City engineering and transportation consider this an important gap closure

11) GUTIERREZ STREET BIKE LANE (WESTBOUND)

- Long-term project that requires a repaving and restriping of Gutierrez
- Short term solution: Cota St. bike lane

12) MONTECITO STREET/HELENA AVENUE SHARROWS

- Strong support for this project suggestion



Suggested Downtown neighborhood projects

ADDITIONAL COMMENTS

- **Think about school connections between Jr. High schools and High Schools**
- **All 101 Freeway crossings need to be improved**

MESA SUMMIT

1) CLIFF DRIVE CLASS I BIKE PATH (BETWEEN MEIGS RD. AND LAS POSITAS RD.)

- **Strong support for this project suggestion**
- **Contiguous class II lanes currently being sought by City via separate grant**

2) CLIFF DRIVE BIKE LANES (SBCC CLIFF ROAD ENTRANCE – CASTILLO STREET) OR BIKE PATH (CLIFF ROAD ENTRANCE – RANCHERIA STREET)

- **Strong support for this project suggestion**

3) CLIFF DRIVE CLASS II BIKE LANES BETWEEN MEIGS ROAD AND LAS POSITAS ROAD. WITH BUFFERED LANES BETWEEN MESA LANE AND LAS POSITAS ROAD

- **Cliff Drive road diet where needed.**

4) SHORELINE DRIVE BIKE PATH GAP CLOSURE

- **Strong support for this project suggestion**

5) ARROYO BURRO CREEK/MODOC ROAD TRAIL WITH SPUR TO HENDRY'S BEACH (ALSO REFERRED TO AS: LAS POSITAS CLASS I MULTI-USE PATH)

- **Strong support for this project suggestion.**
- **Interest in seeing this project through soon**
- **Project design and environmental review underway**

6) LAS POSITAS ROAD BUFFERED CLASS II BIKE LANE (BETWEEN MODOC ROAD AND CLIFF DRIVE)

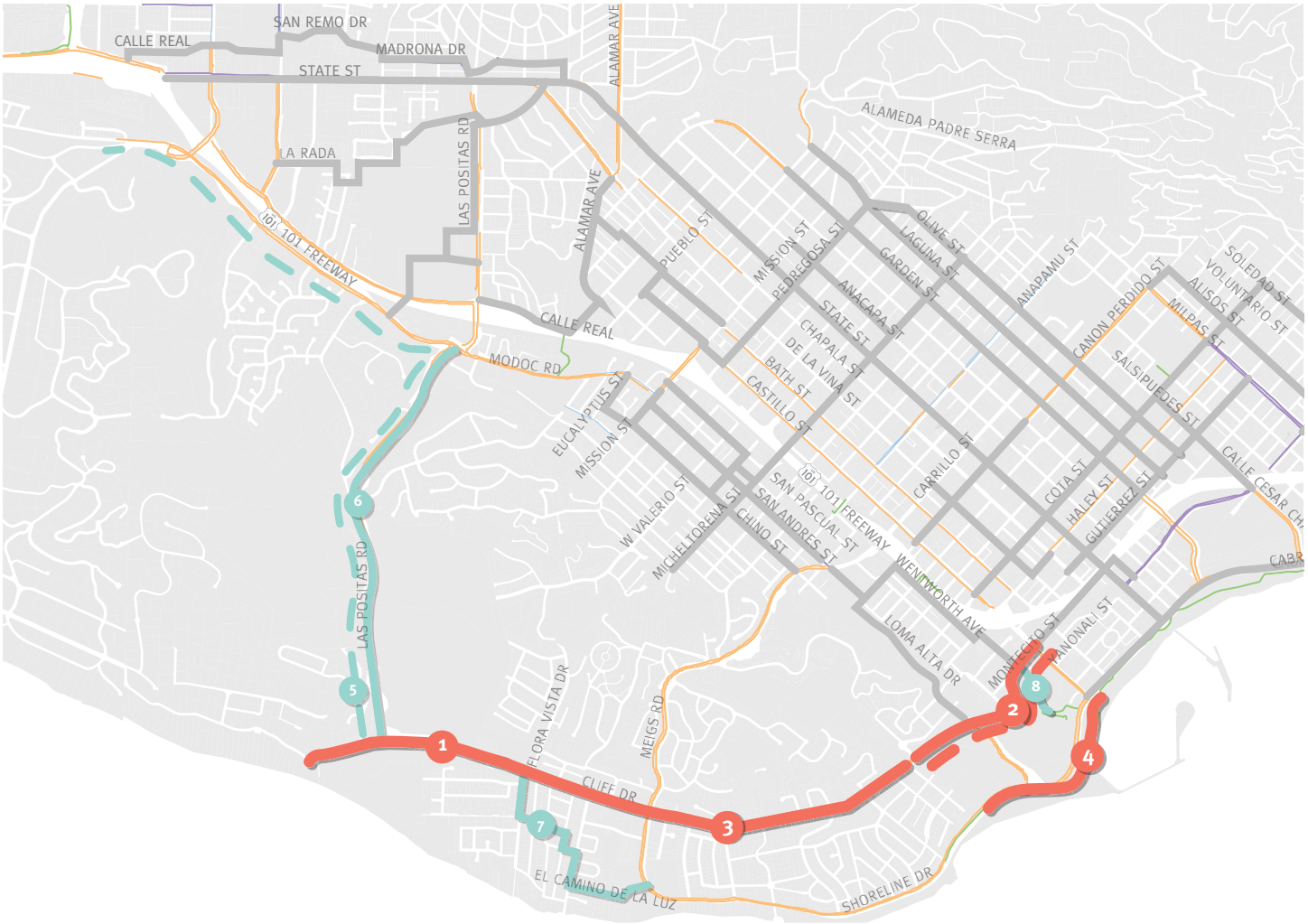
- **Consider painting this bike lane green**
- **Needs street lighting**
- **Strong support for this project suggestion**

7) MESA LANE/CARLTON WAY/PALISADES DRIVE/ HUDSON DRIVE/OLIVER ROAD/ EL CAMINO DE LA LUZ/ LA MESA PARK BIKE FRIENDLY STREET/PATH

- **Strong support for this project suggestion / possible additional routes, but this route is favored as it touches many residences**

8) PERSHING PARK BIKE PATH

- **Strong support for this project suggestion**



Suggested Mesa neighborhood projects
Dashed lines indicate projects already underway

ADDITIONAL COMMENTS

- **Need for Flora Vista Dr. connection**
- **Additional perimeter route in addition to the recommended #6 Bike Friendly Route**
- **Crossing at Castillo St. at Cliff Dr. is difficult**

MAKE IT
WORK FOR
all FROM
8 to 80 years old!

SURFACE & STRUCTURE
WHAT FACILITIES SHOULD BE ADDED IN YOUR NEIGHBORHOOD?
DOWNTOWN

LET'S MAKE SB HEAVEN FOR BOTH BIKES & CARS

Stay Young

I VOTE FOR SAFER BIKE ROUTES!

ATTACHMENT 2

DRAFT COMMUNITY PROPOSED BIKE NETWORK