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

AUGUST 11, 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

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the special meeting of July 20, 2015, and the regular meeting of July 21, 2015.

CONSENT CALENDAR (CONT'D)

2. Subject: Adoption Of Ordinance For Lease Agreement With D&G Lin, LLC (330.04)

Recommendation: Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Airport Director to Execute a Twenty-Year Lease Agreement, With Two Five-Year Options, for 167,713 Square Feet of Land at 6210 Hollister Avenue, at the Santa Barbara Airport, With D&G Lin, LLC, a California Limited Liability Company, at a Monthly Rental of $20,000, Exclusive of Utilities, Effective Upon Issuance of a Certificate of Occupancy by the City.

3. Subject: Authorization To Submit A Recreational Trails Program Grant Application For The Douglas Family Preserve Trails Restoration Project (570.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for Grant Funds for up to $300,000 from the Recreational Trails Program.

4. Subject: Proposed Amendments To Purchasing Code (340.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 4, Chapter 4.52, of the Santa Barbara Municipal Code to Update and Increase the Monetary Thresholds Governing the Solicitation of Informal Quotations and Formal Bids for the Purchase of Ordinary Goods and Services.

5. Subject: Resolution To Accept A Waterline Easement And To Vacate The Superseded Waterline Easements At 182 And 202 La Vista Grande (540.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Accepting an Easement for a Public Waterline on a Portion of the Real Property Commonly Known as 202 La Vista Grande, Santa Barbara County Assessor's APN 015 130 002, and Adopting an Order Summarily Vacating and Abandoning Certain Superseded Portions of the Existing Easement for Water Pipelines at 182 and 202 La Vista Grande, Both Within the Limits of Said City.

CONSENT CALENDAR (CONT'D)

6. Subject: Adoption Of Ordinance For Grant Funding Agreement For Recycled Water Enhancement Project For A Grant Of $1,045,222 (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Authorizing the Approval and Execution by the Public Works Director of a Proposition 84 Integrated Regional Water Management Subgrant Agreement with the Santa Barbara County Water Agency, and Any Amendments Thereto, Subject to Approval as to Form by the City Attorney, Regarding Grant Funding Award for the City of Santa Barbara Recycled Water Enhancement Project.

7. Subject: Contract For Construction Of The Highway Safety Improvement Program Traffic Signal Upgrades Project (530.05)

Recommendation: That Council:

A. Award a contract with Lee Wilson Electric Company, Inc., in their low bid amount of $1,208,570 for construction of the Highway Safety Improvement Program Traffic Signal Upgrades Project, Bid No. 3682; and authorize the Public Works Director to execute the contract and approve expenditures up to $120,857 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. Transfer $582,227 of available appropriations from the Streets Capital Fund to the Streets Grant Fund and appropriate for the use of the project; and

C. Increase appropriations and estimated revenues related to the Highway Safety Improvement Program grant funding by $900,000 in the Fiscal Year 2016 Streets Grant Fund to cover the cost of construction for the Traffic Signal Upgrades Project.

8. Subject: Resolution To Postpone Proceedings To Form A New Business Improvement District In The Milpas Or Eastside Area (550.10)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Policy That Council Will Not Accept Petitions or Initiate Proceedings for the Formation of a New Business Improvement District in the Milpas or Eastside Area Prior to January 12, 2016.

CONSENT CALENDAR (CONT'D)

9. Subject: Adoption Of Resolution For Sole Source Authorization For The Secondary Process Improvements Project at El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Specification of REXA Actuators as Sole Source Equipment for the Secondary Process Improvement Project at El Estero Wastewater Treatment Plant, Pursuant to California Public Contracting Code 3400(C).

10. Subject: Resolutions To Execute Documents To Collect Prepaid Mobile Telephony Services Surcharges And To Examine Records (270.06)

Recommendation: That Council:

A. Authorize the City Administrator to Enter Into an Agreement with the California Board of Equalization in Order to Receive Utility Users Taxes Imposed on Consumers of Prepaid Mobile Services;

B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator and the City Attorney to Execute Certain Documents Required by the Board of Equalization to Collect the City's Utility Users Tax on Prepaid Wireless Service; and

C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records.

NOTICES

11. The City Clerk has on Thursday, August 6, 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

12. Subject: Introduction Of Ordinance To Amend Municipal Code Chapter 5.66, News Racks (530.04)

Recommendation: That Council introduce and subsequently, adopt by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 5.66 of the Santa Barbara Municipal Code to Establish News Rack Regulations.

PUBLIC HEARINGS

13. Subject: Introduction Of An Ordinance And Adoption Of Resolutions For Annexation Of The Santa Barbara Museum Of Natural History's Western Parcels (680.04)

Recommendation: That Council:

A. Consider the Planning Commission's recommendation to annex the Santa Barbara Museum of Natural History's Western Parcels;

B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning Upon Annexation of Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement, in the Upper East Neighborhood;

C. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara and Detachment from the Mission Canyon Lighting District, Santa Barbara County Fire Protection District, and County Service Area 12 for Certain Real Property Known Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement;

D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement Which Will Be Annexed to the City of Santa Barbara; and

E. Consider and determine the project exempt from the California Environmental Quality Act.

14. Subject: Appeal Of Single Family Design Board Final Approval For Additions To A Residence At 1912 Mission Ridge Road (640.07)

Recommendation: That Council deny the appeal of Trevor Martinson, agent for adjacent neighbors Rinaldo and Lalla Brutoco, and uphold the Single Family Design Board decision to grant Final Approval for additions to an existing single-family residence.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

RECESS

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

PUBLIC HEARINGS

15. Subject: Vacation Rental Enforcement And Home Sharing Ordinance (640.09)

Recommendation: That Council:

A. Allocate $80,000 from the General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of legal services;

B. Allocate $90,000 from the General Fund appropriated reserves to the Community Development Department's Fiscal Year 2016 budget and incur as an ongoing cost to augment existing zoning enforcement staff and cover the cost of increased zoning enforcement related to Vacation Rentals;

C. Allocate $10,000 from the General Fund appropriated reserves to the Finance Department's Fiscal Year 2016 budget and incur as an ongoing cost for staffing overtime costs related to increased zoning enforcement of Vacation Rentals; and

D. Initiate a Zoning Ordinance amendment to allow Home Sharing Rentals.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

16. Subject: Issuance of Legislative Subpoena To Support Vacation Rental Enforcement (640.09)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Issuing Subpoenas for Certain Records Related to Short-Term Vacation Rentals in the City.

ADJOURNMENT

CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

SPECIAL MEETING
July 20, 2015
1818 CASTILLO STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:40 p.m.

ROLL CALL

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

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.

SITE VISIT

Subject: 1818 Castillo Street

Recommendation: That Council make a site visit to the property located at 1818 Castillo Street, which is the subject of an appeal hearing set for July 21, 2015, at 2:00 p.m.

Discussion:

Staff provided an overview of the issues and Councilmembers were led on a tour around the subject pool area.

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ADJOURNMENT

Mayor Schneider adjourned the meeting at 1:55 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ATTEST:_____

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLEGATE
DEPUTY CITY CLERK

CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

REGULAR MEETING
July 21, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco (2:11 p.m.), Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.
Councilmembers absent: None.
Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Deborah L. Applegate.

CEREMONIAL ITEMS

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

Action: Proclamation presented to Bob Burnham Representative of the Access Advisory Committee and Danielle Anderson Representative of the Independent Living Resource Center.

CHANGES TO THE AGENDA

City Administrator Casey stated that Recommendation B under Item No. 9 was being deleted.

AUG 11 2015 #1

PUBLIC COMMENT

Speakers: Wayne Scoles; Kenneth Loch; Phil Walker; Andrea Roselinsky; Dr. Robert Johns; Tom Widroe, City Watch; Richard Robinson.

CONSENT CALENDAR (Item Nos. 2 – 20)

The titles of the resolutions relating to Consent Items were read.

Motion:
Councilmembers Francisco/Hotchkiss to approve the recommendations.
Vote:
Unanimous roll call vote.

2. Subject: Minutes

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

Action: Approved the recommendation.

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.

Action: Approved the recommendations; Agreement No. 25,126.1 (July 21, 2015, report from the City Attorney).

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.

Action: Approved the recommendations; Resolution No. 15-061, Agreement No. 25,256 (July 21, 2015, report from the Chief of Police; proposed resolution).

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.

Action: Approved the recommendation; Contract No. 25,257 (July 21, 2015, report from the Airport Director).

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.

Action: Approved the recommendation; Agreement No. 25,258 (July 21, 2015, report from the Waterfront Director).

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.

Action: Approved the recommendation; Agreement No. 25,259 (July 21, 2015, report from the Waterfront Director).

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).

Action: Approved the recommendation; Resolution No. 15-062 (July 21, 2015, report from the Community Development Director).

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.

Action: Approved the Recommendations A and C; (July 21, 2015, report from the Community Development Director).

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.

Action: Approved the recommendation; Agreement No. 23,903.2 (July 21, 2015, report from the Airport Director).

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.

Action: Approved the recommendation; (July 21, 2015, report from the Fire Chief).

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.

Action: Approved the recommendations; Agreement Nos. 25,260 and 25,261 (July 21, 2015, report from the Public Works Director).

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

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.

Action: Approved the recommendations; Agreement Nos. 25,262 and 25,263 (July 21, 2015, report from the Public Works Director).

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.

Action: Approved the recommendation; Agreement No. 25,264 (July 21, 2015, report from the Public Works Director).

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.

Action: Approved the recommendation; Agreement No. 25,265 (July 21, 2015, report from the City Attorney).

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.

Action: Approved the recommendation; Agreement No. 25,266 (July 21, 2015, report from the City Administrator).

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.

Action: Approved the recommendation; Agreement No. 25,267 (July 21, 2015, report from the City Administrator).

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.

Action: Approved the recommendations (Appeal letter received June 22, 2015).

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.

(Cont'd)

19. (Cont'd)

Documents:
- Letter from Trevor Martinson dated July 20, 2015.

Speaker:

- Member of the Public: Trevor J. Martinson.

Action: Approved the recommendation (Appeal letter received June 24, 2015).

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 concluded 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; (Cont'd)

21. (Cont'd)

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 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.

Documents:

- July 21, 2015, report from the Public Works Director.
- Proposed Ordinances.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resource Manager Joshua Haggmark.
- Members of the Public: David Williams, Santa Barbara Science Center; Parke Blair, Geo Source Foundation; Bill Jones, Geo Source Foundation; Wayne Scoles; Phil Walker; Kira Redmond, Santa Barbara Channelkeeper; Matthew Kramer.

Motion:

Councilmembers White/Francisco to approve the staff recommendations; Agreement Nos. 24,935.1 and 24,835.3.

Vote:

Unanimous roll call vote.

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

(Cont'd)

22. (Cont'd)

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

Documents:
- July 21, 2015, report from the Community Development Director.
- Santa Barbara County Grand Jury Report on Zoning Information Reports.
- July 20, 2015, Email from Bob Hart.
- PowerPoint presentation prepared and made by Staff.

Speakers:
- Staff: Senior Planner Susan Reardon; Assistant City Attorney Scott Vincent;
- Members of the Public: Reyne Stapelmann, Santa Barbara Association of Realtors; Adrienne Schuele, Santa Barbara Association of Realtors; Joan Russell Price; Tom Widroe, City Watch; John Chufar; Wanda Livernors; Alec Bruice; Bob Hart; Morton Maizlish, Maizlish Realtors, Inc.; Ed Edick, Village Properties; Isaac Garrett; Nancy Hamilton; Tony Fisher; Cathie McCammou.

Motion:
Councilmembers Rowse/Francisco to form an adhoc committee to work with staff to redraft answers to the Grand Jury report and bring back to Council on August 4, 2015, for approval.

Vote:
Unanimous voice vote.

RECESS

5:00 p.m. – 5:15 p.m.

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.

Documents:
- July 21, 2015, report from the Community Development Director.

(Cont'd)

23. (Cont'd)

Documents: (Cont'd)

- July 14, 2015 Letter from Melissa Lolley.
- July 16, 2015 Letter from JoAnn Nasta.
- July 16, 2015 Letter from Marie Schnyer.
- July 16, 2015 Email/Letter from Brian Barnwell.
- July 20, 2015 Letter from Melissa.
- July 20, 2015 Letter from JoAnn Nasta.
- July 21, 2015 Letter from Brian Barnwell.
- July 21, 2015 Letter from Jon Kechejian.
- PowerPoint presentation prepared and made by Staff.

Public Comment Opened:
6:06 p.m.

Speakers:

- Staff: Associate Planner Suzanne Riegle, Project Planner Irma Unzueta, Supervising Transportation Planner Steve Foley.
- Architectural Board of Review: Member Amy Tripp.
- Applicant: Randy Douglas, DB Partners, LLC.
- Appellant: Brian Barnwell.
- Members of the Public: Pam Lasker; Rick (last name not stated); Richard Handler; Mark Edwards; Kay Hoffman; Suzanne Smith; Enid Sterling; Sharon Foster.

Public Comment Closed:
6:20 p.m.

Motion:
Councilmembers White/Francisco to uphold the appeal and refer to Planning Commission to specifically comment on the compatibility with the neighborhood, reduction of the number of bathrooms per unit, and additional parking and return to Architectural Board of Review for further review.

Vote:
Majority voice vote (Noes: Councilmember Murillo).

COUNCIL AND STAFF COMMUNICATIONS

No reports were made.

RECESS

7:03 p.m. – 7:15 p.m.
Mayor Schneider presiding.
Councilmembers present: Francisco, Hart (7:16), Hotchkiss, Murillo, Rowse, White, Mayor Schneider.
Staff present: City Administrator Casey, City Attorney Calonne, Deputy City Clerk Applegate.

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

No one indicated a desire to speak.

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.

Documents:
- July 21, 2015, report from the Public Works Director.
- July 20, 2015 Email from David Hale.
- July 21, 2015 Letter from Dave Davis and Cameron Gray, Community Environmental Council.
- July 21, 2015, PowerPoint presentation prepared and made by Staff.

Mayor Schneider stated she would recuse herself from participating in the portion of the discussion relating to Westside Connections due to conflicts of interest related to her ownership of a residence located on Chino Street located in the Westside.

(Cont'd)

24. (Cont'd)

Councilmember Murillo stated she would recuse herself from participating in the portion of the discussion relating to Westside Connections due to a conflicts of Interest related to her residence located 500 feet from Chino Street and on the corner of Valerio Street located in the Westside.

Councilmember White stated he would recuse himself from participating in the portion of the discussion related to the Eastside Connections due to conflicts of Interest related to his ownership of a residence located at 1126 Laguna located in the Eastside.

City Administrator Paul Casey stated he would recuse himself from participating in the portion of the discussion related to the Eastside Connections due to conflicts of interest related to his ownership of a residence located at 336 Pedregosa Street located in the Eastside.

City Attorney Calonne stated that he would recue himself from participating in the portion of the discussion related to the Westside Connections due to conflicts of interest relating to his ownership of a residence located at 1318 San Andres Street located in the Westside.

Councilmember White and City Administrator Casey left the meeting at 7:32 p.m.

Discussion began regarding the Eastside Connections.

Speakers:

- Staff: Principal Transportation Planner Rob Dayton; Melanie Smith, Principal at Melendrez; Matt Benjamin, Principal at Bend and Peers.
- Members of the Public: Tom Widroe, City Watch; Howard Green Transportation Circulation Committee Member; Bonnie Raisin; Wayne Scholes; Barry Remis, Coalition For Sustainable Transportation; Erica Lindemann; Mike Suding; Mike Jordan; Jamey Wagner, University California Santa Barbara; Cameron Gray; Ivor John; Shaun Duex, RightScale; Eve Sanford; Ed France, Mitchel Bass; Shannon Miller; Jeff Rawlings; Ethan Shenkman.

Mayor Schneider, Councilmember Murillo, City Attorney Calonne left the meeting at 8:56 p.m.

Councilmember White returned to the meeting at 8:56 p.m.

Mayor Pro Tempore Hart presiding.

Discussion continued regarding the Westside Connections.

(Cont'd)

24. (Cont'd)

Speakers:

- Members of the Public: Kristen Santiago; Lucia Casso; Michael Magee; Dorothy Griffin; Julia Hayes; Lily Bastug; Susan Lafond; James Sanders; Brian King; Michael Jordan, Planning Commission Member; Ed France.

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

ADJOURNMENT

Mayor Pro Tempore Hart adjourned the meeting at 9:24 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____

HELENE SCHNEIDER
MAYOR

DEBORAH L. APPLEGATE
DEPUTY CITY CLERK

SANTA BARBARA CITY COUNCIL

_____

GREGG HART
MAYOR PRO TEMPORE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE AIRPORT DIRECTOR TO EXECUTE A TWENTY-YEAR LEASE AGREEMENT, WITH TWO FIVE-YEAR OPTIONS FOR 167,713 SQUARE FEET OF LAND AT 6210 HOLLISTER AVENUE, AT THE SANTA BARBARA AIRPORT, WITH D&G LIN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AT A MONTHLY RENTAL OF $20,000, EXCLUSIVE OF UTILITIES, EFFECTIVE UPON ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain twenty-year Lease Agreement, with two five-year options, between the City of Santa Barbara and D&G Lin, LLC, for operation of an automobile dealership at 6210 Hollister Avenue; including 167,713 square feet of land, at the Santa Barbara Airport, for a monthly rental of $20,000, exclusive of utilities, is hereby approved.

Agenda Item No. 3

File Code No. 570.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Jill E. Zachary, Acting Parks and Recreation Director

SUBJECT: Authorization To Submit A Recreational Trails Program Grant Application For The Douglas Family Preserve Trails Restoration Project

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Application for Grant Funds for up to $300,000 from the Recreational Trails Program.

DISCUSSION:

The Douglas Family Preserve (Preserve) consists of approximately 70 acres of Open Space park land located near the intersection of Cliff Drive and Las Positas Road, in the western portion of Santa Barbara. The Preserve is located adjacent to the Shoreline Beach area, Arroyo Burro Creek and Arroyo Burro Beach County Park, and the Mesa neighborhood. The Preserve includes passive recreation uses including walking, jogging, bike riding, hang gliding, and off leash dog walking. The Preserve affords scenic vistas of the shoreline, Pacific Ocean, Elings Park and the Las Positas Valley, and the Santa Ynez Mountains. There are over three miles of trails through the Preserve's diverse native and exotic habitats. Trails consist of an outer Loop (Main) Trail, inner Middle Loop Trail, secondary trails and the Oak Grove Trail. Trails are primarily dirt trails, but also include remains of old asphalt road and narrow paths. There are also user created unauthorized paths in the Preserve.

Over the past several years, the well-used trails have compacted, eroded, and widened. The Douglas Family Preserve Trails Restoration Project (Project) will rehabilitate and renovate existing trails, decommission and reroute user created trails, and provide universal access to at least 1/3 of the three miles of trail system in the Preserve. The Project will reduce trail erosion, improve park safety and access, foster the restoration of native habitats, and help prevent further cliff erosion. The Project trail improvements were identified in the Douglas Family Preserve Management Plan and Off-Leash Dog Park Locations Draft Environmental Impact Report (2003) and are in compliance with the Final Douglas Family Preserve Management Plan (2008).

RECREATION TRAILS PROGRAM

The Recreational Trails Program is a state-administered local assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). Within the State of California, the Department of Parks and Recreation is authorized to administer the program. The California Department of Parks and Recreation seeks grant applications for projects to develop and maintain recreational trails, with 70% of the funds available to non-motorized projects. The FHWA recently released $11 Million to the Recreational Trails Program. This release of funds is outside of the normal FHWA grant timeline so applications are fast-tracked.

Due September 15, 2015, the Recreation Trails Program grant application requires a Council resolution authorizing the grant application and designating the Parks and Recreation Director as the City's agent to conduct all contract negotiations.

BUDGET/FINANCIAL INFORMATION:

The total cost of the Project is estimated to be $300,000. Staff proposes to request up to $250,000 in grant funding through the Recreational Trails Program. The grant guidelines require at least a 12 percent match. Matching funds for the Project would include the 2016 Parks and Recreation Community Foundation disbursement of $30,000 from the Douglas Family Preserve Endowment Fund. Additional matching funds would be provided in the form of "in-kind" staff support to manage and implement the Project.

SUSTAINABILITY IMPACT:

The Project will reduce trail erosion, improve park safety and access, foster the restoration of native habitats, and help prevent further cliff erosion.

PREPARED BY: Kathy Frye, Natural Areas Planner

SUBMITTED BY: Jill E. Zachary, Acting Parks and Recreation Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE APPLICATION FOR GRANT FUNDS FOR UP TO $300,000 FROM THE RECREATIONAL TRAILS PROGRAM

WHEREAS, the "Moving Ahead for Progress in the 21st Century (MAP-21)" provides funds to the State of California for Grants to federal, state, local, and non-profit organizations to acquire, develop, and/or maintain motorized and non-motorized trail Projects;

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing Project Application under the program;

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of Application(s) before submission of said Application(s) to the State; and

WHEREAS, the Applicant will enter into a Contract with the State of California to complete the Project(s).

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

1. Approves the filing of an Application for the Recreational Trails Program; and

2. Certifies that the Project is consistent with the Applicant's general plan or the equivalent planning document; and

3. Certifies that said Applicant has or will have available prior to commencement of any work on the Project(s) included in this Application, sufficient funds to operate and maintain the Project(s); and

4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

5. Appoints the Parks and Recreation Director as agent to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project.

6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Agenda Item No. 4

File Code No. 340.02

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: General Services Division, Finance Department

SUBJECT: Proposed Amendments To Purchasing Code

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Title 4, Chapter 4.52, of the Santa Barbara Municipal Code to Update and Increase the Monetary Thresholds Governing the Solicitation of Informal Quotations and Formal Bids for the Purchase of Ordinary Goods and Services.

EXECUTIVE SUMMARY:

The City's bidding thresholds in Chapter 4.52 of the Municipal Code were last updated in 2009. Since then, the cost of goods and services has increased, a buyer position was eliminated, and the Purchasing Division has taken on new responsibilities. With the goal of improving operational efficiencies and customer service, Purchasing Division staff reviewed the Municipal Code to look for areas that need to be updated with a focus on the monetary bidding thresholds. The City's current monetary thresholds for bidding are low when compared to other similar public agencies. Increasing the thresholds would streamline the procurement process, and improve service by allowing Purchasing staff to focus on higher value purchases where there are greater opportunities for savings.

DISCUSSION:

The recommended changes have been presented to the Finance and Ordinance Committees. Both committees recommended the changes be forwarded to Council. The City's purchasing operations are governed by Chapter 4.52 of the Municipal Code. The purpose of the code is "to establish efficient procedures for the purchase of supplies, non-professional services and equipment at the lowest possible cost commensurate with the quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function…".

The Purchasing Code ("Code") was last updated in 2009. Since then the cost of acquiring goods and services has increased, a buyer position was eliminated, and the Purchasing Division has taken on new responsibilities for supporting the requisitioning, purchasing, and contracting modules of the new financial system.

Purchasing staff compared the City's monetary bidding thresholds to other public agencies in the area. The comparison showed the City had much lower thresholds and was the only agency to have a separate threshold for maintenance and repair services. Many agencies did not require any competition until the purchases exceeded $10,000.

Existing Purchasing Thresholds

The Code imposes more stringent requirements for purchases exceeding $25,000 versus those purchases of $25,000 or less. Although maintenance and repair activities are a general service, the City Council established a higher threshold of $75,000 for maintenance and repair services (Resolution 97-052) as opposed to the $25,000 threshold for other ordinary services.

Section 4.52.060 of the Purchasing Code governs purchases up to $25,000. These requirements are less stringent than the requirements for purchases over $25,000 discussed below.

- Purchases of $2,500 or less can be made without competitive bids (a single quote);

- Purchases over $2,500 and up to $25,000 require three (3) quotes whenever possible in writing or by telephone (informal competition);

- Section 4.52.070 of the Purchasing Code governs the purchases exceeding $25,000 and requires a "formal" purchasing procedure be followed (advertising). These requirements include:

    1. Advertising of the bids
    2. Received bids must be sealed
    3. Public bid opening
    4. Award of purchase order to the lowest, responsive, and responsible bidder

Proposed Changes

Besides having low thresholds compared to other similar public agencies, the City was the only agency that had a different threshold for maintenance and repair activities versus other ordinary services. Having a higher monetary threshold for maintenance and repairs than ordinary services is confusing to the departments and creates an artificial incentive for departments to classify work as maintenance and repair because of the higher threshold.

While many of the public agencies had thresholds higher than those being proposed, we believe the proposed thresholds are appropriate for the City based on its past spending patterns. The table below summarizes the procurement process, and current and proposed changes to the monetary thresholds.

Procurement Process	Current Threshold	Proposed Threshold
Single Quote	$2,500	$7,500
Informal Quotes	$2,501 to $25,000	$7,501 to $75,000
Formal Bids (goods & services)	$25,001 or more	$75,001 or more
Formal Bids (maintenance)	$75,001 or more	$75,001 or more

Increasing the monetary thresholds will streamline procurement operations by reducing the amount of time and effort spent on low dollar purchases of ordinary goods and services where there are little opportunities for savings, align the workload with Purchasing staffing levels, and allow Purchasing staff to focus their efforts on the purchases that have the highest potential for savings.

To analyze the potential impacts of increasing the monetary bidding thresholds, purchase orders were segregated by various dollar levels, which are summarized in the table below.

Under the current thresholds, 26% of the purchase orders issued are $2,500 or less. The percent would increase to 53.5% if the threshold is increased to $7,500. At the $7,500 threshold, the cumulative value of the purchase orders issued only represents 7.5% of the aggregate value of all purchase orders issued. This is not an effective use of staff time and resources. The below table highlights the potential impacts of changing the thresholds with the proposed thresholds in bold.

Threshold	% of Purchase Orders	% of Total Purchase Order Spending	Process
$2,500 ≤	26.1%	1.8%	Single Quote
$7,500 ≤	**53.5%**	**7.5%**	**Single Quote**
>$2,500 & $25,000≤	56.2%	22.9%	Informal
>$7,500 & $75,000≤	**39.4%**	**37.7%**	**Informal**
>$25,000	17.7%	75.2%	Formal
>$75,000	**7.1%**	**54.8%**	**Formal**

Other Proposed Changes to the Code

In addition to the proposed changes to bidding thresholds, staff proposes minor revisions to the Code as follows:

1. Often, the cheapest software solution is not the best value because it does not best meet our needs and requirements. To recognize the unique aspects of information technology acquisitions, authorize the acquisitions of information technology on a best value basis using evaluation criteria other than cost alone.

2. Exclude the following from the competitive award requirements because the purpose of open and competitive awards cannot be met because of their unique characteristics. For example, Parks may not want to advertise their recreational activities on the cheapest radio station because it may not have the target audience they seek.
    a. print, radio, television, and on-line advertising
    b. renewals of software license and maintenance/support
    c. memberships
    d. training
    e. housing and furniture rentals for Police cadets

3. Authorize the use of State of California Multiple Award Schedules (CMAS) contracts and Leveraged Purchase Agreements under Section 4.52.140, Cooperative Purchasing. CMAS contracts are based in contracts previously bid and awarded on a Federal General Services Administration (GSA) schedule with the State of California adding terms and conditions to comply with California procurement codes. Public Contracting Code Sections 10298 and 10299 authorize local government agencies to use CMAS and other Department of General Services agreements.

4. Increase the Council reporting requirements from $25,000 to $35,000 under Section 4.52.080, Emergency Purchases, to match the increased authority delegated to the City Administrator in Resolution 14-065.

BUDGET/FINANCIAL INFORMATION:

There are potential savings because significant staff time spent on low dollar purchases with little or no opportunity for savings will be freed up to focus on higher value and more critical purchases.

PREPARED BY: Bill Hornung, C.P.M., General Services Manager

SUBMITTED BY: Robert Samario, Finance Director/Acting Assistant City Administrator

APPROVED BY: City Administrator's Office

COUNCIL INTRODUCTION DRAFT 8/11/15
SHOWING CHANGES FROM THE EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 4, CHAPTER 4.52, OF THE SANTA BARBARA MUNICIPAL TO UPDATE AND INCREASE THE MONETARY THRESHOLDS GOVERNING THE SOLICITATION OF INFORMAL QUOTATIONS AND FORMAL BIDS FOR THE PURCHASE OF ORDINARY GOODS AND SERVICES.

4.52.010 System Adopted - Purpose.

In order to establish efficient procedures for the purchase of equipment, supplies, and services at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases, a purchasing system is adopted. To the greatest extent practicable, the City shall endeavor to develop purchasing specifications that will result in the purchase of equipment, supplies, and services that are environmentally preferred. Competitive bidding for the purchase of equipment, supplies, and services is preferred as a matter of City policy and good purchasing practice. Even when competitive bids are not required by this Chapter, competitive proposals or bids should be obtained if reasonably practicable and compatible with the City's interests.

4.52.020 Definitions.

The following words and phrases shall have the following meaning and construction for purposes of this chapter.

A. **ENVIRONMENTALLY PREFERRED PURCHASES**. A manner of purchasing equipment, supplies, and services that results in less harm to the natural environment. Environmentally preferred purchases involve the purchase of equipment, supplies, and services in a manner that uses less harmful materials, employs recycled or recovered materials (where appropriate and available), and utilizes techniques intended to result in less impact on the environment than other available methods.

B. **EMERGENCY PURCHASE.** A purchase made to address a situation that creates an immediate and serious need for equipment, supplies, or services which cannot be met through normal purchasing procedures and where the lack of such equipment, supplies, or services would seriously threaten the functioning of City government, the preservation of property, or the health or safety of any person.

C. **WITHIN THE BUDGET APPROVED BY THE CITY COUNCIL.** Purchases that fall within the annual financial budget adopted by the City Council for the Department against whose account the purchase will be applied. A particular purchase need not be

a specific line item of the Department's budget in order to be considered included within the budget approved by the City Council.

D. **INFORMATION TECHNOLOGY.** Includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications that include voice, video, and data communications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

E. **MAINTENANCE AND REPAIR.** The routine, recurring, or usual work for the restoration or preservation of the condition of an existing facility, structure, or equipment, as opposed to the purchase of a new or replacement facility, structure, or equipment. If a question arises as to the proper characterization of a purchase as maintenance and repair or a public work, the Purchasing Agent shall determine in writing whether the primary purpose of the purchase is to restore or preserve the condition of an existing facility, structure, or equipment or to obtain a new or replacement facility, structure, or equipment.

F. **PERSONAL PROPERTY.** All property other than real estate, including, but not limited to, equipment, supplies, and materials.

G. **PROFESSIONAL SERVICES.** Services that require specialty training, education, or experience, including, but not limited to, financial, economic, accounting, engineering, legal, or administrative matters.

H. **PURCHASE.** To obtain equipment, supplies, or services in exchange for money or its equivalent. For purposes of this Chapter, the term purchase shall also include the acquisition of equipment or supplies by lease.

I. **PURCHASING AGENT.** The general services manager of the City of Santa Barbara. J. **REVERSE AUCTION.** A process where the City announces its need for equipment, supplies, or services on the Internet, or some other manner, and suppliers bid against one another in a real-time, open, and interactive bidding environment to supply the City with required equipment, supplies, or services.

K. **SERVICES INVOLVING PECULIAR ABILITY.** Services that typically require artistic or creative skill and advanced or specialized training or experience. For purposes of this Chapter, the construction trades are not services involving peculiar ability.

4.52.030 Purchasing Agent - Duties.

The Purchasing Agent shall be under the direction, supervision, and control of the Director of Finance. The Purchasing Agent shall:

A. Negotiate, purchase, and contract for equipment, supplies (other than library books and library periodicals), routine laboratory tests, nonprofessional services, or services not involving peculiar ability required by any office, department, or agency of the City in accordance with purchasing procedures prescribed by this chapter, and such other rules and regulations as shall be prescribed by the City Council.

B. Act to procure for the City the needed quality in equipment, supplies, routine laboratory tests, nonprofessional services, or services not involving peculiar ability at least expense to the City.

C. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.

D. Prepare and recommend to the City Council rules governing the purchase of supplies, services and equipment for the City.

E. Stay informed of current developments in the field of purchasing, prices, market conditions and new products.

F. Prescribe and maintain such purchasing forms as are reasonably necessary to the operation of this chapter and other rules and regulations.

G. Maintain a bidders' list, vendors' catalog file and records needed for the efficient operation of the Purchasing Division.

4.52.040 Estimates of Requirements.

All departments shall file detailed estimates of their requirements for supplies and equipment in such manner, at such time, and for such future periods as the Purchasing Agent shall prescribe.

4.52.050 Contracting Authority.

A. **COUNCIL AUTHORIZATION.** Pursuant to Section 518 of the City Charter, the City Council may, by ordinance or resolution, authorize the City Administrator or other officer to bind the City for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council.

B. **EXERCISE OF AUTHORITY.** To the extent the City Council grants written purchasing authority to the City Administrator or another officer, the City Administrator or such other officer shall exercise such authority in accordance with the procedures specified in this Chapter or as otherwise specified in the ordinance or resolution granting such authority.

C. **DELEGATION OF AUTHORITY.** To the extent the City Council grants purchasing authority to the City Administrator, the City Administrator may delegate such authority to a subordinate in a manner that does not conflict with Section 518 of the City Charter, the provisions of any applicable City ordinance, or the provisions of the Council resolution or ordinance granting the purchasing authority to the City Administrator.

4.52.55 Exceptions to Competitive Bidding.

The following purchases of equipment, supplies, and services are exempt from the competitive bidding requirements specified in Sections 4.52.060 or 4.52.070 of this Code to the extent such purchases are within the budget approved by the City Council. The City Administrator is authorized to negotiate and contract for such equipment, supplies, and services without complying with competitive bidding subject to the conditions as specified below:

A. Purchases of advertising services (print, television, radio, internet, etc.) upon a showing that the proposed services are a cost effective means of reaching the targeted audience.

B. Software license renewals where the software has been shown to have

continuing value to the operation of the City organization.

C. Housing and furniture rental for police department cadets.

4.52.060 Contracts Up to $~~25,000.00~~75,000.

A. **REQUISITIONS**. All departments of the City shall submit requests for equipment, supplies (other than library books and library periodicals), routine laboratory tests, nonprofessional services, or services not involving peculiar ability to the Purchasing Agent by standard requisition request forms.

B. **BIDDING PROCEDURE.** Purchases of equipment, supplies (other than library books and library periodicals), routine laboratory tests, nonprofessional services, or services not involving peculiar ability, of a value of up to $~~25,000~~75,000, may be made by the Purchasing Agent in the open market pursuant to the bidding procedures described herein.

1. **Purchases of up to $~~2,500~~7,500.** Purchases of goods or services of a value up to $~~2,500~~7,500 may be made without competitive bidding.

2. **Sole Source Purchases.** Where only one source is available for the goods or services, the purchase may be made without competitive bidding.

3. **Purchases over $~~2,500~~7,500 and up to $~~25,000~~75,000.** Purchases of goods or services of a value over $~~2,500~~7,500 and up to $~~25,000~~75,000 shall be bid in the following manner:

a. Minimum Number of Quotations. Purchases shall whenever possible be based on at least three (3) quotations, and shall be awarded to the person submitting the lowest responsible quotation.

b. Notice Inviting Quotations. The Purchasing Agent shall solicit quotations by written requests to prospective vendors or by telephone.

c. Written quotations shall be submitted to the Purchasing Agent who shall keep a record of all open market orders and quotes for a period of one (1) year after the submission of quotes or the placing of orders.

C. **CONFIRMATION OF VERBAL QUOTATIONS.** For all purchases made pursuant to this section, verbal quotations over $~~2,500~~7,500 require written confirmation.

D. **WRITTEN CONTRACTS.** All purchases made pursuant to this section shall be made by purchase order or other form approved by the City Administrator and the City Attorney. The Purchasing Agent is authorized to execute such contracts on behalf of the City.

E. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.

4.52.070 Formal Contract Procedures (Purchases Greater than $~~25,000~~75,000).

Except as otherwise provided herein, purchases of supplies (other than library books and library periodicals), nonprofessional services, services not involving peculiar ability, and equipment, of a value greater than ~~twenty-five~~seventy-five thousand dollars

($~~25,000.00~~75,000), shall be by written contract with the lowest responsible bidder pursuant to the following procedures:

A. **REQUISITION.** All departments of the City shall submit requests for equipment, supplies (other than library books and library periodicals), and nonprofessional services or services not involving peculiar ability to the Purchasing Agent by standard City requisition forms.

B. **NOTICE INVITING BIDS.** The Purchasing Agent shall issue a notice inviting bids that includes a general description of the articles to be purchased or the services sought, states where the bid forms and specifications may be secured, and announces the time and place for opening bids.

1. Published Notice. Notices inviting bids shall be published at least ten (10) working days before the date of opening of bids. Notices shall be published at least once in a newspaper of general circulation, published in the City of Santa Barbara.

2. Bidders' List. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the City's bidders' list or who have requested their names to be added thereto.

C. **BIDDERS' SECURITY.** When deemed necessary by the Purchasing Agent, bidders' security may be required. Bidders shall be entitled to a return of bid security upon execution of the contract or upon the re-advertisement for bids, provided that the successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after notice of contract has been deposited in the United States mail. The City Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the City Council awards the contract to the next lowest responsible bidder, the bidder first awarded the contract shall forfeit only the portion of his security which is equal to the difference between his bid and the bid of the next lowest responsible bidder. If the next lowest responsible bidder is awarded the contract, he shall forfeit his bid security if he fails or refuses to execute the contract.

D. **BID OPENING PROCEDURE.** Bids may be submitted in physical form or electronically, as specified in the notice inviting bids. ~~Sealed~~Physical bids shall be submitted to the Purchasing Agent in a sealed envelope and shall be identified as "bid" on the envelope. Bids submitted electronically shall be identified as “bid” in the subject line of the e-mail or by other conspicuous method. Bids shall be opened at a location open to the public at the time and place stated on the notice inviting bids or as may otherwise be announced to all bidders. A tabulation of all bids received shall be open for public inspection during regular City business hours for a period of not less than thirty (30) calendar days after the bid opening.

E. **REJECTION OF BIDS.** In its discretion, the City Council may reject any and all bids presented and re-advertise for bids pursuant to the procedure described herein. In cases where the Purchasing Agent is authorized to award a contract, the Purchasing Agent may, in his or her discretion, reject any and all bids presented and re-advertise for bids pursuant to the procedure described herein.

F. **AWARD OF CONTRACTS.** Contracts shall be awarded by the City Council to the lowest responsible bidder who submits a bid responsive to the specifications except as otherwise provided herein.

G. **AWARD OF CONTRACTS BY PURCHASING AGENT.** The Purchasing Agent

is authorized to award contracts to the lowest responsible bidder when the City Council has approved a Departmental budget that includes funds specifically for the purchase of the item(s) and the amount of the award is not more than the budgeted amount.

H. **TIE BIDS.** If two (2) or more bids received are for the same total amount or unit price, quality, service and delivery being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council may in its discretion accept the one (1) it chooses or accept the lowest bona fide offer made by and after negotiation with the bidders who were tied at the time of the bid opening.

I. **NO BIDS RECEIVED.** If no bids are received within ten (10) days of the publication of the notice inviting bids or such other time specified in the notice inviting bids for the receipt of bids, the Purchasing Agent may either publish a new notice inviting bids or solicit bids without further publication.

J. **PERFORMANCE SECURITY.** The Purchasing Agent shall have the authority to require a performance security before entering into a contract in such amount as it shall find reasonably necessary to protect the best interests of the City. If the Purchasing Agent requires a performance security, the form and amount of the security shall be described in the terms, conditions or general provisions of bid documents.

K. **SOLE SOURCE PURCHASES.** Purchases of goods or services which can be obtained from only one (1) source may be made by the Purchasing Agent without advertising and after a determination by the City Council that the goods or services are only available from one source and approval of the purchase by the City Council.

L. **BEST INTEREST WAIVER.** The City Council may authorize purchase of equipment, supplies (other than library books and library periodicals), and nonprofessional services or services not involving peculiar ability~~, of a value greater than twenty-five thousand dollars ($25,000.00),~~ without complying with the above procedures when, in the opinion of the Council, compliance with the procedure is not in the best interest of the City.

M. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.

4.52.080 Emergency Purchases.

An emergency purchase of any equipment, supplies, or services shall be made in accordance with the following procedures:

A. **DECLARATION OF NEED TO MAKE AN EMERGENCY PURCHASE.** The City Administrator or a City department head must declare the need to make an emergency purchase in writing. The declaration shall specify the reasons why an emergency purchase of equipment, supplies, or services is necessary.

B. **SCOPE OF AUTHORITY.** When the need to make an emergency purchase is declared, the City Administrator or the department head declaring the need to make an emergency purchase may purchase any equipment, supplies, or services needed to address the emergency. Emergency purchases are only allowed as necessary to address an immediate need. Even when normal purchasing procedures are not followed for reasons relating to the emergency, competitive bidding shall be used to the

greatest extent practicable under the circumstances.

C. **DOCUMENTATION.** All emergency purchases shall be documented in writing.

D. **ENCUMBRANCE OF FUNDS.** When emergency purchases are requested of equipment, supplies, or services for which no funds have been encumbered, the emergency requisition shall so state and the interested department head shall initiate a request for fund transfer within four (4) hours after the start of the next regular work day.

E. **REPORT TO CITY COUNCIL.** Any time the value of emergency purchases made without compliance with normal purchasing procedures exceeds $~~25,000~~35,000 in the aggregate for a single emergency, a report shall be made to the City Council within thirty (30) days of the declaration of the need for an emergency purchase.

4.52.090 Inspection and Testing.

The Purchasing Agent may inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract. The Purchasing Agent shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

4.52.100 Central Stores.

The Purchasing Agent is responsible for the City storage control program. Under direction of the Purchasing Agent, the City Stores Manager is responsible for the custody of and accounting for the supplies. This includes the maintenance of a perpetual inventory record for each item carried in stock and making quantity checks at frequent intervals to verify the ledger count and value. The City Stores Manager is to exercise full control and reporting of all materials received, withdrawn, or returned to stock.

~~**4.52.110 Maintenance Agreements.**~~

~~Notwithstanding the provisions of Sections 4.52.060 and 4.52.070 above, services for the maintenance and repair of City equipment and facilities, up to an amount established by Council resolution, may be purchased by the Purchasing Agent pursuant to the following procedures.~~

~~A. **BIDDING.** The Purchasing Agent shall comply with the following bidding procedures for purchases conducted pursuant to this section:~~

~~1. **Purchases of up to $2,500.** Purchases of a value up to $2,500 may be made without competitive bidding.~~

~~2. **Sole Source Purchases.** Where only one source is available for the services, the purchase may be made without competitive bidding.~~

~~3. **Purchases over $2,500.** Purchases of a value over $2,500 and up to the amount established by Council resolution shall be bid in the following manner:~~

~~a. Minimum Number of Quotations. Purchases shall whenever possible be based on at least three (3) quotations, and shall be awarded to the person submitting the lowest responsible quotation.~~

~~b. Notice Inviting Quotations. The Purchasing Agent shall solicit quotations by written requests to prospective vendors or by telephone.~~

~~c. Written quotations shall be submitted to the Purchasing Agent who shall keep a record of all open market orders and quotes for a period of one (1) year after the submission of quotes or the placing of orders. These records, while so kept, shall be open to public inspection.~~

~~B. **CONFIRMATION OF VERBAL QUOTATIONS.** For all purchases made pursuant to this section, verbal quotations over $2,500 require written confirmation.~~

~~C. **WRITTEN CONTRACTS.** All purchases made pursuant to this section shall be made by purchase order or other form approved by the City Administrator and the City Attorney. The Purchasing Agent is authorized to execute such contracts on behalf of the City.~~

~~D. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.~~

4.52.110 Information Technology Purchases.

The City recognizes that purchasing information technology on the basis of lowest purchase price alone may not always serve the best interests of the City. Therefore, the Purchasing Agent is hereby authorized to purchase information technology, within the budget approved by the City Council, on a "best value basis." In determining the best value for the City, the Purchasing Agent may consider the following factors:

A. The purchase price or cost;
B, The quality of the vendor's goods or services;
C. The extent to which the vendor's goods or services meet the City's needs;
D. The total long-term cost to the City of the good or service;
D. The reputation of the vendor and the vendor's goods or services;
E. The vendor's past relationship with the City;
F. The impact of the proposed purchase on the City's ability to comply with laws relating to the procurement of goods or services from persons with disabilities;
G. The impact of the proposed purchase on the City's ability to comply with laws relating to the procurement of goods or services from historically underutilized businesses; and
H. Any relevant criteria specifically listed in the request for proposals or bids.

The preceding list of factors is not listed in order of priority and not all factors will be relevant to all purchases. Unless the request for proposals or bids assigns a particular weight to one factor or another, the Purchasing Agent may assign priority of the factors as appropriate for the individual purchase based on the information available at the time of the purchase with the goal of obtaining the optimum combination of economy, quality, and effectiveness that is the result of fair, efficient, and practical procurement decision-making.

4.52.120 Contract Splitting Prohibited.

It is unlawful to split or separate any purchase into smaller increments for the purpose of evading the provisions of the Charter or this Chapter requiring advertising and competitive bidding.

4.52.130 Surplus Personal Property.

All City departments shall submit to the Purchasing Agent, at such times and in such forms as the Agent shall prescribe, reports showing all supplies, equipment or personal property of any nature which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall have the authority to exchange or trade on new supplies and equipment, or to sell, all supplies and equipment which cannot be used by any department or which have become unsuitable for City use. The Purchasing Agent shall also have the authority to make transfers between departments of any usable surplus supplies or equipment. The Purchasing Agent, upon obtaining the specific written approval of the City Finance Director, may, without published notice of the intended sale or competitive bidding, sell items of surplus personal property to: 1. any interested party if the value of the item does not exceed $500, or 2. any governmental entity as long as the value of the item does not exceed $~~5,000~~10,000.

4.52.140 Cooperative Purchasing.

A. **COOPERATIVE PURCHASING AGREEMENTS.** Nothing contained in this chapter shall prohibit the participation by the City of Santa Barbara in any voluntary cooperative purchasing agreement, agreements, or programs entered into between the City of Santa Barbara and any local, state, or federal government, or association of governmental agencies within the United States which is authorized by state or federal law or regulations.

B. **SURROGATE BIDDING.** Nothing contained in this chapter shall prohibit the participation by the City of Santa Barbara in a surrogate bidding process where the City purchases equipment, supplies, or services at the same price as a contract awarded by another local, state, or federal government, or association of governmental agencies within the United States following a competitive bidding process that substantially conforms to the City's purchasing procedures.

C. **CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACTS AND LEVERAGE PROCUREMENT AGREEMENTS.** Nothing contained in this chapter shall prohibit the participation by the City of Santa Barbara in any purchase under a California Multiple Award Schedule Contract or Leverage Procurement Agreement.

D. **AUTHORITY TO ACT.** The Purchasing Agent is hereby empowered and authorized to act under the provisions of this chapter, to procure for the City supplies and equipment in conjunction with such voluntary cooperative purchasing agreement, ~~or~~ surrogate bidding process, California Multiple Award Schedule Contract, or California Leverage Procurement Agreement to the extent such purchases are within the budget approved by the City Council. Sections 4.52.060 and 4.52.070 of this chapter shall not

apply to the purchase of supplies or equipment pursuant to any voluntary cooperative purchasing agreement, ~~or~~ surrogate bidding process, California Multiple Award Schedule Contract, or California Leverage Procurement Agreement entered into under the provisions of this section. All formal contract and bidding procedures to be followed in such cases shall be those specifically enumerated in the voluntary cooperative purchasing agreement, ~~or~~ the surrogate bid, California Multiple Award Schedule Contract, or California Leverage Procurement Agreement.

4.52.150 Future Expenditures.

No contract to be executed in a future fiscal year or years for purchases of goods or services as described in this chapter shall be valid unless appropriations for such purchase shall have been made in the year in which the contract was entered into.

4.52.160 Public Works Contracts.

A. **COMPLIANCE WITH THE CHARTER.** Bidding and advertising and award of contracts for public works, excluding maintenance and repair, shall be as required by Section 519 of the City Charter.

B. **PREVAILING WAGES REQUIRED IN COMPLIANCE WITH SB 7.** The state prevailing wage law requires contractors on public works projects to be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed. Under California Constitution Article XI, Section 5, the laws of chartered cities supersede state law with respect to municipal affairs of the city. The City of Santa Barbara is a chartered city duly organized and validly existing under the laws of the State of California, and thus the city may exempt itself from prevailing wage requirements. California Senate Bill No. 7 ("SB 7"), approved October 13, 2013, provides that the state has limited financial resources and resolves only to extend financial assistance to construction projects of those chartered cities that require compliance with the prevailing wage law on all their municipal construction projects. Effective January 1, 2015, unless the contract was advertised for bid prior to that date, chartered cities are additionally disqualified from receiving financial assistance under SB 7 if the city has awarded, within the prior two (2) years, a public works contract without requiring the contractor to comply with prevailing wage requirements. Chartered cities that have charter provisions exempting city projects from prevailing wage requirements may adopt a local prevailing wage ordinance with requirements equal to or greater than state prevailing wage law in order to avoid disqualification.

For at least the last 25 years, the City has generally required prevailing wages to be paid on capital improvement projects. Compliance with SB 7, however, requires the adoption of an ordinance and the payment of prevailing wages beyond capital improvement projects to include maintenance and repair work, as described in the Labor Code. Notwithstanding the City's constitutional right to exempt locally funded projects from prevailing wage, the City Council finds that the City's financial interests are best served by complying with California's prevailing wage law as delineated in SB 7.

C. Prevailing wages shall be paid on all public works contracts in accordance with

Labor Code section 1782 (SB 7).

D. The provisions of this ordinance do not restrict the city from receiving or using state funding or financial assistance awarded prior to January 1, 2015, or from receiving or using state funding or financial assistance to complete a contract awarded prior to January 1, 2015. Further, this ordinance does not disqualify or amend any contracts awarded prior to January 1, 2015.

E. If SB 7 is, for any reason, held to be invalid or inapplicable to charter cities by any court of competent jurisdiction or is otherwise repealed, this ordinance shall automatically sunset and be of no further effect immediately thereafter.

4.52.170 Library Books and Periodicals.

The City Administrator or his designee may purchase library books and library periodicals in accordance with the budget approved by the City Council.

4.52.180 Professional Services.

The award of contracts for professional services shall comply with Section 518 of the City Charter or any other procedures established by ordinance or resolution of the City Council consistent with Charter Section 518.

4.52.190 Debarment.

The City Administrator shall prepare and promulgate procedures for the suspension or debarment of nonresponsible bidders or contractors, and such procedures shall be approved by resolution of the City Council.

Agenda Item No. 5

File Code No. 540.06

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Resolution To Accept A Waterline Easement And To Vacate The Superseded Waterline Easements At 182 And 202 La Vista Grande

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, Accepting an Easement for a Public Waterline on a Portion of the Real Property Commonly Known as 202 La Vista Grande, Santa Barbara County Assessor's APN 015-130-002, and Adopting an Order Summarily Vacating and Abandoning Certain Superseded Portions of the Existing Easement for Water Pipelines at 182 and 202 La Vista Grande, Both Within the Limits of Said City.

DISCUSSION:

The attached resolution is proposed for adoption by Council to accept a new public easement for a waterline relocated to a new alignment on the property at 202 La Vista Grande, owned by Timothy I. Wilde and Caro E. Creighton. The resolution will also accomplish Council's summary vacation of superseded portions of an easement for the old waterline, located on and across the real properties at 182 and 202 La Vista Grande.

The alignment of the new waterline easement proposed for acceptance, and the superseded portions of the old easement proposed for summary vacation, are depicted on the Attachment.

The City's original waterline was constructed within a City easement, filed on July 30, 1924 as Torrens Document No. 159, before hillside properties in that area were subdivided and developed. Subsequently, the lots now known as 182 and 202 La Vista Grande were shown on a map of the Ashley Knolls Tract, recorded in 1948, which failed to depict the location of the City's existing easement. Due to the map omission of the City's easement, the homes at 182 and 202 La Vista Grande were built over portions of the City's waterline and within the City's easement.

Following discovery of the City's old waterline by David C. Nordhahl, the owner of the home at 182 La Vista Grande, which was exposed during the construction of onsite improvements, an action (the Action) entitled David C. Nordhahl, et al., v. City of Santa Barbara, et al., was filed in order to initiate solutions to various issues caused by non-disclosure of the City's easement by the affected owners' respective title insurance companies. In particular, the issues included concern caused by the incompatible location of the City's aging waterline which was located under portions of the neighbors' homes, yard improvements, and hillside areas.

Following mediation to consider possible resolution of the Action, an acceptable agreement was outlined, as set forth in a Settlement Agreement (Settlement) executed by the City Administrator, and by David C. Nordahl and Alexandra Nordahl, the owners of the property at 182 La Vista Grande, and by Timothy I. Wilde and Caro E. Creighton, the owners of 202 La Vista Grande, and their respective title insurance companies. Among other mediated elements, the Settlement generally provided as follows:

- Design and relocation of the portion of the City's waterline into an alignment located entirely on the property at 202 La Vista Grande;
- Grant to the City by the owners of the property at 202 La Vista Grande a new easement for the relocated waterline;
- Vacation and abandonment by the City of the old waterline easement upon completion of the project to relocate the waterline;
- Abandonment in place of the old waterline, following standards of practice necessary to ensure continued safety and stability of the hillside;
- Waiver by the City of typical charges and fees associated with the review of design plans by City staff;
- Contribution of $25,000 by the City towards the costs of relocating the waterline to a more compatible and appropriate alignment;
- Sharing by the owners' respective title insurance companies of costs necessary to relocate the waterline;
- Restoration of the site as part of the waterline relocation project;
- Preparation and execution by all parties of necessary documents to establish the new waterline easement and to vacate the superseded portions of the old easement; and
- Dismissal of the Action mentioned above.

The City's contribution of $25,000 towards the waterline relocation project has been paid, and the relocation project was recently completed. The adoption by Council of the proposed Resolution to accept the new waterline easement at 202 La Vista Grande, and to summarily vacate the superseded portions of the old easement affecting both 182 and 202 La Vista Grande, will finalize the actions set forth in the Settlement. Following such adoption by Council of the Resolution, the Waterline Easement Deed, along with a copy of the resolution certified by the City Clerk, will be released to the First American Title Insurance Company for recordation in the Official Records of Santa Barbara County.

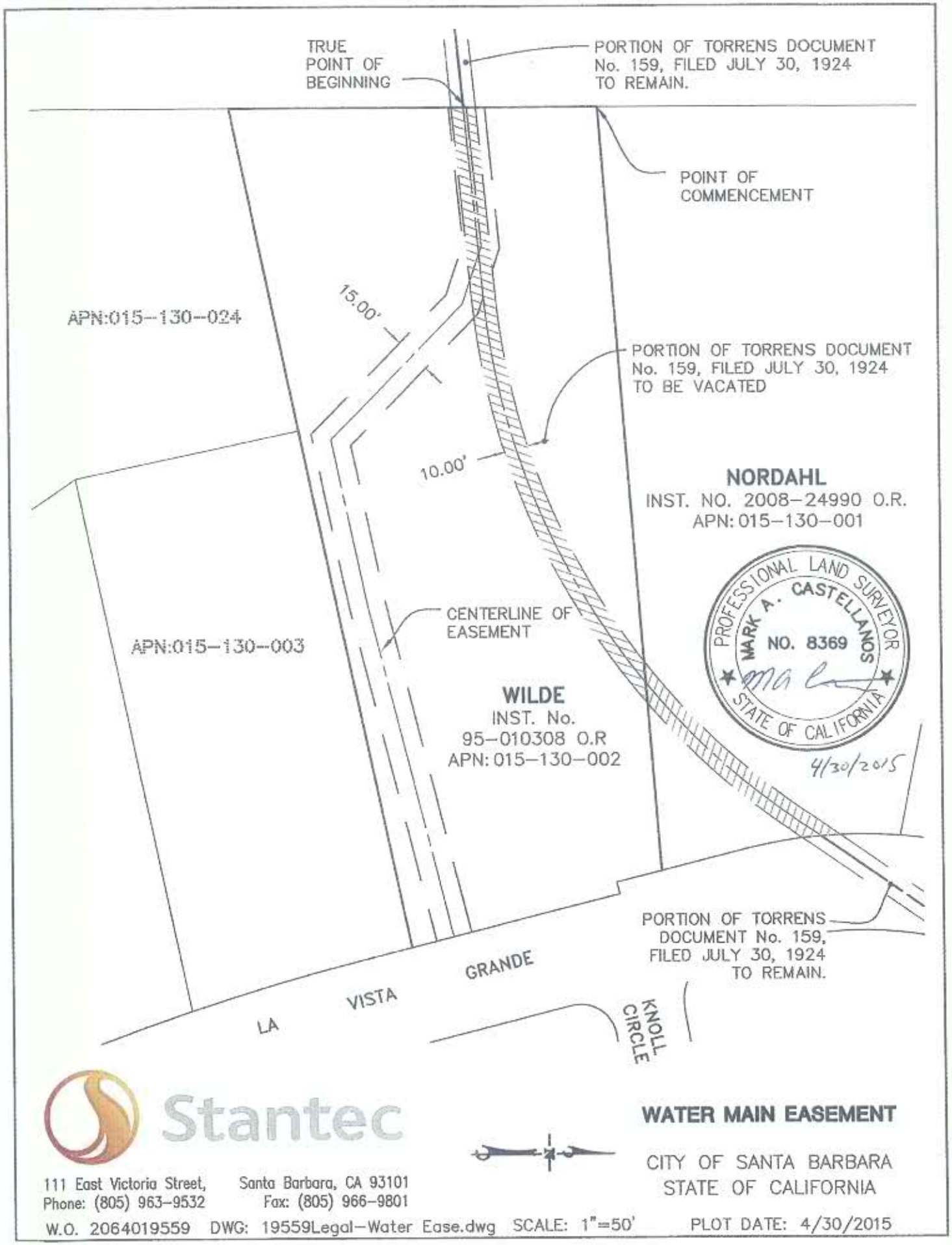
ATTACHMENT: Plat of New and Old Easements

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DI/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT


TRUE POINT OF BEGINNING
PORTION OF TORRENS DOCUMENT No. 159, FILED JULY 30, 1924 TO REMAIN.
POINT OF COMMENCEMENT
APN:015-130-024
15.00'
PORTION OF TORRENS DOCUMENT No. 159, FILED JULY 30, 1924 TO BE VACATED
10.00'
NORDAHL
INST. NO. 2008-24990 O.R.
APN: 015-130-001
PROFESSIONAL LAND SURVEYOR
MARK A. CASTELLANOS
NO. 8369
STATE OF CALIFORNIA
4/30/2015
CENTERLINE OF EASEMENT
APN:015-130-003
WILDE
INST. No.
95-010308 O.R
APN: 015-130-002
PORTION OF TORRENS DOCUMENT No. 159, FILED JULY 30, 1924 TO REMAIN.
LA VISTA GRANDE
KNOLL CIRCLE
Stantec
WATER MAIN EASEMENT
CITY OF SANTA BARBARA
STATE OF CALIFORNIA
111 East Victoria Street, Santa Barbara, CA 93101
Phone: (805) 963-9532 Fax: (805) 966-9801
W.O. 2064019559 DWG: 19559Legal-Water Ease.dwg SCALE: 1"=50' PLOT DATE: 4/30/2015

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA, ACCEPTING AN EASEMENT FOR A PUBLIC WATERLINE ON A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 202 LA VISTA GRANDE, SANTA BARBARA COUNTY ASSESSOR'S APN 015-130-002, AND ADOPTING AN ORDER SUMMARILY VACATING AND ABANDONING CERTAIN SUPERSEDED PORTIONS OF THE EXISTING EASEMENT FOR WATER PIPELINES AT 182 AND 202 LA VISTA GRANDE, BOTH WITHIN THE LIMITS OF SAID CITY

WHEREAS A certain new easement for a realigned public waterline and related facilities, hereinafter the "New Easement," has been offered to the City of Santa Barbara, a municipal corporation, as described in a certain Waterline Easement Deed delivered to the City of Santa Barbara, by Timothy I. Wilde and Caro E. Creighton, husband and wife, as joint tenants, the owners of the real property located at 202 La Vista Grande, Santa Barbara County Assessor's APN 015-130-002;

WHEREAS Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code, hereinafter known as the "Vacation Law," authorizes and establishes the method for the vacation of all or a part of any city street or public service easement;

WHEREAS There is an existing perpetual right of way easement for a water main and incidental purposes granted by Deed by Frank M. Gallaher and Abbie R. Gallaher to the City of Santa Barbara, a municipal corporation, filed on July 30, 1924, as Torrens Document No. 159, in the office of the County Recorder of Santa Barbara County, portions of which right of way easement are being referred to hereinafter as the "Superseded Easement Portions", which upon acceptance by the Council of the City of Santa Barbara of the New Easement offered by Timothy I. Wilde and Caro E. Creighton, shall become no longer necessary for the use, operation and maintenance of water pipelines by the City of Santa Barbara;

WHEREAS Pursuant to Section 8333, subsection c, of the Vacation Law, the City Council finds and declares that the Superseded Easement Portions proposed for summary vacation have been superseded by the relocation of the public water main within the alignment described in the New Easement, and there are no other public service facilities presently located within the Superseded Easement Portions;

WHEREAS The City Council finds that, upon its acceptance of the New Easement, the Superseded Easement Portions should therefore be summarily vacated; and

WHEREAS Pursuant to Section 8335 of the California Streets and Highways Code, the City Council finds and declares:

(1) That the vacation of the Superseded Easement Portions is made under Chapter 4, Part 3, Division 9 of the Streets and Highways Code;

(2) That the waterline easement summarily to be vacated is the Superseded Easement Portions;

(3) That the summary vacation of the Superseded Easement Portions is made and is necessary for the reasons set forth above; and

(4) That after the date of recordation of the Waterline Easement Deed by Timothy I. Wilde and Caro E. Creighton, along with this attached resolution, the Superseded Easement Portions shall no longer constitute a waterline easement.

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

SECTION 1. The City of Santa Barbara hereby accepts that certain New Easement for a public waterline and all related purposes described in the Waterline Easement Deed to the City of Santa Barbara, a municipal corporation, by Timothy I. Wilde and Caro E. Creighton, husband and wife, as joint tenants, the owners of the real property located at 202 La Vista Grande, Santa Barbara County Assessor's APN 015-130-002.

SECTION 2. That the Superseded Easement Portions are hereby ordered summarily vacated and abandoned and all lands covered by any of the Superseded Easement Portions shall no longer be subject to public water pipeline easement purposes.

SECTION 3. That the Superseded Easement Portions hereby ordered summarily to be vacated and abandoned are more particularly described as follows:

SEGMENT ONE:

<u>Wilde Parcel</u>

All of that portion of the perpetual right of way easement in the City of Santa Barbara, County of Santa Barbara, State of California, for a water main and incidental purposes granted by Deed from Frank M. Gallaher and Abbie R. Gallaher to the City of Santa Barbara, a municipal corporation, filed on July 30, 1924, as Torrens Document No. 159, in the office of the County Recorder of Santa Barbara County ("Water Main Easement"), lying within the real property described in the Quitclaim Deed to Timothy I. Wilde and Caro E. Creighton, recorded on February 28, 1995, as Instrument No. 95-010308 of Official Records of said County of Santa Barbara ("Wilde Parcel"), more particularly described as follows:

A strip of land ten feet in width, lying five feet on each side of the following described line.

Commencing at the northwest corner of said Wilde Parcel; thence, along the north line of said parcel, North 85°58'00" East, a distance of 240.32 feet to its intersection with the

centerline of the abovementioned Water Main Easement, said point of intersection being the True Point of Beginning, and the beginning of a non-tangent curve concave northwesterly having a radius of 300.00 feet, and a radial center which bears North 38°55'58" West; thence, along the centerline of said Water Main Easement the following two courses,

1st Westerly along said curve through a central angle of 33°11'58", an arc distance of 173.83 feet; thence,

2nd South 84°43'00" West, a distance of 81.73 feet to its intersection with the westerly line of said Wilde Parcel.

The sidelines of said vacation area are to be extended or shortened to terminate on the north and west line of said Wilde Parcel.

Containing 2,556 square feet or 0.059 acres, more or less.

END OF DESCRIPTION.

SEGMENT TWO:

Nordahl Parcel

All of that portion of the perpetual right of way easement in the City of Santa Barbara, County of Santa Barbara, State of California, for a water main and incidental purposes granted by Deed from Frank M. Gallaher and Abbie R. Gallaher to the City of Santa Barbara, a municipal corporation, filed on July 30, 1924, as Torrens Document No. 159, in the office of the County Recorder of Santa Barbara County ("Water Main Easement"), lying within the real property described in the Interspousal Transfer Deed to David C Nordahl, as to an undivided eighty-seven percent (87%) interest, and Alexandra Nordahl, as to an undivided thirteen percent (13%) interest, as tenants in common, recorded on April 28, 2008, as Instrument No. 2008-0024990 of Official Records of said County of Santa Barbara ("Nordahl Parcel"), more particularly described as follows:

A strip of land ten feet in width, lying five feet on each side of the following described line.

Commencing at the southwest corner of said Nordahl Parcel; thence, along said south line, North 85°58'00" East, a distance of 240.32 feet to its intersection with the centerline of the abovementioned Water Main Easement, said point of intersection being the True Point of Beginning, and the beginning of a non-tangent curve concave northwesterly having a radius of 300.00 feet, and a radial center which bears North 38°55'58" West; thence, following along the centerline of said Water Main Easement the following two courses,

1st Northeasterly along said curve, through a central angle of 16°27'02", an arc distance of 86.13 feet; thence,

2nd North 34°37'00" East, a distance of 10.67 feet to its intersection with the westerly line of La Vista Grande, 40 feet in width as shown on the map of The Ashley Knolls Tract filed in Book 29, Page 42 of Records of Survey, in the office of the

County Recorder, of said County.

The sidelines of said vacation area are to be extended or shortened to terminate on the south line of said Nordahl Parcel, and the west line of La Vista Grande as shown on said Record of Survey.
Containing 969 square feet or 0.02 acres, more or less

END OF DESCRIPTION.

SECTION 4. That the City Clerk, or an assigned and authorized representative of Fidelity National Title Insurance Company, or an assigned and authorized representative of First American Title Insurance Company, shall cause the Waterline Easement Deed by Timothy I. Wilde and Caro E. Creighton, together with a certified copy of this resolution accepting the New Easement and summarily vacating the Superseded Easement Portions, to be recorded in the Official Records, in the office of the County Recorder of the County of Santa Barbara.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE APPROVAL AND EXECUTION BY THE PUBLIC WORKS DIRECTOR OF A PROPOSITION 84 INTEGRATED REGIONAL WATER MANAGEMENT SUBGRANT AGREEMENT WITH THE SANTA BARBARA COUNTY WATER AGENCY, AND ANY AMENDMENTS THERETO, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY, REGARDING GRANT FUNDING AWARD FOR THE CITY OF SANTA BARBARA RECYCLED WATER ENHANCEMENT (OR REPLACEMENT) PROJECT

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

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

WHEREAS, City of Santa Barbara Resolution No. 14-051 authorized submittal of an application for 2014 IRWM Drought grant funding for the City of Santa Barbara Recycled Water Enhancement Project;

WHEREAS, the Santa Barbara County Water Agency, on behalf of the City of Santa Barbara and the Cachuma Operations and Maintenance Board, applied for and received grant funding through the State of California Department of Water Resources (DWR) Proposition 84 Drought Grant Round for two drought relief projects, namely the City of Santa Barbara's Recycled Water Enhancement Project and COMB's Lake Cachuma Drought Pumping Facility Project;

WHEREAS, the DWR has approved the grant application and requires that the Santa Barbara County Water Agency enter a Subgrant Agreement with the the City which will have a term of 35 years.

WHEREAS, Santa Barbara Charter Section 521 requires that all contracts that bind the City for a term longer than five (5) years 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 a Proposition 84 Integrated Regional Water Management Subgrant Agreement between the Santa Barbara County Water Agency and the City of Santa Barbara for the Recycled Water Enhancement Project, is hereby approved.

Section 3. The form of the Subgrant Agreement, on file with the City Clerk, is hereby approved, and the City of Santa Barbara Public Works Director is hereby authorized and directed, for and in the name and on behalf of the City, to execute the Subgrant Agreement with the Santa Barbara County Water Agency in substantially said form and any amendments thereto, subject to Approval as to Form by the City Attorney.

Agenda Item No. 7

File Code No. 530.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Highway Safety Improvement Program Traffic Signal Upgrades Project

RECOMMENDATION: That Council:

A. Award a contract with Lee Wilson Electric Company, Inc., in their low bid amount of $1,208,570 for construction of the Highway Safety Improvement Program Traffic Signal Upgrades Project, Bid No. 3682; and authorize the Public Works Director to execute the contract and approve expenditures up to $120,857 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. Transfer $582,227 of available appropriations from the Streets Capital Fund to the Streets Grant Fund and appropriate for the use of the project; and

C. Increase appropriations and estimated revenues related to the Highway Safety Improvement Program grant funding by $900,000 in the Fiscal Year 2016 Streets Grant Fund to cover the cost of construction for the Traffic Signal Upgrades Project.

DISCUSSION:

PROJECT BACKGROUND AND DESCRIPTION

The City of Santa Barbara has been awarded a $900,000 grant for the Highway Safety Improvement Program (HSIP) Traffic Signal Upgrades Project (Project) to make safety enhancements to 40 traffic signalized intersections in Santa Barbara. The scope varies by intersection, but the safety improvements generally include upgrading the size and mounting location of the vehicular indications (i.e. the red, yellow, and green lights) and installing pedestrian countdown timers at traffic signals that lack pedestrian indications. Some intersections will also include new streetlights, underground conduit, new pedestrian access ramps, painted poles, and decorative bases. No curb extensions or traffic signal mast arms are included in the Project.

Increasing the size of the vehicular indications from 8-inch diameter to 12-inch diameter improves the visibility of the traffic signals, which reduces the occurrence of vehicles running red lights. All new traffic signals must have 12-inch diameter indications, so this Project will upgrade older existing traffic signals to meet the current standard. The new pedestrian countdown timers will let pedestrians know when to cross and how much time is left to complete the crossing.

In addition to the Project's safety benefits, the Project will include much needed maintenance to some of Santa Barbara's oldest traffic signals, many within the downtown area, so they can operate reliably into the future. The maintenance efforts include new LED signal indications and new underground conduit and wiring. The condition of the underground conduit and wiring at many of Santa Barbara's traffic signals is deteriorating, and will need to receive increased attention in the coming years to ensure reliable operations.

After this Project is complete, there will be six traffic signals remaining in the downtown area to be outfitted with larger vehicular indications and pedestrian countdown timers. These intersections will each require significant rehabilitation to accommodate the new equipment. Staff intends to complete about one traffic signal rehabilitation per year for the next six years, funding permitting.

The attached map shows the 40 locations included in this Project, and the locations of the 6 downtown signals that staff intends to upgrade in the coming years.

The Highway Safety Improvement Program is a federal program administered by Caltrans. Other projects recently completed through this program include:

- De La Vina Street at Figueroa Street intersection improvements;
- Carrillo Street at Anacapa Street traffic signal modifications; and
- De La Vina Street at Arrellaga Street new traffic signal.

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	Lee Wilson Electric Company, Inc. Arroyo Grande, CA	$1,208,570.00
2.	Taft Electric Company, Inc. Ventura, CA	$2,136,439.70

The low bid of $1,208,570, submitted by Lee Wilson Electric Company, Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of $120,857, or ten percent, is typical for this type of work and size of project.

COMMUNITY OUTREACH

Staff will notify the property owners and residents located near the Project locations of the construction via mailers. Prior to construction, the contractor will be responsible for the final notice via door hangers 72 hours prior to construction.

FUNDING

This Project is primarily funded by a Highway Safety Improvement Program (HSIP) grant. The HSIP grant covers 90 percent of construction costs, up to $900,000, to be appropriated with this Council Agenda Report. The balance of $582,227, for construction and will come from a transfer of available appropriations in the Streets Capital Fund. Preliminary design and design costs of $97,145 for this project were spent out of the Streets Operating and Capital Funds in prior years.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	**Change Funds**	**Total**
Lee Wilson Electric Company, Inc.	$1,208,570	$120,857	$1,329,427
TOTAL RECOMMENDED AUTHORIZATION			**$1,329,427**

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

ESTIMATED TOTAL PROJECT COST

	CITY SHARE	HSIP SHARE	TOTAL
Design (by City Staff)	$80,145	$0	$80,145
City-Supplied Equipment	17,000	0	17,000
Subtotal	$97,145	$0	$97,145
Construction Contract	$308,570	$900,000	$1,208,570
Construction Change Order Allowance	120,857	0	120,857
Subtotal	**$429,427**	**$900,000**	**$1,329,427**
Construction Management/Inspection (by City Staff)	$135,000	$0	$135,000
Survey (by City Staff)	17,800	0	17,800
Subtotal	**$152,800**	**$0**	**$152,800**
TOTAL PROJECT COST	**$679,372**	**$900,000**	**$1,579,372**

ATTACHMENT(S): Project Location Map

PREPARED BY: John Ewasiuk, Principal Civil Engineer/LY/sk

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) TRAFFIC SIGNAL UPGRADES PROJECT

FEDERAL AID PROJECT # HSIPL-5007 (058) PROJECT NO. 7767, BID NO. 3682

VICINITY MAP
N.T.S.

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

APPROVED: CITY ENGINEER ORIGINAL SIGNED DATE ____ DATE ____

DESIGN	BG
DRAWN	BG
CHECKED	DB

NO.	DATE	APPROVED	REVISIONS

HIGHWAY SAFETY IMPROVEMENT PROGRAM TRAFFIC SIGNAL UPGRADES PROJECT

TITLE SHEET

2015-00834
PBW. NO.

3682 BID NO. | G1 SHT. DES.

C-1-4704
DWG. NO.

SHT. 1 OF 46

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CITY OF SANTA BARBARA

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) TRAFFIC SIGNAL UPGRADES PROJECT

FEDERAL AID PROJECT # HSIPL-5007 (058) PROJECT NO. 7767, BID NO. 3682

SHEET INDEX

SHEET #	SHEET DESIGNATOR	TITLE	DESCRIPTION
1	G1	TITLE SHEET	TITLE SHEET
2	G2	MATRIX OF WORK	–
3	G3	SIGNAL INDICATIONS & SIGNS	–
4	G4	PROJECT SPECIFIC DETAILS	–
5	C1	STATE STREET	AT LA CUMBRE ROAD
6	C2	STATE STREET	AT PLAZA AVENUE
7	C3	STATE STREET	AT HOPE AVENUE
8	C4	STATE STREET	AT HITCHCOCK WAY
9	C5	STATE STREET	AT ONTARE ROAD
10	C6	STATE STREET	AT BROADMOOR PLAZA
11	C7	STATE STREET	AT LAS POSITAS ROAD
12	C8	STATE STREET	AT DE LA VINA STREET
13	C9	STATE STREET	AT CALLE LAURALES
14	C10	LAS POSITAS ROAD	AT SAN ONOFRE ROAD
15	C11	DE LA VINA STREET	AT ALAMAR AVENUE
16	C12	MISSION STREET	AT BATH STREET
17	C13	MISSION STREET	AT DE LA VINA STREET
18	C14	MISSION STREET	AT CHAPALA STREET
19	C15	MISSION STREET	AT STATE STREET
20	C16	MICHELTORENA STREET	AT CASTILLO STREET
21	C17	MICHELTORENA STREET	AT BATH STREET
22	C18	MICHELTORENA STREET	AT DE LA VINA STREET
23	C19	MICHELTORENA STREET	AT CHAPALA STREET
24	C20	MICHELTORENA STREET	AT CHAPALA STREET (2)
25	C21	SANTA BARBARA STREET	AT MICHELTORENA STREET
26	C22	SANTA BARBARA STREET	AT VICTORIA STREET
27	C23	SANTA BARBARA STREET	AT ANAPAMU STREET
28	C24	SANTA BARBARA STREET	AT FIGUEROA STREET
29	C25	SANTA BARBARA STREET	AT COTA STREET
30	C26	SANTA BARBARA STREET	AT HALEY STREET
31	C27	ANACAPA STREET	AT MICHELTORENA STREET
32	C28	ANACAPA STREET	AT VICTORIA STREET
33	C29	ANACAPA STREET	AT FIGUEROA STREET
34	C30	ANACAPA STREET	AT ORTEGA STREET
35	C31	ANACAPA STREET	AT ORTEGA STREET (2)
36	C32	ANACAPA STREET	AT COTA STREET
37	C33	CARRILLO STREET	AT CASTILLO STREET
38	C34	CARRILLO STREET	AT BATH STREET
39	C35	CARRILLO STREET	AT DE LA VINA STREET
40	C36	CARRILLO STREET	AT CHAPALA STREET
41	C37	HALEY STREET	AT GARDEN STREET
42	C38	HALEY STREET	AT LAGUNA STREET
43	C39	GUTIERREZ STREET	AT GARDEN STREET
44	C40	HALEY STREET	AT BATH STREET
45	C41	SHORELINE DRIVE	AT HARBOR WAY
46	C42	SHORELINE DRIVE	AT LOMA ALTA

VICINITY MAP
N.T.S.

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

APPROVED: CITY ENGINEER ORIGINAL SIGNED DATE _____ DATE _____

DESIGN BG
DRAWN BG
CHECKED DB

NO.	DATE	APPROVED	REVISIONS

HIGHWAY SAFETY IMPROVEMENT PROGRAM TRAFFIC SIGNAL UPGRADES PROJECT

TITLE SHEET

2015-00834
PBW. NO.

3682 BID NO. | G1 SHT. DES.

C-1-4704
DWG. NO.

SHT. 1 OF 46

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Agenda Item No. 8

File Code No. 550.10

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Resolution To Postpone Proceedings To Form A New Business Improvement District In The Milpas Or Eastside Area

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Policy That Council Will Not Accept Petitions or Initiate Proceedings for the Formation of a New Business Improvement District in the Milpas or Eastside Area Prior to January 12, 2016.

DISCUSSION:

Under the California Streets and Highway Code, the Property and Business Improvement District Law of 1994 allows the creation of improvement districts for the purpose of providing improvements and activities through the levy of an assessment on the businesses or real property who receive a specific benefit. The law authorizes cities to collect the assessment on behalf of a nonprofit entity that is under contract by the city to implement activities outlined by the management district plan. Specifically, state law allows the district to provide the following activities:

- Promotion of public events which benefit businesses or real property in the district,
- Furnishing of music in any public place within the district,
- Promotion of tourism within the district,
- Marketing and economic development, including retail retention and recruitment,
- Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality, and
- Activities which benefit businesses and real property located in the district.

On November 11, 2014, Council received a presentation from the Milpas Community Association on proposed plans to create an Eastside Business Improvement District.

Shortly thereafter, a management plan was released and a petition gathering effort began to gain support for a new business improvement district. On July 14, 2015, Council received a presentation from the Greater Eastside Merchants Association on a different plan to create a Milpas Business Improvement District.

After listening to comments from both organizations and area businesses, Council strongly encouraged representatives of the Milpas Community Association and Greater Eastside Merchants Association to meet and work together to resolve differences between their plans. Council stated that they were not willing to accept petitions from either group to form a new business improvement district in the Milpas or Eastside area until January 2016. This would allow enough time for sufficient dialogue between both groups and the election of a new councilmember from the Eastside (District 1) who would participate in the Council discussion and review of any new proposal for the Eastside businesses. The attached resolution would establish a policy that Council will not accept petitions or initiate proceedings for a new business improvement district in this area prior to January 12, 2016.

PREPARED BY: Nina Johnson, Assistant to the City Administrator

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING A POLICY THAT COUNCIL WILL NOT ACCEPT PETITIONS OR INITIATE PROCEEDINGS FOR THE FORMATION OF A NEW BUSINESS IMPROVEMENT DISTRICT IN THE MILPAS OR EASTSIDE AREA PRIOR TO JANUARY 12, 2016

WHEREAS, under the California Streets and Highway Code, the Property and Business Improvement District Law of 1994 allows the creation of improvement districts for the purpose of providing improvements and activities through the levy of an assessment on the businesses or real property who receive a specific benefit;

WHEREAS, the City Council received a presentation on November 11, 2014 from the Milpas Community Association on proposed plans to create an Eastside Business Improvement District. A management plan was released and a petition gathering effort began shortly thereafter to gain support for a new business improvement district;

WHEREAS, the City Council received a presentation on July 14, 2015 from the Greater Eastside Merchants Association on proposed plans to create a Milpas Business Improvement District;

WHEREAS, the City Council encouraged the Milpas Community Association and the Greater Eastside Merchants Association on July 14, 2015 to work together to resolve differences between their respective plans for a new business improvement district;

WHEREAS, the City Council provided policy guidance to staff on July 14, 2015 to return with a formal policy for Council to postpone accepting petitions for a new business improvement district in the Eastside or Milpas area to January 2016;

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

The City Council will not accept petitions or initiate proceedings for the formation of a new business improvement district in the Milpas or Eastside area prior to January 12, 2016

Agenda Item No. 9

File Code No. 540.13

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Adoption Of Resolution For Sole Source Authorization For The Secondary Process Improvements Project at El Estero Wastewater Treatment Plant

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Specification of REXA Actuators as Sole Source Equipment for the Secondary Process Improvement Project at El Estero Wastewater Treatment Plant, Pursuant to California Public Contracting Code 3400(C).

DISCUSSION:

BACKGROUND

The El Estero Wastewater Treatment Plant (El Estero) processes approximately 8 million gallons of wastewater each day. El Estero was originally constructed in 1952; however, a majority of its current infrastructure was constructed in 1978 to meet the 1972 Clean Water Act requirements. Although subsequent capital improvements have been completed, El Estero has longstanding issues with highly variable secondary effluent quality, operational inflexibility, energy inefficiency, and secondary treatment capacity during wet weather events.

Over the past few years, Brown and Caldwell (B&C) has evaluated and developed recommendations to improve the secondary treatment process, prepared preliminary design reports, and on December 16, 2014 has most recently been awarded a contract for final design services for the Secondary Process Improvements Project (Project). A $20 million State Revolving Fund (SRF) loan has been executed and will be used to finance design and construction of this Project. The Project is currently scheduled to be competitively bid this fall, with construction scheduled to start early 2016.

As part of the final design process, B&C has identified two locations to field test specialized REXA actuators for suitability for future use. These two locations are the secondary effluent recycle gate and secondary effluent well gate. These two gates will be used to regulate flow automatically, according to process conditions, and will require frequent and finely tuned modulation to achieve the process appropriate flow rates.

Electric actuators generally benefit from being space saving, cost saving, and maintenance friendly, relative to hydraulic actuators; whereas hydraulic actuators generally benefit from being highly accurate and highly repeatable, and can be designed to run continuously. The REXA actuator combines the high accuracy and repeatability of traditional hydraulic actuators with the compactness and ease of maintenance of traditional electric actuators.

California Public Contracting Code, Section 3400(c), allows the awarding authority to call for a specific brand or trade name in contract specifications under certain circumstances, one of which is to field test or experiment to determine the product's suitability for future use. Therefore, staff recommends that Council find it in the City's best interest to specify REXA actuators as the sole source equipment for two gate actuators as part of the Project for field test to determine the product's suitability for future use.

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE SPECIFICATION OF REXA ACTUATORS AS SOLE SOURCE EQUIPMENT FOR THE SECONDARY PROCESS IMPROVEMENT PROJECT AT EL ESTERO WASTEWATER TREATMENT PLANT, PURSUANT TO CALIFORNIA PUBLIC CONTRACTING CODE 3400(C)

WHEREAS, the City of Santa Barbara ("City") intends to competitively bid and award a contract for the El Estero Wastewater Treatment Plant Secondary Process Improvement Project ("Project");

WHEREAS, the City has two locations which require frequent and finely tuned gate modulation to achieve process appropriate flow rates;

WHEREAS, the REXA actuators combine the high accuracy and repeatability of traditional hydraulic actuators with the compactness and ease of maintenance of traditional actuators;

WHEREAS, Public Contract Code Section 3400(C) allows the awarding authority to call for a specific brand or trade name in the contract specifications under certain circumstances, one of which is to field test or experiment to determine the product's suitability for future use;

WHEREAS, on August 11, 2015, pursuant to Public Contract Code Section 3400(c), the Council for the City of Santa Barbara finds it in the City's best interest to approve the sole source purchase of REXA actuators for the Project.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. In accordance with the Public Contract Code Section 3400(c), the City finds that it is in the City's best interest to approve the sole source specification of REXA actuators for the Project.

SECTION 4. The bid documents for the Project will include this Resolution and will state the finding the invitation for bids.

Agenda Item No. 10
File Code No. 270.06

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department
City Attorney's Office

SUBJECT: Resolutions To Execute Documents To Collect Prepaid Mobile Telephony Services Surcharges And To Examine Records

RECOMMENDATION: That Council:

A. Authorize the City Administrator to Enter Into an Agreement with the California Board of Equalization in Order to Receive Utility Users Taxes Imposed on Consumers of Prepaid Mobile Services;
B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator and the City Attorney to Execute Certain Documents Required by the Board of Equalization to Collect the City's Utility Users Tax on Prepaid Wireless Service; and
C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records.

DISCUSSION:

Under State Law and the City's Municipal Code, utility users taxes (UUT) are excise taxes imposed on consumers for the consumption of utility services, including electricity, gas, water, sewer, telephone, sanitation, and cable television. In Santa Barbara, a utility company (or its billing agent) collects the tax through the billings it sends to utility customers, and remits the revenues to the City each month.

Currently, UUT is collected by wireless service providers who include the charge on their customers' monthly invoices. For cellular utility taxes, customers pay 5.75% of the customer's telephone charges. However, customers who purchase prepaid wireless services usually avoid paying any UUT due to collection complications. With prepaid wireless, there is no contract, no monthly invoices, and the prepaid wireless services are usually sold by retailers, not service providers themselves. Since these transactions bypass the City's local UUT, the City experiences a significant loss of revenue.

Additionally, traditional phone plan users are treated disparately and the burden of the UUT is not equally shared among all telephone users.

Beginning January 1, 2016, Chapter 885, Statutes of 2014 (also known as Assembly Bill 1717) will take effect and establishes a prepaid mobile telephony services (MTS) surcharge based on a percentage of the sales price of each retail transaction that occurs in the state for prepaid wireless service. The law establishes a tiered rate structure, which results in the City's rate of 5.75% converting to a MTS rate of 5.5%. AB 1717 will require California retailers and on-line sellers to collect the local UUT at the same time it collects sales tax on its other retail products, based on the point of sale (for retail stores in the City of Santa Barbara). The law requires the retail seller to remit the amounts to the California State Board of Equalization (BOE) who will then distribute the proceeds of the tax related to local UUT charges, less administrative expenses, to the City each quarter. All local jurisdictions must contract with the BOE in order to receive UUT imposed on customers of prepaid wireless phone service.

The proposed resolutions will authorize the City Administrator and the City Attorney to execute certain documents required by the State Board of Equalization to collect the City's UUT on prepaid wireless service, including authorizing the City Administrator to enter into an agreement with the BOE in order to receive UUT imposed on consumers of prepaid mobile services. The resolutions will also authorize the Finance Director or other designated employee/officer to examine the prepaid mobile telephony services surcharge and local charge records. The State Board of Equalization requires local jurisdictions to enter into an agreement by September 1, 2015 in order to begin collecting UUT by January 1, 2016. Any agreements entered between September 1, 2015 and December 1, 2015, will delay the start of collection until April 1, 2016.

BUDGET/FINANCIAL INFORMATION:

Adopting the two resolutions and entering into an agreement with the State Board of Equalization by September 1, 2015 in order to begin receiving UUT imposed on consumers of prepaid wireless services by January 1, 2016 will result in additional revenues for the City. The City has estimated an increase in UUT revenues from cellular charges of approximately $350,000 for Fiscal Year 2016. These estimates are already included in the recently approved budget for Fiscal Year 2016.

PREPARED BY: Julie Nemes, Treasury Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

RESOLUTION NO._____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE CITY ADMINISTRATOR AND THE CITY ATTORNEY TO EXECUTE CERTAIN DOCUMENTS REQUIRED BY THE BOARD OF EQUALIZATION TO COLLECT THE CITY'S UTILITY USERS TAX ON PREPAID WIRELESS SERVICE

WHEREAS, pursuant to Ordinance No. 5471, the Telecommunications and Video Users' Tax Reduction and Modernization Ordinance of the City of Santa Barbara and the Local Prepaid Mobile Telephony Services Collection Act, the City of Santa Barbara (hereinafter CITY), wishes to enter into a contract with the State Board of Equalization, hereafter referred to as the BOARD, to perform all functions incident to the administration and collection of the prepaid mobile telephony services surcharge and local charges (Rev. & Tax. Code, § 42101.5) effective January 1, 2016; and

WHEREAS, the BOARD requires that CITY: Enter into a contract with the BOARD by September 1, 2015; certify the CITY'S UUT ordinance, its rate and applicability; and adopt a resolution authorizing certain persons access to confidential information of the BOARD that is reasonably available to the Board regarding the proper collection and remittance of a local charge of the CITY.

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

SECTION 1. The City Administrator is hereby authorized to sign on behalf of the City a contract with the BOARD, as approved as to form by the City Attorney, including any other related documents required by the BOARD to perform all functions incident to the administration and collection of the prepaid mobile telephony services surcharge and local charges. (Rev. & Tax. Code, § 42101.5.)

SECTION 2. The City Attorney is hereby authorized to sign on behalf of the City a certification required by the BOARD certifying certain information regarding the CITY's utility users tax ordinance, the applicable rate, and that it applies to all wireless telecommunication services, including prepaid wireless.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE EXAMINATION OF PREPAID MOBILE TELEPHONY SERVICES SURCHARGE AND LOCAL CHARGE RECORDS

WHEREAS, pursuant to Ordinance No. 5471 of the City of Santa Barbara and the Local Prepaid Mobile Telephony Services Collection Act, the City of Santa Barbara, hereinafter called Local Jurisdiction, entered into a contract with the State Board of Equalization, hereafter referred to as the Board, to perform all functions incident to the administration and collection of the prepaid mobile telephony services surcharge and local charges (Rev. & Tax Code, § 42101.5); and

WHEREAS, the Local Jurisdiction deems it desirable and necessary for authorized representatives of the Local Jurisdiction to examine confidential prepaid mobile telephony services surcharge and local charge records pertaining to the prepaid mobile telephony services surcharge and local charges collected by the Board for the Local Jurisdiction pursuant to that contract;

WHEREAS, the Board will make available to the Local Jurisdiction any information that is reasonably available to the Board regarding the proper collection and remittance of a local charge of the Local Jurisdiction by a seller, including a direct seller, subject to the confidentiality requirements of Sections 7284.6, 7284.7 and 19542 of the Revenue and Taxation Code; and

WHEREAS, Sections 42110 and 42103 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the prepaid mobile telephony services surcharge and local charge records of the Board.

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

Section 1. That the Finance Director or other officer or employee of the Local Jurisdiction designated in writing by the City Administrator to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine prepaid mobile telephony services surcharge and local charge records of the Board pertaining to prepaid mobile telephony service surcharge and local charges collected for the Local Jurisdiction by the Board pursuant to the contract between the Local Jurisdiction and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract.

Section 2. That the Finance Director or other officer or employee of the Local Jurisdiction designated in writing by the City Administrator to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine those prepaid mobile telephony services surcharge and local charge records of the Board for purposes related to the following governmental functions of the Local Jurisdiction:

a) Compliance and enforcement of the City's Telecommunications and Video Users' Tax Reduction and Modernization Ordinance (local charge);

b) Administrative functions set out in the City's Telecommunications and Video Users' Tax Reduction and Modernization Ordinance;

c) Legal interpretation and enforcement of utility users tax ordinance, including but not limited to refunds and defense of claims against ordinance.

BE IT FURTHER RESOLVED THAT the information obtained by examination of the Board records shall only be used for purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract between the Local Jurisdiction, as identified above in Section 2.

Agenda Item No. 12

File Code No. 530.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Amend Municipal Code Chapter 5.66, News Racks

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 5.66 of the Santa Barbara Municipal Code to Establish News Rack Regulations.

DISCUSSION:

The News Rack Ordinance is being amended to respond to public complaints about the condition of some of the news racks in the City, to fund inspections and compliance, and to simplify the permit submittal requirements for news rack owners. The long standing news rack maintenance requirements of the original ordinance remain, for the most part, unchanged. The amendments, as discussed in more detail below, will enhance public safety and create a more unified appearance of the news racks through an annual inspection and registration program.

BACKGROUND

For many years, City staff has received complaints about the condition of the news racks in the City. In past years, Staff responded to the complaints on a case-by-case basis with some success. More recently, however, the number of complaints has increased. In response to the rise in complaints, in the spring of 2014, using new inventory and tracking software, City Staff did an inventory and inspection of all news racks existing in the City. Through this inspection, staff located and photographed 770 news racks. The inventory revealed that many news racks were in poor condition, and in some cases may have posed a potential danger to the public.

After the inspection and inventory, Staff initiated a public outreach process with the news rack owners and the publishers who fill them in an effort to gain voluntary compliance with the maintenance standards set forth in the existing ordinance. Some of the news racks were never claimed and the City was forced to remove them at the City's own cost. Based

on the increase in complaints, and the condition of the news racks discovered during the initial inventory and inspection, it has become clear that an annual inspection and registration program is necessary to ensure compliance with the City's maintenance requirements.

The existing ordinance does not presently provide for annual registration and inspection of the news racks, or account for the costs associated with implementing an inspection program. The proposed ordinance amendment will require that news rack owners register their racks annually and take a more proactive approach in maintaining the racks. The proposed nominal registration fee is intended to cover the cost necessary to process the registration paper work and perform an annual inspection of the news racks. The annual registration fee will never exceed the actual cost to administer the news rack inspection program and (at the request of the news rack owners) limits any annual fee increase to the CPI adjustment for that year.

The new field inventory software purchased by the City provides detailed information of each news rack's field conditions and allows the City to quickly identify each corresponding owner, resulting in effective and efficient management of the proposed news rack inspection program.

PUBLIC MEETINGS

Since June 2014 Staff has been meeting with publishers, news rack owners, and other interested parties to discuss proposed amendments to the current news rack ordinance. There have been eight working meetings and six public (noticed) meetings.

On April 27, 2015 Staff met with the Architectural Board of Review (ABR), and on May 6, 2015, staff met with the Historic Landmarks Commission (HLC) regarding the maintenance standards of citywide news racks (see Attachment 1). At both meetings, the ABR and HLC approved the proposed news rack styles and colors (Attachment 2). These approvals were incorporated into the maintenance requirements of the proposed draft Ordinance amending Chapter 5.66, of the Municipal Code.

ORDINANCE CHANGES

The proposed fundamental changes to the Ordinance include:

- Annual registration that will ensure that those news racks meeting the maintenance requirements are identified and repaired;
- Annual registration fees to provide cost recovery of an initial permitting process and an annual inspection;
- A method to determine how space in any newly installed City owned news rack cabinets will be assigned, specifically in the Downtown corridor and La Entrada areas;
- More explicit aesthetic standards that will eventually lead to a more uniform appearance of the rack as existing news racks are cycled out due to maintenance

or other purposes (i.e. newly installed news racks will be painted Malaga green, as opposed to the existing ordinance provision that allows for brown or green news racks, and all future news racks that are installed will be the same general model); and

- Reorganization of the ordinance to make it easier to understand by the public and news rack owners.

On June 30, 2015, staff made a presentation to the Ordinance Committee recommending approval of amending Municipal Code Chapter 5.66, relating to the permitting and maintenance of news racks existing on public property within the City. During the meeting at public comment, representatives of the Santa Barbara News-Press (News-Press) and Santa Barbara Independent (Independent) expressed concern over the proposed ordinance language specifically with respect to permitting fees; the lack of clarity as to whether or not the prohibition against advertising on news racks included advertising to promote the publications contained within the news rack; the impact to existing news racks affixed to shared pedestals that may be removed during the initial permitting implementation period; the lack of a person other than the Public Works Director to hear appeals regarding the removal of a news rack; and the possible lack of consistency within the Ordinance with regard to the definition of “obscene” material. The Ordinance Committee recommended that staff, in conjunction with the City Attorney, meet with stakeholders from the News-Press and the Independent to discuss possible revisions to the Ordinance to address the concerns articulated at the meeting. The Ordinance Committee directed staff to put the matter back on the agenda within two weeks, or as soon as possible, for subsequent discussion and further review.

On July 6, 2015, City Staff, with the City Attorney, met with the stakeholders from the News-Press and the Independent. The parties discussed all of the concerns raised at the June 30, 2015, Committee meeting, including the scope of the language requiring news rack owners to maintain insurance and naming the City as additional insured during the term of the permit. The City Attorney agreed to make certain revisions to the existing Ordinance language to address their concerns. Specifically, in part, the City Attorney revised the language in the ordinance to provide for greater clarification with respect to registration fees, the definition of “obscenity”, and the application of the new maintenance standards to existing news racks. The City Attorney further revised the language to provide for a person other than the Public Works Director to hear appeals pertaining to the removal of news racks and set a limit on the insurance requirements at one million dollars.

On July 10, 2015, a draft containing the City Attorney’s revisions to the originally proposed Ordinance, was emailed to the news rack stakeholders. City Staff returned to the Ordinance Committee on July 28, 2015. Staff advised the committee members of the changes that were made to the ordinance in order to address the concerns expressed by the Independent and the News-Press at the June 30th Ordinance Committee meeting. After hearing the presentation by staff, the Ordinance Committee moved 2/1 to bring the proposed amended ordinance to the City Council for approval.

ADOPTION AND IMPLEMENTATION OF THE AMENDED ORDINANCE

Once the amended ordinance is adopted by City Council and becomes effective, news rack owners will have 30 days to submit for their news rack registration. Registered news racks owners are to achieve compliance with the ordinance conditions and maintenance standards (except for existing news racks, which will not have to meet the color and model specifications until the existing rack is past its useful life and requires replacement), pay an annual fee, and obtain a permit within 90 days of registration. News rack owners with more than 30 news racks may request approval from the City for an implementation plan that may take longer than 90 days, however, compliance of all news racks is anticipated before July 1, 2016.

BUDGET/FINANCIAL INFORMATION:

Currently, no City funds are budgeted for news rack inspection and management. Staff has proposed new news rack fees to replace the current fee structure. The current fees are for a one time application and then subsequent annual registration renewal. All existing news racks will have their application fee waived. Further, the proposed fee pertaining to City-owned cabinets in the Downtown corridor will also cover the anticipated cost of maintaining the cabinets.

The proposed fees in the amended ordinance would be limited to cost recovery of staff time to process permit applications and manage, annually inspect, and enforce the proposed news rack maintenance requirements. Any future fee increase would also be limited to the increase in the CPI adjustment for the current year, which could potentially restrict Council in the future from increasing fees to a rate that would actually cover staff's costs for managing and inspecting the news racks.

The current news rack fees were presented to the Finance Committee on May 5, 2015, for their review and comments. The Finance Committee agreed with the fees. In summary, the annual registration fees are $13 for privately owned news racks, $18 for news racks in City owned cabinets, and an initial application fee of $236 (which is waived for currently existing news racks.) The current fees, which were approved by Council by Resolution 15-053 on June 24, 2015, are shown on Attachment 3.

ATTACHMENTS:
1. Excerpts from ABR and HLC Meeting Minutes
2. ABR/HLC Approved News Rack Styles
3. News Rack Fees

PREPARED BY: John Ewasiuk, Principal Civil Engineer/TS/sk

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ARCHITECTURAL BOARD OF REVIEW
MINUTES

Monday, April 27, 2015 **David Gebhard Public Meeting Room: 630 Garden Street** **3:00 P.M.**

BOARD MEMBERS: KIRK GRADIN – CHAIR (Consent Agenda Representative)
SCOTT HOPKINS – VICE-CHAIR
THIEP CUNG
COURTNEY JANE MILLER (Consent Agenda Landscape Representative)
STEPHANIE POOLE (Consent Agenda Representative)
AMY FITZGERALD TRIPP
WM. HOWARD WITTAUSCH

CITY COUNCIL LIAISON: DALE FRANCISCO
PLANNING COMMISSION LIAISON: JOHN CAMPANELLA
PLANNING COMMISSION LIAISON (Alternate): SHEILA LODGE

STAFF: JAIME LIMÓN, Design Review Supervisor
SUSAN GANTZ, Planning Technician
KATHLEEN GOO, Commission Secretary

Website: www.SantaBarbaraCA.gov

An archived video copy of this regular meeting of the Architectural Board of Review is viewable on computers with high speed internet access on the City website at www.SantaBarbaraCA.gov/ABRVideos.

CALL TO ORDER:

The Full Board meeting was called to order at 3:00 p.m. by Chair Gradin.

ATTENDANCE:

Members present: Gradin, Cung (until 7:16 p.m.), Hopkins, Miller, Poole (until 5:45 p.m.), Tripp and Wittausch.
Members absent: None.
Staff present: Gantz and Goo.

GENERAL BUSINESS:

A. Public Comment:

No public comment.

B. Approval of Minutes:

Motion: Approval of the minutes of the Architectural Board of Review meeting of **April 13, 2015**, as amended.
Action: Wittausch/Miller, 5/0/2. Motion carried. (Gradin/Cung abstained, and Miller abstained from Item 1).

C. Consent Calendars:

Motion: Ratify the Consent Calendar of **April 20, 2015**. The Consent Calendar was reviewed by **Amy Fitzgerald Tripp**.
Action: Hopkins/Tripp, 6/0/1. Motion carried. (Gradin abstained).

Motion: Ratify the Consent Calendar of **April 27, 2015**. The Consent Calendar was reviewed by **Kirk Gradin** and **Courtney Jane Miller**.
Action: Hopkins/Miller, 7/0/0. Motion carried.

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

1) Ms. Gantz made the following announcements:
   a) Board Member Tripp will be stepping down on Items 6 and 7 at 401 E. Haley Street and 412 E. Haley Street, respectively;
   b) Board Member Miller will be stepping down on Item 2 at 110 S. Hope Avenue; and
   c) Board Member Poole will attend the meeting from 3:00 p.m. – 5:45 p.m.

E. Subcommittee Reports.

No reports were made.

CONCEPT REVIEW - CONTINUED ITEM

1. CITYWIDE NEWS RACKS **ROW Zone**

(3:15) Assessor's Parcel Number: 000-000-0RW
Application Number: MST2014-00599
Owner: City of Santa Barbara

(Proposal to update the City's News Rack Ordinance in order to provide more effective news rack management and maintenance.)

(Second Concept Review. Action may be taken if sufficient information is provided. Project was last reviewed on February 2, 2015.)

Actual time: 3:09 p.m.

Present: John Ewasiuk, Principal Civil Engineer.

Public comment opened at 3:27 p.m.

1) Elizabeth Wright, expressed support with submitted personal suggestions as a self-appointed "community liaison".
2) Joe Cole, Agent for the SB Independent, expressed support as an independent distributor representative.

Public comment closed at 3:30 p.m.

Board comments:

1) No advertizing would be allowed on the new rack boxes or pedestals.
2) A majority of the Board is in support of clean, simple, and uniform smaller size new racks with a minimalistic design (#KJ-50E).
3) If multiple rack boxes are used, a majority of the Board was in favor of smaller size boxes on a common rack, and positioned as close together as possible.
4) Standardize and minimize the size of the newspaper and magazine logos and contact information as much as possible, to be placed only on the front centered bottom portion of the boxes so as not to be seem from the street.
5) A majority of the Board found supportable an overall Malaga green color, including support post.

City of Santa Barbara
Planning Division

HISTORIC LANDMARKS COMMISSION
MINUTES

Wednesday, May 6, 2015 **David Gebhard Public Meeting Room: 630 Garden Street** **1:30 P.M.**

COMMISSION MEMBERS: PHILIP SUDING, *Chair*
BARRY WINICK, *Vice-Chair*
MICHAEL DRURY
WILLIAM LA VOIE
BILL MAHAN
FERMINA MURRAY
JUDY ORÍAS
CRAIG SHALLANBERGER
JULIO JUAN VEYNA

ADVISORY MEMBER: DR. MICHAEL GLASSOW
CITY COUNCIL LIAISON: DALE FRANCISCO
PLANNING COMMISSION LIAISON: SHEILA LODGE

STAFF: JAIME LIMÓN, Design Review Supervisor / Historic Preservation Supervisor
NICOLE HERNÁNDEZ, Urban Historian
JOANNA KAUFMAN, Planning Technician
GABRIELA FELICIANO, Commission Secretary

Website: www.SantaBarbaraCA.gov

An archived video copy of this regular meeting of the Historic Landmarks Commission is viewable on computers with high speed internet access on the City website at www.santabarbaraca.gov/hlc and then clicking on the Videos under Explore.

CALL TO ORDER.

The Full Commission meeting was called to order at 1:30 p.m. by Chair Suding.

ATTENDANCE:

Members present: Drury, La Voie, Mahan, Orías, Shallanberger, Suding, and Winick.

Members absent: Murray and Veyna.

Staff present: Limón (until 2:25p.m. and again at 3:08 p.m. until 3:25 p.m.), Hernández (until 6:25 p.m.), Kaufman, and Feliciano.

GENERAL BUSINESS:

A. Public Comment:

No public comment.

Motion: **Continued to the Planning Commission with comments:**

Proposal:

1. The project as proposed is not acceptable.
2. The thoroughness of the AUD and solar presentation is appreciated.

Setbacks:

3. The proposed setbacks from the street are appropriate and extremely important, but they are too narrow.
4. The side and rear setbacks from the historic resource are not appropriate for this site.

Size, bulk and scale:

5. The size, bulk and scale are not appropriate for this site.
6. The proposed height is not compatible with the surrounding neighborhood with its one and two story buildings. The Commission finds the fourth story is unsupportable.
7. The massing needs to be reduced.
8. The density of the proposed number of units should be appropriate to the site, neighborhood, and adjacent historic resources not withstanding what the AUD would allow. The AUD should be appropriately applied to this site and the neighborhood.

Architecture/Design:

9. The design is too contemporary and should be restudied.
10. The architecture should be compatible with the historic context. The project should respect the adjacent historic resources and should be compatible with the neighborhood.
11. Restudy the courtyard concept. Look to the historic El Paseo's courtyard for inspiration.
12. The north elevation should be treated as a primary elevation and not as a back-of-house. It is viewed from a significant historic resource and is adjacent to Anacapa School which is diminutive in scale.

Landscaping:

13. The loss of landscaping is of concern. Significant trees on the site should be retained. Landscaping should be used to tie the project into the neighborhood.

Mixed-Use:

14. The multi-use aspect, especially the commercial component, should take into consideration the amenities of the neighborhood and the project, and the needs of future residents.

Action: Winick/Drury, 7/0/0. (Murray/Veyna absent.) Motion carried.

**** THE COMMISSION RECESSED FROM 5:40 PM TO 5:47 PM ****

CONCEPT REVIEW - CONTINUED

7. **CITYWIDE NEWS RACKS** ROW Zone

(5:00) Assessor's Parcel Number: 000-000-0RW
Application Number: MST2014-00599
Owner: City of Santa Barbara

(Proposal to update the city's news rack ordinance in order to provide more effective news rack management and maintenance.)

(Second Concept Review; action can be taken if sufficient information is provided. Project last reviewed on February 11, 2015.)

Actual time: 5:47 p.m.

Present: John Ewasiuk, Principal Engineer

Public comment opened at 5:57 p.m.

Elizabeth Wright, local community liaison, spoke in support of the project and requested consistency. She also asked that there be less news racks in front of the main post office downtown. She urged the public to report graffiti on news racks to the graffiti hotline.

Mike Park, Santa Barbara News-Press representative, spoke in support of the project and expressed appreciation for the collaboration between staff and news rack owners.

Scott Kaufman, Santa Barbara Independent representative, spoke in support of the project and expressed appreciation for staff's efforts to offer newspapers in an attractive way.

Public comment closed at 6:01 p.m.

Motion: **Project Design Approval with recommendations to the Ordinance Committee in the process of updating the city's news rack ordinance:**

1. Malaga green shall be used for the news rack boxes and pedestals in El Pueblo Viejo Landmark District.
2. Double periodical racks shall be consolidated as well as the single racks.
3. New installations shall be placed inside the sidewalk and/or near a wall rather than on the curb.
4. The smaller bases shall be less obtrusive.

Action: Mahan/Drury, 7/0/0. (Murray/Veyna absent.) Motion carried.

CONCEPT REVIEW – CONTINUED / HISTORIC STRUCTURES REPORT

8. **713 SANTA BARBARA ST** C-2 Zone

(5:20) Assessor's Parcel Number: 031-081-007
Application Number: MST2014-00390
Owner: Santa Barbara Historical Society
Architect: Richard Redmond

(This is a revised project description. Proposal to install a new air-conditioning compressor unit on a concrete base adjacent to the northeastern corner of the Historic Adobe at the Santa Barbara Historical Museum. No changes are proposed to the existing Covarrubias Adobe or the Santa Barbara Historical Museum buildings. Both the Historic Adobe (1825) and the Covarrubias Adobe (1830) are City and State Designated Historic Landmarks. The Santa Barbara Historical Museum is on the City's List of Potential Historic Resources.)

a) (Historic Structures/Sites Report prepared by Alex Cole. Report concludes the project would have a less than significant impact on the significant historic resource.)

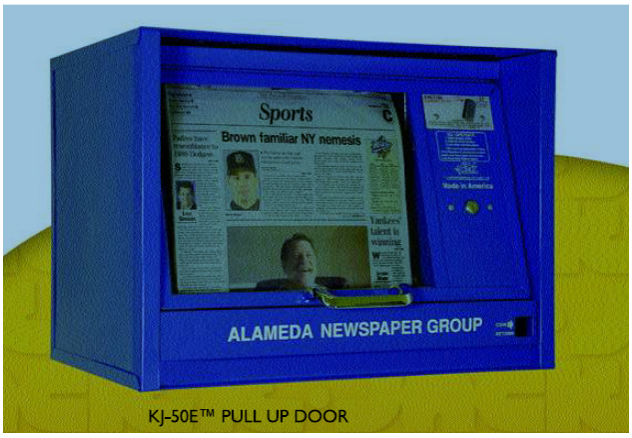
Actual time: 6:17 p.m. and again at 6:23 p.m.

Present: Alex Cole, Historical Consultant
Richard Redmond, Architect
Warren Miller, Santa Barbara Historical Society

ATTACHMENT 2

ABR/HLC Approved News Rack Styles

K-JACK Model KJ-125T



INSERTED INTO CITY NEWS RACK CABINETS & ON PEDESTALS

E. News Racks (SBMC 5.66)

~~Registration (1 to 10 racks)~~	~~$18.54/box~~
~~Registration (over 10 racks)~~	~~$8.76/box~~
Annual fee	$13/box
Annual fee for news racks in City cabinets (in addition to the annual fee)	$18/box
Application fee for a new news rack	$236

COUNCIL INTRODUCTION DRAFT (8/11/15)

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 5.66 OF THE SANTA BARBARA MUNICIPAL CODE TO ESTABLISH NEWS RACK REGULATIONS

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

SECTION 1. Amending Chapter 5.66 of the Municipal Code in its entirety at follows:

5.66.010 Purpose and Legislative Findings

A. Purpose. The purpose of this chapter is to promote the public health, safety, and welfare by establishing objective standards for locating news racks through the regulation of location, appearance, size, and maintenance of news racks on City rights-of-way in order to:

1. Protect the right to distribute information, protected by the United States and California Constitutions, through the use of news racks.
2. Provide for pedestrian and vehicular safety and convenience.
3. Minimize interference with the flow of pedestrian or vehicular traffic, including but not limited to ingress into or egress from any place of business or residence, from the street to the sidewalk or from parked vehicles to the sidewalk, by establishing objective standards for locating news racks.
4. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes, and similar appurtenances, and access to locations used for public transportation purposes.
5. Reduce visual blight on City streets, promote tourism, encourage well-designed and aesthetically compatible news racks, and protect the aesthetics and value of surrounding properties.

B. Legislative Findings. The City Council finds that, with the exception of those regulations governing the display of harmful matter, the time, place and manner restrictions established by this chapter are content-neutral, narrowly tailored to serve significant government interests, and leave open ample alternative channels of communication in that:

1. The news rack location, appearance, size, and maintenance regulations established in this chapter apply regardless of the content of the publication.
2. The news rack location, appearance, size, and maintenance regulations established in this chapter serve a substantial government interest by protecting the aesthetic appearance of the City, avoiding visual clutter,

assuring safe and convenient pedestrian circulation, helping to promote tourism and economic vitality, and preventing dangerous installations of news racks.

3. The number, size, construction, placement and appearance of news racks can have a significantly adverse visual impact in designated Landmarks District like El Pueblo Viejo and other aesthetically sensitive areas.
4. The Downtown Plaza has become very congested, with street furniture and other sidewalk encroachments, automobiles, and other means of travel competing with pedestrians for the public space; and that special standards for the design and location of news racks, in conjunction with a program for the furnishing and installation of uniform street furniture, and the enforcement of existing regulations for other encroachments in the downtown commercial area, will help to create a sense of order and provide a friendly environment for those who come to the area. The Downtown Plaza is both crucial and unique for the City because it is the congregating point for most tourism and establishes the basic character of the City.
5. The news rack location, appearance, size, and maintenance regulations established in this chapter for the Downtown Plaza leaves open ample alternative channels of communication in that only a small fraction of the City is subject to the required use of City owned and maintained modular news rack cabinets, and hundreds, if not thousands, of locations remain available in the City for the installation of privately owned and maintained news racks.
6. With respect to the display of harmful matter, there is a compelling government interest in protecting the welfare of minors by preventing access to materials deemed obscene as to minors, as defined in Section 313 of the Penal Code, and that the use of blinder racks is a narrowly tailored solution to serve this interest.
7. Annual permit renewal fees for news racks located in City owned modular cabinets within the Downtown Plaza will be higher than registration fees for independently owned and maintained news racks due to depreciation of the condominiums and maintenance during the useful life of the modular cabinets.

5.66.020 Organization of this Chapter.

This chapter establishes the sole regulations governing the placement and maintenance of news racks within the City on public property. This chapter establishes application and permit requirements including location, appearance, size, and maintenance standards for all news racks in the City. In addition, this chapter establishes special time, place and manner regulations for the Downtown Plaza where City owned and maintained modular news rack cabinets have been installed. In the Downtown Plaza, freestanding private news racks are not permitted. This chapter also establishes regulations governing the display of harmful matter in news racks. Finally, this chapter establishes definitions of the significant terms it uses.

5.66.030 Definitions

For the purposes of this chapter, the following words and phrases are defined and shall be given the meaning set out in this section unless it is apparent from the context that a different meaning is intended:

A. ABANDONED NEWS RACK. Any news rack which remains empty for fourteen (14) consecutive days. A news rack or news rack unit within a City owned modular cabinet without a permit or expired permit. Notwithstanding the forgoing, a news rack remaining empty due to labor strike or any temporary and extraordinary interruption of distribution or publication by the newspaper or other publication sold or distributed from that news rack shall not be deemed abandoned.

B. BEACHFRONT AREA. Cabrillo Boulevard/Shoreline Drive between the easterly end of Shoreline Park and the intersection of Cabrillo Boulevard and Channel Drive.

C. CITY INVENTORY. The record of approved applications, permits and field inventory data that may be established and updated from time to time by the City, and which shall be available on the City's website.

D. DOWNTOWN PLAZA. State Street and within 200 feet of State Street between its intersection with Cabrillo Boulevard and Victoria Street, and all publicly owned or controlled paseos or walkways which connect with State Street between Cabrillo Boulevard and Victoria Street.

E. FEES. Annual permit fee for each news rack and the additional fee for news racks in the City modular news rack cabinets shall be established by Council resolution in an amount not to exceed the actual costs of the news rack program including permitting, inspection, and administration. This fee may be adjusted annually for inflation by the percentage change in the Consumer Price Index for Urban Consumer (CPI-U) of the Los Angeles – Riverside – Orange County, CA as published by the Bureau of Labor Statistics, commencing on July 1, 2016. Indexing shall be considered as part of the annual fee resolution update. A copy of the current fee resolution will be available on the City's website.

F. EXISTING NEWS RACK. Any news rack located within the City, including news racks located within City modular cabinets in the Downtown Plaza, prior to the effective date of this Ordinance, which has been verified by the City Inventory as of the effective date of this Ordinance.

G. LANDMARKS DISTRICT. A district established pursuant to Chapter 22.22 of the Code.

H. NEWS RACK. Any self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display, distribution or sale of any written or printed material, including but not limited to, newspapers, news periodicals, magazines, books, pictures, photographs, advertising circulars, and records (hereinafter collectively referred to as "news rack material").

I. OWNER. The person or representative of a business with a current City Business License duly responsible for news rack ownership, application submittal, application requirements, placement, maintenance, removal, payment of fees and signatory of the permit for a news rack in a right of way. Owner may also be referred to as person, applicant, distributor, publisher or vendor.

J. PARKWAY. The area between the sidewalk and the curb of a street and, where there is no sidewalk, the area between the edge of the roadway and the nearest right of way boundary line and any area within a roadway not used for vehicular traffic.

K. PERSON. An individual, corporation, business entity, or association, and their principals, officers, agents or employees.

L. PUBLIC PROPERTY. Public property refers to all improved or unimproved real property owned, maintained, or leased by a public agency or governmental entity.

M. PUBLIC WORKS DIRECTOR. The Director of the City Public Works Department or his or her designee.

N. RIGHT OF WAY. Any public property under the ownership and control of the City and used for public street and related purposes.

O. ROADWAY. The portion of a right of way designed and used for vehicular traffic.

P. SHARED PEDESTAL. The foundation, columns, and rack assembly used for attachment of multiple news rack units and maintained by designated owner according to the annual permit.

Q. SIDEWALK. Any public surface provided for the use of pedestrians.

R. STREET. That area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks.

5.66.040 Permit Required

It is unlawful for any person to install, place or maintain a news rack on or projecting onto public property, roadways, streets, sidewalks, or right of way unless and until a news rack has been registered and an annual permit has been obtained from the Public Works Director. No other City permit shall be required.

5.66.050 Application, Registration and Standards for Permit Issuance.

A. Submittal of Applications. Applications for news rack permits shall be made to the Public Works Director on forms established by the City with payment of an annual permit application fee. Applications that are on file with the City that have current information may be used for permit of subsequent annual permits.

1. Proposed New Installation or Relocation of News Rack. An application shall be approved and permit granted if the application proposes a new installation or relocation of a news rack in conformance with all requirements of this chapter. An application that proposes new installation of a news rack not in conformance with all requirements of this chapter shall be denied and no permit issued.

2. Existing News Rack with Current Permit. Existing news racks with evidence of an existing permit are subject to submittal of an application and annual permit fee.

3. Existing News Rack without Current Permit. News racks located within the City prior to enactment of this Ordinance, which have been verified by the current City Inventory, without evidence of a current permit will be required to submit an application and obtain an annual permit pursuant to subparagraph B, below. Existing news racks that are affixed to a shared pedestal as of the

effective date of this ordinance, but are relocated to an adjacent area on a standalone mount during the initial application process set forth in subparagraph B below, shall be considered existing news racks for the purpose of this section.

4. Existing New Racks in City Modular Cabinets in the Downtown Plaza. News Racks in the City Modular Cabinets in the Downtown Plaza prior to enactment of this Ordinance, which have been verified by the City Inventory upon the effective date of this Ordinance may continue to remain in use in the same location by the same owner and publication if an application is submitted and approved.

5. Existing City Modular Cabinets that Become Available in the Downtown Plaza After the Effective Date of the Ordinance. With respect to permits for news racks located in City owned modular cabinets that become available due to abandonment, applications submitted shall be approved for that specific location on a first-come, first-served basis.

6. New City Modular Cabinet Spaces for News Racks Located within the City Downtown Plaza. With respect to permits for news racks that are newly installed by the City in the Downtown Plaza, an initial implementation period shall take place, at which time the City shall accept permit applications for the new spaces for a period of sixty (60) calendar days from the rack being installed. Permits shall be issued within twenty (20) days of the last day of the initial implementation period in accordance with subparagraphs a) and b) of this section.

a) **Initial Implementation Period for Permit Applications Fewer than the Number of Available Cabinets.** Where fewer permit applications are received during the initial implementation period than the number of available cabinets, applications will be approved on a first come, first-served basis. If there is more than one application for a specific geographic location pending, then the priority for granting the applications shall be set forth in subparagraph b) of this section.

b) **Initial Implementation Period for Permit Applications Greater than the Number of Available Cabinets.** If permit applications exceed the number of potential locations that are then available, priority shall be given based on frequency of publication, with the higher priority given to publications for which new editions or issues were published on a daily or weekly basis in the full calendar month preceding the date of application. If no applications are submitted by publications issued on a daily or weekly basis, then priority shall next be given based on frequency of publication based on the number of new editions or issues published most frequently in the full calendar month preceding the date of application. Within groups of applicants with the same priority, permits shall be granted to the maximum allowable in a block by the drawing of lots in a process established by the Public Works Director. It shall be a condition of any permit granted according to a priority set forth in this

section to maintain editions in the news rack according to the frequency for which the priority was given.

B. Registration and Application for Existing News Rack. Any Owner of existing news racks, including existing news racks located within City modular cabinets in the Downtown Plaza, shall within thirty (30) days of the effective date of this Chapter, provide the City with Owner's news rack registration numbers and location consistent with the City Inventory. The registration of the existing news rack shall be the basis for accepting applications for the initial annual permit of existing news racks. Any Owner of an existing news rack shall then within ninety (90) days of registration, submit an application for an annual permit and pay fees to obtain a City annual permit pursuant to Section 5.66.050C., and shall from the date of permitting be subject to the provisions of this Chapter. The Public Works Director may approve alternative compliance and permitting schedules, which shall not extend beyond the fiscal year of the effective date of this Ordinance for owners of thirty (30) or more registered existing news racks. Failure to obtain an approved annual permit within ninety (90) days or the date specified by the Public Works Director in the approved alternate schedule shall subject the existing news rack to enforcement and removal pursuant to Section 5.66.100. The initial permit is valid for the remainder of the fiscal year and shall be renewed pursuant to section 5.66.060. Permit fees shall not be reduced or prorated based upon the remaining months in the fiscal year for which the permit issues.

C. Contents of Application. Application forms will be provided by the Public Works Director and shall include all of the following information:

1. The applicant's name, street and mailing address, email address, and telephone number for the purposes of receiving copies of notices of violations and other official communications. The name, street and mailing address, email address and telephone number of the owner of each publication subject to the permit(s). For news racks not in the City Inventory, the application will include a description of the exact proposed location, including a map or site plan, drawn to scale, with adequate location information to verify conformance with this chapter.

2. For news racks not in the City Inventory, the application will include a description of each proposed news rack, including its dimensions, brand and model type, the number of publication spaces it will contain, and whether it contains a coin-operated mechanism.

3. The name and frequency of publication of each publication to be contained in each news rack.

4. A statement signed by the news rack owner that the owner agrees to indemnify, defend and hold harmless, the City and its representatives from all claims, demands, loss, fines or liability to the extent arising out of or in connection with the installation, location, use or maintenance of any news rack on public property by or on behalf of any such person, except such injury or harm as may be caused solely and exclusively by the negligence of the City or its authorized representatives.

5. A statement signed by the applicant that the applicant agrees, upon removal of a news rack, to repair at applicant's cost, any damage to the public property caused by the news rack or its removal.

6. An acknowledgement that prior to the issuance of the Permit, the owner shall deposit with the Public Works Director a certificate of insurance evidencing that a liability insurance policy in a minimum amount of one million dollars ($1,000,000) per occurrence and in the general aggregate, naming the City as an additional insured under the same terms and conditions as the primary insured, and containing a provision that the policy cannot be cancelled except upon ten (10) days' advance written notice to the City of the fact of such cancellation; and that if such insurance is cancelled at any time during the terms of such permit, same shall be grounds for revocation of the said permit.

D. Review of Application. A permit shall be granted or denied within twenty (20) business days after a completed application is filed in conformance with this ordinance. The Public Works Director shall issue a permit under an application that complies with the provisions of this chapter. If a permit is denied, the City shall, within ten (10) business days, mail to the owner a notice of denial that identifies the reasons for denial. Applicant may resubmit an updated application that has been denied, one time, within ten (10) business days from the date of denial without payment of a new application fee. Failure to complete the application review and obtain permit within ninety (90) business days shall void the application.

E. Issuance of Permit. Upon approval of a news rack application the City shall issue a Public Works Permit that applies to the news rack at the approved location for the reminder of the fiscal year. If an annual permit is obtained after the beginning of a fiscal year, the permit shall expire at the end of the fiscal year without a reduction in fees. The Public Works Permit shall be signed by the applicant as the agreement to conform to the requirements of this ordinance. Permits shall be renewed per Section 5.66.060. Upon issuance of a permit for a new or replaced news rack the City will provide a registration sticker and update the City Inventory. Each registration sticker provided shall be affixed to the top front metal door frame of each corresponding permitted news rack.

5.66.060 Renewal Term.

A news rack permit shall be valid for a period of one fiscal year or the remainder of the fiscal year during which the permit is obtained, and shall be renewed each successive fiscal year period by timely payment of a renewal fee established by resolution of the City Council.

5.66.070 General Standards.

A. Each new, replaced, or relocated news rack shall conform to the following general standards. No news rack permit application for a new, replaced, or relocated news rack shall be approved unless it is demonstrated that the proposed news rack or news racks will conform to each of the following general standards. It is unlawful for any person to install, place or maintain a news rack in violation of any of the provisions of this section.

1. No news rack shall project onto, or rest upon, along or over, any part of the roadway of any public street.

2. No news rack shall, in whole or in part, rest upon, in or over any sidewalk or parkway when such site or location is used for public utility purposes, public transportation purposes, or other government use, or the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location, or when such news rack interferes with the cleaning of any sidewalk or street by the use of mechanical sidewalk cleaning machinery.

3. Any news rack which in whole or in part, rests upon, in or over any sidewalk or parkway shall comply with the following conditions:

a) No news rack shall exceed fifty one inches in height, thirty (30) inches in width, or two (2) feet in depth, except that news racks located in the Beachfront Area shall not exceed forty-eight (48) inches in height measured from the sidewalk to the top of the news rack, unless approved and permitted by the Public Works Director.

b) Name, address and telephone number, and email address of the owner of the news rack shall be displayed on the front of the news rack in such a manner as to be readily visible to and readable by a prospective customer. A sticker shall be affixed to each news rack stating, “For graffiti and maintenance reporting please email or call the Owner at (insert email address) or (insert phone number) with registration number.” The owner shall keep this contact information up to date and shall maintain a written record of reporting for a period of one year to be provided to the City upon request.

c) News racks located in the Landmarks District will not have an adverse impact on access to, or views of designated landmarks, structures of merit, or structures of interest. News racks in the Landmarks District shall carry no advertising except the name of the newspaper or periodical being dispensed on the bottom one third (1/3) of the plastic hood or, if there is no plastic hood on the news rack, the name shown in not more than two locations on the news rack.

d) News racks shall be painted Malaga Green (also identified as RAL 6005). Any shared pedestals supporting news racks shall be painted black, except in the Landmarks District, the pedestals shall be painted Malaga Green.

e) News racks shall only be placed near a curb or adjacent to the wall of a building. The City shall determine the final locations. News racks placed near the curb shall be placed such that the back of the news rack shall be no fewer than eighteen (18) inches nor greater than twenty-four (24) inches from the face of the curb. News racks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six (6) inches from the wall. No news rack shall be placed or maintained on a sidewalk or parkway opposite a news stand or another news rack.

f) If eight (8) or more news racks are placed at a single location, whether placed on a single pedestal or shared pedestal mounts, they shall be placed next to each other and a space of no fewer than three (3) feet shall separate each such group, except as permitted at the direction of the Public Works Director.

g) News racks shall not be affixed or bolted to a sidewalk improved with decorative tile or other distinctive surface, except as permitted at the direction of the Public Works Director.

h) Each news rack installed on the public sidewalk shall be bolted to the City sidewalk in accordance with City standards and specifications.

i) News racks may not be chained or otherwise attached to one another; nor to any street sign, street light pole, traffic signal equipment, power pole, bike rack, public bench, bus shelter, or other public street furniture.

j) No news rack shall weigh in excess of 250 pounds when empty.

k) New news racks shall be “K-Jack” model KJ-50E, KJ-100, or KJ-125T, or equivalent, unless otherwise approved by the Public Works Director.

l) No news rack shall be placed, installed, used or maintained:

i. Within ten (10) feet of any marked or unmarked crosswalk;

ii. Within five (5) feet of any fire hydrant, fire call box, police call box, traffic signal controller, or traffic signal;

iii. Within three (3) feet of any utility meter, manhole, service box, parking meter, street light pole or other public works facility;

iv. Within ten (10) feet of any driveway or alley approach;

v. Within five (5) feet of a bike rack;

vi. Within four (4) feet of any bus boarding and a lighting area consisting of the bench and/or shelter, sign and clear zones for boarding and alighting of busses as required by the Americans with Disabilities Act;

vii. Within three (3) feet of any bus bench or public bench;

viii. At any location whereby the clear space for the passage of pedestrians is reduced to less than four (4) feet;

ix. Within four (4) feet of any permitted sidewalk dining area;

x. Within the boundary of a marked valet parking area or loading zone, or as otherwise restricted by the Americans with Disabilities Act.

B. **Condition and Maintenance of News Racks.** Each news rack shall be maintained in a clean and neat condition and in good repair at all times. Without limiting this general obligation, the following maintenance criteria shall apply to all new and existing news racks:

1. Each news rack shall be routinely maintained and serviced so that it is reasonably free of:

a) Dirt and grease;

b) Chipped, faded, peeling, and cracked paint or graffiti on any visible painted areas;
c) Rust and corrosion on any visible unpainted metal areas;
d) Cracks, dents, blemishes, and discoloration in the clear plastic and glass parts, if any, through which publications are viewed;
e) Tears, peeling, or fading in the paper or cardboard parts and inserts;
f) Broken and misshapen structural parts; and
g) Unauthorized stickers on any surface of the rack.

2. Each news rack, including any coin-return mechanism, shall be mechanically operable at all times.

3. News racks shall contain current editions of the publication for which the permit was issued and new editions placed in the news rack at no less than the frequency for which any priority was given for a permit in that location. Owner shall inform the Public Works Director of all changes to frequency of publication within five (5) business working days of said changes.

4. No news rack or news rack card shall be used for off-premises advertising signs other than that directly related to the display, sale or purchase of the publication sold therein.

5. No news rack shall remain empty for a period of fourteen (14) consecutive days or longer.

6. No news rack may contain a publication other than those for which the permit was issued.

7. Each news rack shall have the name, address, and telephone number of the Owner, as described in subsection A.3.b) above, as well as the City registration number, affixed to the front of the news rack in a place where it may be easily seen by anyone viewing the news rack.

8. Shared pedestals shall be registered to a single owner of a permitted news rack which is affixed to the shared pedestal. Any shared pedestal that has not been permitted to a single news rack owner within one hundred twenty (120) days of the effective date of this Ordinance will be deemed abandoned and will result in the City posting and removing the shared pedestal and news racks in accordance with Section 5.66.100.

9. Shared pedestals shall be fully occupied by the maximum number of news racks designed to be affixed to the shared pedestal. The owner shall notify the City in writing prior to the removal of units from a shared pedestal. Failure to maintain the shared pedestal with the maximum number of new racks for fourteen (14) consecutive days will result in its removal pursuant to section 5.66.100. Shared pedestals may be modified to fit remaining news racks with City approval and revisions to the annual permit. Where a shared pedestal is not maintained in a fully occupied condition it shall be removed and the location restored to its previous condition by the owner of the shared pedestal, including, but not limited to, repair of any portion of the sidewalk or parkway damaged by the pedestal or its removal, and according to specifications provided by the Public Works Director. An

acceptable repair is typically filling in the holes required for securing the news rack to the concrete. Failure to remove the shared pedestal will result in the City posting and removing the shared pedestal and affixed news racks in accordance with Section 5.66.100.

10. When use of a news rack is discontinued for a period of fourteen (14) consecutive days or longer, it shall be removed, along with its shared pedestal if applicable, and the location restored to its previous condition by the news rack owner, including, but not limited to, repair of any portion of the sidewalk or parkway damaged by the news rack or its removal, and according to specifications provided by the Public Works Director. Failure to remove the news rack will result in the City posting and removing the news rack in accordance with Section 5.66.100

11. Existing news racks that require painting shall be painted Malaga Green unless otherwise approved by the Public Works Director. When painting is required, the pedestal and base shall be painted black, except that pedestals and bases in the Landmarks District shall be painted Malaga Green.

12. News Racks with a current annual permit that are removed for maintenance and substituted in kind, and in compliance with this section, will not be required to obtain a new permit due to the substitution. The owner shall notify City Public Works of the in kind substitution in writing prior to the substitution.

C. **Costs.** The costs of installation, maintenance, replacement, removal and relocation of news racks or shared pedestals shall be at the sole expense of the news rack owner. Upon removal of a news rack, the owner shall, at his or her sole expense, cause the public right of way and any improvements thereon to be promptly restored to the satisfaction of the Public Works Director in a condition which would have existed had the news rack not been placed at that location. If those repairs are not made within seven (7) days of removal of the news rack, the City may undertake that repair work and collect from the owner the costs thereof, including reasonable attorneys' fees and related costs of collection.

5.66.080 Downtown Plaza Requirements.

A. Finding of Special Circumstances. The City Council hereby finds that special circumstances require special design, placement and other standards for news racks located in the Downtown Plaza, and any other area which may be designated by City Council upon findings that the special circumstances of the area require special design, placement and other standards for news racks.

B. Special Standards and Placement. Notwithstanding any contrary provisions in this chapter, no news rack shall be located in the Downtown Plaza except within a City modular news rack cabinet (hereinafter referred to as a "City news rack cabinet") owned and provided by the City. All news racks to be inserted into a City news rack cabinet shall be provided by the applicant at its sole expense.

5.66.090 Prohibition on the Display of Harmful Matter.

No material which is harmful to minors, as defined in Section 313 of the Penal Code of the State, shall be displayed in a public place, other than a public place from which minors are excluded, unless blinder racks are placed in front of the material so that the lower two-thirds (2/3) of the material is not exposed to view.

5.66.100 Removal of News Racks; Required Hearing.

A. Removal by the City. Any news rack or shared pedestal, installed or maintained in violation of this chapter may be removed by the City for violation of the ordinance, subject to the notice and hearing procedures set forth in this section.

B. Notice of Violation. Before removal of any news rack, the City shall notify the Owner or distributor of the violation by written notification via first class mail to the address or addresses shown on the offending news rack and the permit, which shall constitute adequate notice. If available the City will also send the written notice of violation by email. Before removal of any shared pedestal, written notification will be sent via first class mail to all owners of the news racks affixed to the offending pedestal. The City may, but need not, affix an additional notice tag onto the offending news rack or shared pedestal. If no identification is shown on the news rack, posting of the notice on the news rack alone shall be sufficient. The written notice shall state the nature of the violation and the location, shall specify actions necessary to correct the violation, and shall give the owner or distributor ten (10) business days from the date appearing on the notice to either remedy the violation or to request a meeting before the Public Works Director. The date on the notice shall be no earlier than the date on which the notice is mailed or affixed to the news rack, as the case may be.

C. Meeting and Decision. Any owner or distributor notified under Subsection B may request a meeting with the Public Works Director by making a written request within ten (10) business days from the date appearing on the notice. The meeting shall be informal, but oral and written evidence may be given by both sides. The Public Works Director shall give his or her written decision within ten (10) business days after the date of the meeting. Any action by the City to remove the news rack shall be stayed pending the written decision of the Public Works Director following the meeting. If the Public Works Director is unable to conduct the hearing due to bias or legal disability, the City Administrator or mutually agreed upon third party shall conduct the hearing.

D. Removal and Impoundment. The City may remove and impound a news rack or shared pedestal in accordance with this section following the written decision of the Public Works Director upholding the determination of a violation, or if the owner or distributor has neither requested a meeting nor remedied the violation within ten (10) business days from the date on the notice. An impounded news rack shall be retained by the City for a period of at least thirty (30) calendar days following the removal, and may be recovered by the owner upon payment of a fee as may be established by resolution. An impounded news rack and its contents may be disposed of by the City after thirty (30) calendar days.

E. Summary Abatement. Notwithstanding the provisions of Subsections B and C, prior notice and an opportunity to be heard shall not be required before removal of any news rack or shared pedestal that is installed or maintained in such a place or manner as to pose an immediate or clear and present danger to persons, vehicles or

property or any news rack that is placed in any location without a permit. In such case, the City shall proceed in the following manner:

1. Within one (1) working day following removal, the City shall notify the Owner by telephone of the removal. In the case of an unpermitted news rack or shared pedestal, where possible, the City shall notify the Owner of the news rack or a person whose name is shown on the news rack, by telephone of the removal. Within three (3) business days, the Public Works Director or designee shall send written confirmation of the telephoned notice. The written confirmation shall contain the reasons for the removal and information supporting the removal, and shall inform the recipient of the right to request, in writing or in person, a post-removal meeting within four (4) business days of the date of such written notice.
2. Upon timely request, the Public Works Director shall provide a meeting within two working days of the request, unless the requesting party agrees to a later date. The proceeding shall be informal, but oral and written evidence may be given by both sides. The Public Works Director shall give his or her decision in writing to the requesting party within two working days after such meeting. If the Public Works Director finds that the removal was in accordance with this chapter and City regulations, he or she shall notify the requesting party to pay any applicable penalties and costs and recover the news rack. If the Public Works Director finds that the removal was improper and that placement of the news rack was in accordance with City regulations and lawful, the Public Works Director shall order that the news rack be released and reinstalled without charge.
3. If the owner of an unpermitted news rack cannot be determined and the news rack does not contain the required identification, no notice of the removal shall be required.

5.66.110 Abandoned News Racks.

An abandoned news rack or shared pedestal may be removed by the City and impounded, pursuant to the notice and hearing procedures set forth in Section 5.66.100. The City may dispose of the news rack or shared pedestal if the owner does not claim the news rack and pay any required fees within thirty (30) days of its removal.

5.66.120 Public Nuisance.

The operation or maintenance of any news rack or shared pedestal contrary to the provisions of this chapter shall constitute a public nuisance, which in addition to or in lieu of criminal proceedings, may be abated, removed or enjoined by appropriate legal action brought by the City Attorney.

5.66.130 Severability.

If any section, sentence, clause, phrase or provision of this chapter, or the application thereof to any person or circumstances, is for any reason held to be invalid,

such invalidity shall not affect the validity of the remaining portions or provisions of this chapter or their applicability to distinguishable situations or circumstances. In enacting this chapter, it is the desire of the City Council to regulate validly to the full measure of its legal authority in the public interest. To that end, the City Council would have adopted this chapter and each section, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions thereof might be invalid, in whole or in part, as applied to any particular situation or circumstance, and, to this end, the provisions of this chapter are intended to be severable.

SECTION 2. CEQA.

This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

Agenda Item No. 13

File Code No. 680.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Introduction Of An Ordinance And Adoption Of Resolutions For Annexation Of The Santa Barbara Museum Of Natural History's Western Parcels

RECOMMENDATION: That Council:

A. Consider the Planning Commission's recommendation to annex the Santa Barbara Museum of Natural History's Western Parcels;

B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to Zoning Upon Annexation of Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement, in the Upper East Neighborhood;

C. Adopt, by a reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara and Detachment from the Mission Canyon Lighting District, Santa Barbara County Fire Protection District, and County Service Area 12 for Certain Real Property Known Assessor Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement;

D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to Assessor's Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement Which Will Be Annexed to the City of Santa Barbara; and

E. Consider and determine the project exempt from the California Environmental Quality Act.

EXECUTIVE SUMMARY:

The subject annexation includes three assessor's parcels and a portion of the Las Encinas Road easement owned by the Santa Barbara Museum of Natural History (herein referred to as the Western Parcels, see Attachment 1). With the exception of one single family residence, the Western Parcels are largely undeveloped and include trails that are used by the public. If annexed, the Western Parcels would be subject to the Santa Barbara

Museum of Natural History's Conditional Use Permit approved by the City Council on March 24, 2015. The portions of the Conditional Use Permit relevant to the Western Parcels include habitat restoration; restrictions on future development; abatement of building and zoning violations; and a required maintenance of free public trail access.

The annexation request complies with the City Council Resolution 96-118, which requires parcels to be annexed to be within the City's Sphere of Influence and adjacent to existing City boundaries. The Planning Commission recommended that the Western Parcels be annexed to the City with a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone).

DISCUSSION:

Background

The proposed annexation was requested by the property owner, the Santa Barbara Museum of Natural History, as part of the Museum Master Plan. The Master Plan includes improvements to the property anticipated over the next 10-15 year period, including site accessibility improvements, replacement of the butterfly exhibit, and rehabilitation of existing facilities.

The annexation involves three Museum-owned assessor's parcels (APNs 023-250-039; -066; and -068) and a portion of the private Las Encinas Road easement totaling approximately five acres. Existing development on the Western Parcels includes a single family residence. The Museum is approved to maintain the uses of the Western Parcels including the use of the residence, passive recreation, and Museum educational activities.

Approved improvements to the Western Parcels include habitat restoration and an enhanced bioswale with a boardwalk and overlook. Annexation of the Western Parcels and the land use controls provided with the Museum's Conditional Use Permit formalize the Museum's and the public's use of the Western Parcels, provide for habitat protection and restoration, and provide a desirable area for tree replacement from the Master Plan project and stormwater management and treatment. The annexation would result in all Museum operations being within the City and included in the Museum's updated and consolidated Conditional Use Permit.

On June 5, 2014, the Planning Commission, on a 6-0 vote, initiated annexation of the Western Parcels and two privately-owned parcels adjacent to the Museum at 609 Mission Canyon Road.

On January 8, 2015, in addition to annexation of the Western Parcels, the Planning Commission recommended annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road, and the

Mission Canyon Road right-of-way between the current City boundary up to and including the intersection of Mission Canyon Road and Puesta del Sol to improve efficiency of public services, reduce overlapping service area, and simplify governance. This additional annexation is not ready for submittal. City staff is gathering boundary information on the parcels that make up 609 Mission Canyon Road and the Mission Canyon Road right of way and will evaluate whether to move forward with this additional annexation separate from the Museum annexation.

On January 8, 2015, the Planning Commission, on a 7-0 vote, approved the Conditional Use Permit and parking modification for the Museum of Natural History, and recommended that City Council approve the annexation, General Plan Amendment, and Zoning Map Amendment with a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) (See Attachments 2 and 3).

On March 5, 2015, City Council heard the appeal of Mark and Lauren Carey on the Conditional Use Permit and Parking Modification. The appeal cited issues with the proposed exterior speaker system, relocated trash enclosure, construction conditions, and environmental review. On a 6-1 vote, Council denied the appeal and approved the project with condition changes. The Conditional Use Permit was approved with a requirement for public access to the trails on the Western Parcels, limitations on future development, and new resource protection conditions (See Attachment 4).

Annexation Request

The proposed annexation of the Western Parcels meets the criteria of City Council Resolution No. 96-118, which established procedures for reviewing applications for annexations. Resolution No. 96-118 restricts annexations to parcels located within the City's Sphere of Influence, adjacent to existing City boundaries.

The Local Agency Formation Commission (LAFCO) established the City's Sphere of Influence, which is the probable future City boundary and service area. The City's Sphere of Influence currently extends along the City's eastern boundary adjacent to Montecito, moves north and west along the Las Padres National Forest boundary, follows State Highway 154 to the south, and includes the community of Hope Ranch.

Because the Western Parcels are under the County's jurisdiction, the project includes a request that Council initiate a "Reorganization" that includes four "Changes of Organization." The Reorganization includes the following:

1. Annexation to the City of Santa Barbara,
2. Detachment from Mission Canyon Lighting District,
3. Detachment from County Fire Protection District, and
4. Detachment from County Service Area 12.

The City General Plan includes the following policy and implementation actions related to annexations:

> Land Use Element Policy R.3: *Annexation of land to the City shall only be allowed if resource capacities exist to serve the additional area and population, the use of resource capacities will not jeopardize priority development (i.e., affordable housing), and the annexation will minimize impacts on service costs.*
>
> Land Use Element Implementation Action R3.1: *Resource Capacity. It is the City's preference to merge under one government the city of Santa Barbara and the area within its sphere of influence. However, all proposed annexations shall be assessed for potential impacts on the costs and capacities of resources, for example, on water, wastewater treatment, public safety, and affordable housing.*
>
> Land Use Element Implementation Action R3.3: C*ompatibility. Residential properties that are annexed to the city shall be designated and zoned to be compatible with adjoining residential areas of the city.*

The proposed annexation has been reviewed by Public Works, and the City Police and Fire Departments. The subject parcels are currently served by City water and sewer services, and fire protection is provided via an interagency (City/County) mutual aid agreement. Staff has concluded that resource capacities exist to serve these properties with minimal service costs. The proposed designation and zoning are identical to adjoining City land use designations and zoning. The annexation is therefore consistent with this General Plan policy and related implementation actions.

If approved, the project site would become part of the Upper East Neighborhood, which is described in the Land Use Element of the City's General Plan as being bounded on the north by Mission Creek and Las Encinas Road; on the south by Sola Street; and the east by Laguna Street, Olive Avenue, and Olive Street; and on the west by State Street.

<u>Zoning and General Plan Amendments</u>

The Western Parcels currently have a County Comprehensive Plan designation of RES-1.8 (Residential 1.8 units per acre), and a County zoning designation of 20-R-1 (Single Family Residential, 20,000 square foot minimum lot size).

A City General Plan designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a City Zoning designation of E-1 (One-Family Residence Zone) are proposed. Staff and the Planning Commission found that the proposed designations are appropriate and compatible with the surrounding neighborhood, which is primarily residential. Museum use continues to be governed by a Conditional Use Permit, as required for a quasi-public facility in a residential zone.

Environmental Review

The Environmental Analyst has determined that:

1. The proposed annexation is exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15319 that exempts annexations of individual small parcels of the minimum size to allow for facilities exempted by Section 15303 (New Construction or Conversion of Small Structures), including single family residences, accessory structures, utilities, and street improvements.

2. The proposed zoning and General Plan designations for the parcels being annexed are exempt from further environmental review pursuant to the CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, which allows for minor amendments to existing land use plans, ordinances and regulations that do not result in changes in land use or density and which have no potential for significant environmental effects or do not significantly change the planned uses in an area.

Procedures

City Charter Section 1507 requires a minimum of five affirmative votes of City Council for amendments to the City's General Plan and Zoning Ordinance and findings that the amendments comply with the City's policy of living within our resources.

Rezones are carried out by Ordinance, and General Plan Amendments are adopted by Resolution.

Next Steps

If Council initiates the annexation proceeding with LAFCO, the proposed Zoning Ordinance Amendment will return to Council for adoption, and the City will then submit an application to LAFCO for this Reorganization. Prior to LAFCO consideration, a tax exchange agreement (see discussion below) will be presented to the City Council and County Board of Supervisors. Following LAFCO consideration and approval of these actions, LAFCO will transmit a Certificate of Completion to the County Recorder and a Statement of Boundary Change to the State Board of Equalization.

BUDGET/FINANCIAL INFORMATION:

Property Tax

State law governing annexations requires that the City and the County negotiate a tax exchange agreement. The tax exchange agreement determines what portion of the property tax paid on the property will be allocated to the City. The property tax

exchange agreement between the City and County will be prepared during the LAFCO application process. The tax exchange agreement will be negotiated and subsequently, a resolution providing for a negotiated exchange of property tax revenues will be prepared for Council approval.

Annexation Buy-in Fees

Chapter 4.04 of the Municipal Code (Annexation and Charges) requires owners of annexed property to pay an annexation "buy-in" fee for potential units to be developed on the property. Because the project does not include any new residential development, annexation buy-in fees are not required. Appropriate utility connection and buy-in fees would be required.

CONCLUSION:

The Western Parcels are located within the City's Sphere of Influence and adjacent to City boundaries, consistent with current City Council annexation requirements. The proposed Zoning and General Plan designations are compatible with the adjoining residential area and consistent with the City General Plan. Therefore, staff recommends that Council consent to the reorganization; adopt resolutions for the annexation and General Plan amendment; and introduce and subsequently adopt an ordinance to rezone the property.

ATTACHMENTS:
1. Annexation Exhibit of Western Parcels
2. Planning Commission Staff Report dated December 23, 2015
3. Planning Commission Resolution 002-15
4. City Council Resolution 15-029

PREPARED BY: Dan Gullett, Project Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

EXHIBIT B (MAP SHEET)

SANTA BARBARA MUSEUM OF NATURAL HISTORY ANNEXATION

SANTA BARBARA CITY LIMITS

SANTA BARBARA MUSEUM OF NATURAL HISTORY BOUNDARY

HATCHED AREA DENOTES PROPOSED ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTRICT 29, AND COUNTY SERVICE AREA 12 (FOR BOUNDARY DATA SEE DETAIL ON PAGE 2)

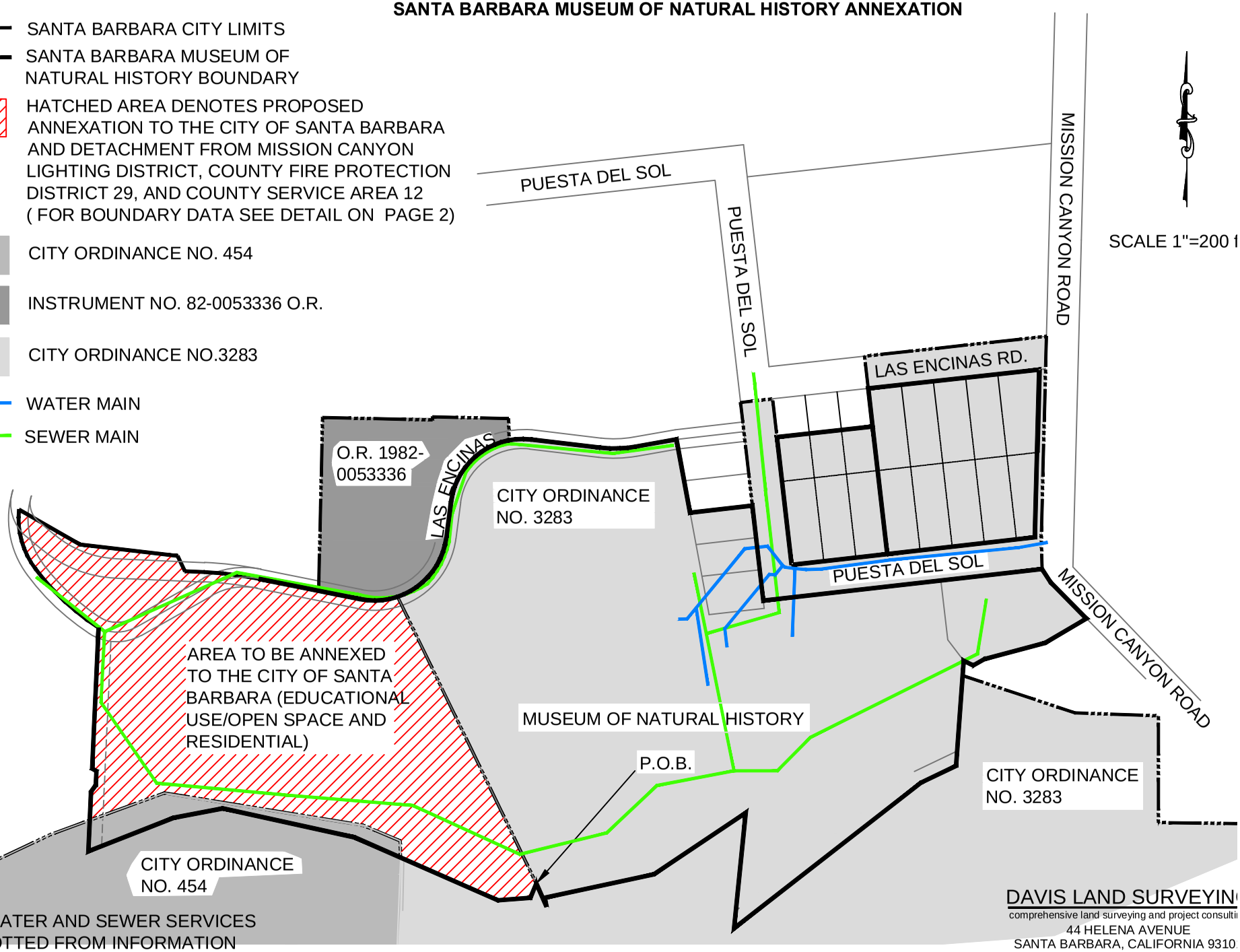
CITY ORDINANCE NO. 454

INSTRUMENT NO. 82-0053336 O.R.

CITY ORDINANCE NO.3283

WATER MAIN

SEWER MAIN



SCALE 1"=200 f

NOTE: WATER AND SEWER SERVICES ARE PLOTTED FROM INFORMATION PROVIDED BY THE CITY OF SANTA BARBARA

DAVIS LAND SURVEYIN
comprehensive land surveying and project consulti
44 HELENA AVENUE
SANTA BARBARA, CALIFORNIA 9310
L.S.5742 (805)564-8756

ATTACHMENT 1

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: December 23, 2014

AGENDA DATE: January 8, 2015

PROJECT ADDRESS: 2559 Puesta del Sol (MST2014-00116)
Santa Barbara Museum of Natural History

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4550
Renee Brooke, AICP, Senior Planner DPG for RB
Daniel Gullett, Project Planner DPG

I. PROJECT DESCRIPTION

The proposed Master Plan for the Santa Barbara Museum of Natural History (Museum) anticipates the following improvements over the next 10-15 years: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new screening wall along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22).

The proposal includes annexation of three Museum-owned parcels to the City: APNs 023-250-039; -066; and -068, totaling approximately five acres (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The Museum proposes to maintain the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation, and Museum educational activities. New improvements in the largely undeveloped Western Parcels include an enhanced bioswale with an associated boardwalk and overlook, and restoration of the woodland area including replacement of non-native plants with native plants.

In addition to annexation of the three Museum-owned parcels, staff requests that the Planning Commission recommend annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road (APNs 023-271-005 and -006) and the Mission Canyon Road right-of-way between the current City boundary up to and including the intersection of Mission Canyon Road and Puesta del Sol. Staff recommends a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) for all parcels considered for annexation.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and the Local Agency Formation Commission (LAFCO):

A. Reorganization of the properties known as APNs 023-250-039; -066; and -068, and APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way including Annexation to the City of Santa Barbara and Detachment from the Santa Barbara County Fire Protection District, County Service Area 12, and the Mission Canyon Lighting District.

B. A General Plan Amendment to designate the properties to be annexed as Low Density Residential (Maximum Density: Three Dwelling Units per Acre) upon annexation.

C. A Zoning Map Amendment to zone the properties to be annexed as E-1 (One-Family Residence Zone) upon annexation.

Actions by the Planning Commission:

D. A Conditional Use Permit Amendment to allow for the proposed changes to the Museum (SBMC §28.94.030).

E. A Parking Modification to provide less than the required number of onsite parking spaces (SBMC §28.92.110).

APPLICATION DEEMED COMPLETE: October 21, 2014
DATE ACTION REQUIRED: January 20, 2015

III. BACKGROUND

The Santa Barbara Museum of Natural History was originally founded in 1916 as the Museum of Comparative Oology. In 1922, the Museum was given the original 1.6 acre site and the original buildings in the present Museum complex. That year, the Museum's name was changed to the Santa Barbara Museum of Natural History. The Museum complex was added to over time and the Museum was annexed to the City with the Mission in 1968 in the Old Mission-Museum Annexation. The City has granted various approvals for the Museum's development and use including Conditional Use Permits and Substantial Conformance Determinations.

The Museum's current programs include educational exhibits and educational programs available to the public; research advancing understanding of the natural environment and human interactions with the natural environment; and collections of archived artifacts and specimens used in natural history research. Existing development on the entire 15.43 acre property (including the three annexation parcels) totals approximately 83,000 square feet of gross institutional floor area and 4,500 square feet of residential floor area. The Museum currently provides 156 parking spaces for the non-residential uses.

In response to various substantial conformance determination requests made in recent years, City staff and the Planning Commission requested that the Museum provide a Master Plan outlining projected changes to the Museum facilities over a longer time horizon.

The Planning Commission held three concept reviews on Master Plan proposals on July 21, 2010, July 20, 2011, and June 5, 2014. On June 5, 2014, the Planning Commission initiated annexation of the Western Parcels in addition to the two privately-owned parcels at 609 Mission Canyon Road, and provided conceptual comments on a significantly scaled-down Master Plan proposal. That annexation initiation included pre-zoning and pre-General Plan designation, as described below.

The applicant provided a report outlining the Museum's current Master Plan proposal (Exhibit C). The applicant report includes a more detailed description of the project; summaries of the technical studies prepared for the application; descriptions of resource protection measures incorporated into the project; and requested changes to existing conditions.

IV. ANNEXATION

The Local Agency Formation Commission (LAFCO) establishes the City's Sphere of Influence, which is defined as the probable future City boundary and service area. The General Plan Land Use Element encourages annexation of unincorporated areas within the Sphere of Influence. The City's Sphere of Influence currently extends along the City's eastern boundary adjacent to Montecito, moves north and west along the Las Padres National Forest boundary, follows State Highway 154 to the south, and includes the community of Hope Ranch.

The subject proposed annexation of the Western Parcels meets the criteria of City Council Resolution No. 96-118, which established procedures for reviewing applications for annexations. Resolution No. 96-118 restricts annexations to parcels located within the City's Sphere of Influence, adjacent to existing City boundaries. The Resolution also restricts annexation of unincorporated territory to property owner requests, State mandates, or direction from LAFCO.

The applicant provided an exhibit of the proposed annexation boundary including the Western Parcels (Exhibit D). Annexation of these parcels and the controls provided with the Museum's Conditional Use Permit allow the Planning Commission to formalize the Museum's and the public's use of the Western Parcels, provide for habitat protection and restoration, and provide a desirable area for tree replacement from the Master Plan project and stormwater management and treatment.

City staff's review of the Museum's annexation request included consideration of adjusting additional City boundary lines in the Museum vicinity to improve efficiency of public services, reduce overlapping service area, and simplify governance. In addition to the Museum's Western Parcels, staff also recommends that the annexation include two parcels at 609 Mission Canyon Road (referenced as 4 and 5 in Figure 1 below). Those two parcels are a peninsula of unincorporated area, with three sides serving as the City/County boundary. Annexation of the two 609 Mission Canyon Road parcels provides for a more rational City boundary and allows for annexation of a portion of additional Mission Canyon Road right-of-way. Public improvements are currently being considered in the community-initiated, City-County collaborative effort to provide enhanced pedestrian and bicyclist facilities between the Mission area and Foothill Road.

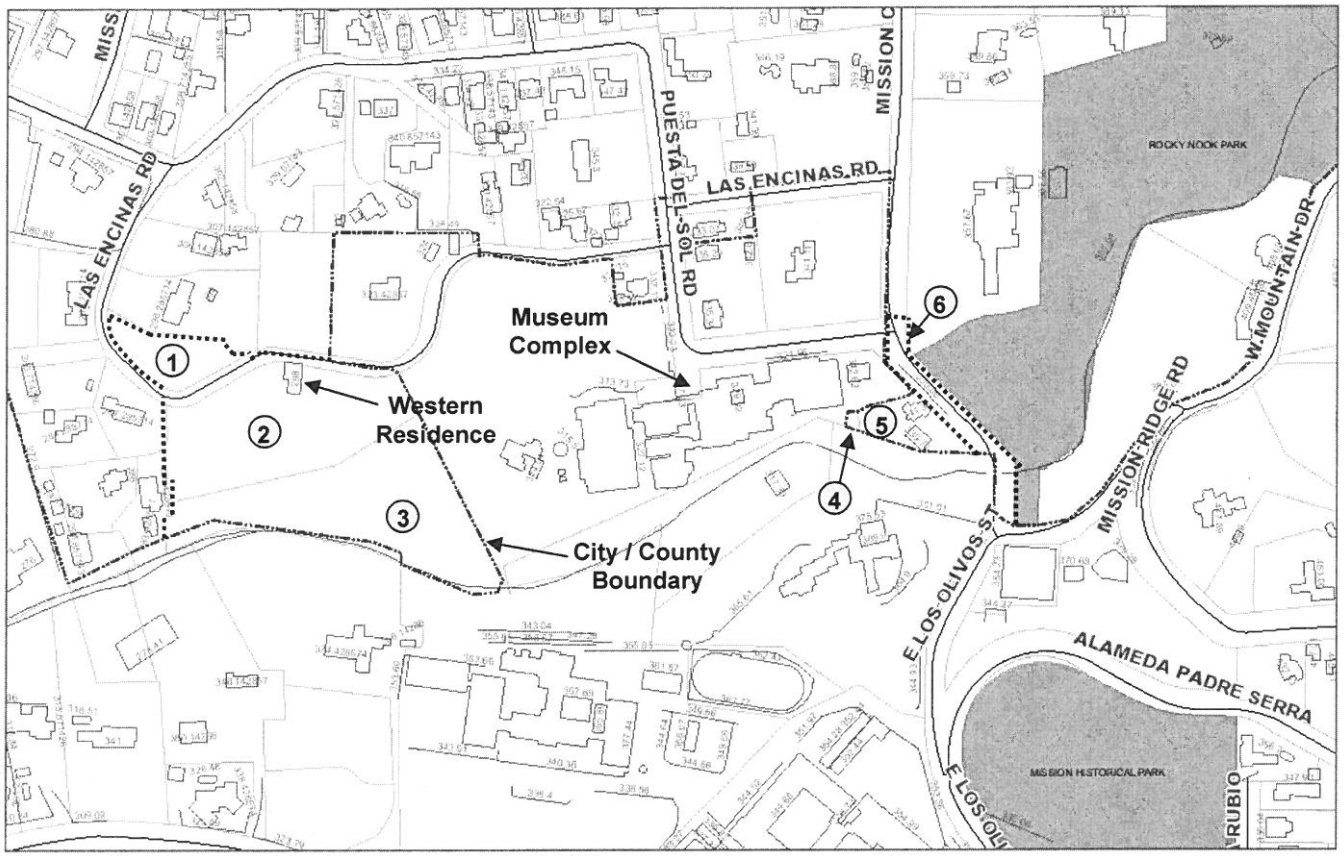


Figure 1: Properties considered for Annexation to the City-
Museum-owned Western Parcels: 1. APN 023-250-039 2. APN 023-250-066 3. APN 023-250-068
609 Mission Canyon Road Parcels: 4. APN 023-271-005 5. APN 023-271-006
Mission Canyon Road Right-of Way: 6.

As part of the Master Plan, the Museum proposes new sidewalk along the south side of Puesta del Sol that would connect to the planned circulation improvements on Mission Canyon Road. Annexation of a portion of Mission Canyon Road would shift ongoing maintenance responsibility to the City and provide a simplified design and approval process for enhanced access connecting the Mission and Museum, both major visitor-serving institutions in the City.

Two of the five assessor's parcels proposed for annexation are developed with residences: the Museum's Western Residence and the house at 609 Mission Canyon Road. The other three assessor's parcels are vacant, and primarily creek and woodland habitat area.

For consistency with the adjacent City zoning and land use designations, including the zoning and land use designation of the Museum properties currently in the City, staff recommends a zoning designation of E-1 (One Family Residence Zone) with a General Plan Designation of Low Density Residential with a maximum density of three dwelling units per acre. Single Family Residential Zoning requires a Conditional Use Permit for Museum operations, to manage potential use conflicts with the surrounding neighborhood.

Parcels Considered for Annexation					
	Parcel	**Area**	**Existing Development**	**Existing County General Plan**	**Existing County Zoning**
1	023-250-039 *SBMNH*	0.51 acres	Vacant	RES-1.8 *Residential 1.8 units per acre*	20-R-1 *Single Family residential 20,000 sq ft min. lot size*
2	023-250-066 *SBMNH*	2.21 acres	Residence	RES-1.8 *Residential 1.8 units per acre*	20-R-1 *Single Family residential 20,000 sq ft min. lot size*
3	023-250-068 *SBMNH*	2.35 acres	Vacant	RES-1.8 *Residential 1.8 units per acre*	20-R-1 *Single Family residential 20,000 sq ft min. lot size*
4	023-271-005 *609 Mission Canyon Road*	0.02 acres	Vacant	RES-1.0 *Residential 1.0 unit per acre*	1-E-1 *Single Family residential 1 acre min. lot size*
5	023-271-006 *609 Mission Canyon Road*	0.38 acres	Residence	RES-1.0 *Residential 1.0 unit per acre*	1-E-1 *Single Family residential 1 acre min. lot size*

V. ISSUE AREAS

A. WESTERN PARCELS – RESOURCE PROTECTION

The Museum's Western Parcels are largely undeveloped and include an existing, Museum-owned, single-family residence and trails that are used by the public. The Mission Canyon Community Plan, which guides future development and improvements within the unincorporated Mission Canyon area, was adopted by the County of Santa Barbara in April 2014. The Community Plan area includes the Museum's Western Parcels, the 609 Mission Canyon Road parcels, and the unincorporated Mission Canyon Road right-of-way. It designates most of the area of the Western Parcels as California Sycamore Riparian Forest Environmentally Sensitive Habitat and requires a 50-foot buffer from the edge of the forest canopy, limiting development of that area.

The project includes habitat restoration in a portion of the Western Parcels, including removal of non-native trees, shrubs, and understory vegetation and planting of appropriate native trees, shrubs, and understory vegetation. The proposed restoration also includes grading and planting of freshwater marsh vegetation within an existing drainage swale on the Western Parcels to create a better functioning bioswale. A boardwalk path and overlook are proposed to access the new freshwater marsh habitat.

The existing Museum-owned single-family residence (Western Residence) was altered without the benefit of permits. The recommended conditions of approval require that the building and zoning violations be abated as part of the scope of the first building permit following annexation.

The Conditional Use Permit grants the Planning Commission authority to condition the location and use of open space and prohibit additional construction consistent with the purpose of the Zoning Ordinance and General Plan. As described in the attached Applicant Report and the attached Use and Attendance Exhibit (Exhibit E), the Museum proposes to carry forward certain Mission Canyon Community Plan resource protection development standards to any

future development of the Western Parcels. Staff has included the language of the Mission Canyon Community Plan development standards DevStd-BIO-MC-3.3, 3.4, and 8.2 in Condition C.4. The recommended conditions also include a requirement of the Museum to provide continued free public access to established and proposed trails on this portion of the Museum property (Condition C.3).

Although the subject Museum property includes six assessor's parcels, the Title Report prepared for the Museum properties shows that the property is comprised of a total three legal lots, two over the Western Parcels. The legal lots are: parcel APN 023-250-039 and a portion of the Las Encinas Road easement; parcels APN 023-250-056 (already incorporated), 023-250-066, 023-250-068 and a portion of the Las Encinas Road easement; and the remaining subject Museum-owned property. Since the portion of the Western Parcels that includes the existing publically accessed trails and proposed trail improvements is a single legal lot currently, staff is not recommending a lot merger as a condition of this project.

B. MISSION CREEK SETBACK

The Municipal Code generally requires a minimum development setback of 25 feet from the calculated top of bank of Mission Creek (SBMC §28.87.250) for flood control purposes, and larger creek setbacks (up to 100 feet) have been required by the Planning Commission on a case-by-case basis considering safety, flood hazard, biology, and water quality.

The project includes a proposed 2,000 square foot creekside terrace deck south of the Marine/Paleontology/Geology Exhibit Hall that extends to the calculated Mission Creek top-of-bank. The topography in that area slopes down toward the creek and the proposed terrace is designed to improve site accessibility and provide additional flat usable area near the creek. Existing Museum development includes hardscape on the creekside of the calculated top of bank and one building (Gladwin Planetarium) is as close as seven feet from the calculated top of bank.

The City's General Plan encourages public creek access and enhancement of public awareness and enjoyment of City creeks. The proposed creekside terrace is consistent with that direction. The General Plan also calls for new creek setback standards that are greater than 25 feet for new structures and hard surfaces adjacent to creeks and bank stabilization through planting for new development sited less than 50 feet to top of bank.

For this location, considering the important habitat and biological resources associated with the riparian corridor, Creeks Division Staff has recommended that new development (outside the footprint of existing development) be setback 50 feet or more from the calculated top of bank and that replacement of any existing hardscape within the 50 foot setback area be permeable. Staff initially indicated to the applicant that removing existing asphalt near the creek could lead to staff support for a new creekside terrace structure closer than 50 feet from the top of bank, since it would provide for additional riparian restoration area and water infiltration, which would benefit habitat, water quality, and aesthetics. The Museum is proposing removal of approximately 2,800 square feet of existing asphalt in this area, nearby the proposed deck and on the south side of Mission Creek.

At the June 5, 2014 Planning Commission concept review, the consensus of the Planning Commission was that the proposed creekside terrace location was harmonious with the General

Plan considering the unique site constraints, access issues, and the educational opportunities provided by the proposed terrace.

C. PARKING MODIFICATION

The Zoning Ordinance recognizes that, in many cases, it is impractical to establish minimum parking requirements for uses permitted with Conditional Use Permits and that different performance and development standards must be applied to each individual facility. Regardless, the parking chapter of the Zoning Ordinance provides parking requirements for general uses. For the Museum, the total parking requirement based on commercial, office and auditorium use ordinance ratios is 287 spaces. The Museum currently provides 156 spaces and proposes a reduction in parking by 1 space for a total of 155 automobile parking spaces for the Museum use. Because of the reduction, a Parking Modification is required. The applicant provided a Traffic, Circulation, and Parking Report prepared by ATE dated July 15, 2014 that projects a future peak parking demand of 137 spaces, therefore the loss of one Museum parking space will not cause an increase in demand for parking space in the immediate area. Like the Parking Modification, the Conditional Use Permit requires a finding that adequate access and off-site parking is provided in a manner that the demands are adequately met without altering the character of the public streets at any time. The Museum implements a parking and transportation management plan for special events that generate higher daily attendance than usual, which is attached to the Applicant Report.

D. NOISE

As part of the application, the Museum is requesting that the existing condition prohibiting exterior public address speakers be amended to allow exterior speakers for low volume announcements between 8 a.m. and 8:30 p.m. The Municipal Code allows for music and voice amplification if it does not exceed 60 dBA at the property line between 7 a.m. and 10 p.m. and 50 dBA at the property line between 10 p.m. and 7 a.m. The Municipal Code also prohibits unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place to result in physical discomfort to inhabitants of the City. The Planning Commission must find that the Museum's uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved, which makes consideration of the Municipal Code's prohibition on unnecessary noises and sounds relevant to the Conditional Use Permit request. The Museum proposes to orient exterior speakers away from adjacent properties and limit the sound produced by the speakers to not exceed ambient average noise levels by more than 2 dBA at the property boundary. In general, a 3 dBA change in noise level is perceptible, while a 1-2 dBA change in noise levels is not noticed. The staff recommended conditions require post-construction testing to verify that the exterior speaker system does not exceed 2 dBA above ambient noise levels at the property lines.

The project includes construction of a trash enclosure in the southwest portion of the parking lot. The existing dumpsters are located west of the existing butterfly pavilion and not enclosed. Marborg currently picks up refuse from the site five days a week. Due to the existing location, trash and recycling trucks must back up approximately 225 feet with a back-up alarm after receiving refuse. The relocation would reduce the amount of time the trucks are on site and

eliminate the need of trucks backing, however, the trash and recycling would be accessed closer to the nearest residential neighbors along Las Encinas Road.

The project includes a new approximately 120-foot long, six-foot high sound wall along the northeastern portion of the parking lot to attenuate noise to, and block headlights of Museum patrons from neighboring houses along Las Encinas Road. Because the wall is proposed within ten feet of Las Encinas Road, a staff-level exception to the 3.5-foot wall height limit must be granted for construction the wall pursuant to SBMC Subsection 28.87.170.E.1 prior to building permit issuance. The project also includes additional native trees and shrubs between the parking lot and the residences west of the proposed soundwall on Las Encinas Road to provide more vegetated buffer to reduce the effects of Museum operations on adjacent neighbors.

E. USE RESTRICTIONS

As discussed in the attached Applicant Report and Use and Attendance document, the Museum proposes to further limit the number, attendance and times of weddings and special events, restricting the events more than what is currently allowed. The recommended conditions of approval include the appropriate proposed limitations as conditions on the operation of the Museum (Condition C.2).

The Museum is requesting that the 1989 condition limiting the hours on the Collections and Research Center be removed to allow for a flexible work schedule consistent with the Museum's Transportation Demand Management program and consistent with work schedules available to other Museum employees.

F. PUBLIC IMPROVEMENTS

The project includes new sidewalk along the south side of Puesta del Sol. Condition E.1.d calls for a six-foot-wide sidewalk and a minimum four-foot-wide parkway, composed of either a landscaped strip or tree wells along the Puesta del Sol frontage. These improvements would be subject to review and approval by Historic Landmarks Commission. The Museum would have the option of either completing the public improvements prior to building permit issuance (following permits to address unpermitted work to the Western Residence and construction of the parking lot soundwall) or entering into an agreement to construct the improvements following building permits. These improvements would eventually connect with the planned sidewalk improvements to Mission Canyon Road. The conditions also include a dedication at the corner of Puesta del Sol and Mission Canyon Road on the street side of the sandstone wall to accommodate the planned right-of-way improvements at that corner.

VI. DESIGN REVIEW

The Museum's Master Plan was reviewed by the Historic Landmarks Commission (HLC) on April 23, May 7, and December 3, 2014 (meeting minutes are attached as Exhibit F). On May 7th, the HLC forwarded the project to the Planning Commission, completing the compatibility criteria analysis. The HLC stated that the Master Plan was superb and supportable and appreciated the environmental, historic, and structural stewardship of the proposal. The HLC did not have concerns with the location of the creekside terrace adjacent to Mission Creek, but asked that the deck detailing, materials, and handrails for the creekside terrace be more sympathetic to the site. They also encouraged the applicant to explore removal of additional asphalt stating that a more natural material would be appropriate. Following the May 7th hearing, the Museum introduced a soundwall along the northerly property line, where the

parking lot is closest to neighbors along Las Encinas Road. HLC stated that the soundwall was an excellent solution for the Museum and neighbors. The HLC completed the Project Compatibility Analysis and forwarded the project to the Planning Commission.

VII. GENERAL PLAN CONSISTENCY

In order to approve the amended Conditional Use Permit, the Planning Commission must be able to find that the project is harmonious with the City's General Plan. A list of applicable City General Plan Goals, Policies, and Implementation Strategies is attached as Exhibit G. Mission Canyon Community Plan Goals, Policies and Implementation Strategies currently applicable to the unincorporated parcels are attached as Exhibit H. City Policies related to the Mission Creek Setback are discussed in Section V, above. The other most pertinent City policies and implementation actions are grouped and discussed below.

Neighborhood Protection and Enhancement

Land Use Element Goal - Neighborhoods: *Maintain and enhance neighborhoods with community centers where requested, and improved connectivity to daily necessities, including limited commercial activity, transit, and open spaces while protecting the established character of the neighborhood. Maintain or reduce the existing ambient noise levels in single family neighborhoods.*

Land Use Element Policy LG 4: *Maintain and protect the character and quality of life of single family zoned neighborhoods as a low density residential community.*

Environmental Resources Element Implementation Action ER31.5: *Non-Residential Noise Affecting Residential Neighborhoods. To further General Plan policies for maintaining quiet, high quality neighborhoods, require more detailed noise assessments for proposed special, conditional, and institutional uses with episodic activities and events that may cause noise effects to residential neighborhoods.*

The proposed exterior speaker system is designed to minimize impacts to neighboring residential properties with orientation of speakers away from homes and the recommended conditions of approval require that the speakers be tested to show that they do not exceed 2 dBA above existing ambient noise at the Museum's property lines. The proposed soundwall along the northern property line would further reduce existing noise levels for the adjacent neighbors. The soundwall and additional vegetation (approximately 14 new trees and large shrubs) proposed in the landscape buffer between the parking lot and Las Encinas Road will reduce nighttime headlight glare from Museum parking lot users on neighborhood residents and reduce views of parked cars from Las Encinas Road. The additional limitations the Museum has agreed to place on special events are also expected to reduce the Museum's impacts on adjacent neighbors.

Biological Resources

Conservation Element Biological Resources Policy 1.0: *Development adjacent to creeks shall not degrade the creeks or their riparian environments.*

Conservation Element Biological Resources Policy 4.0: *Trees enhance the general appearance of the City's landscape and should be preserved and protected.*

Conservation Element Biological Resources Policy 5.0: *Significant open space areas should be protected to preserve the City's visual resources from degradation.*

Environmental Resources Element Implementation Action ER11.2: *Oak Woodlands. Site new development outside of oak woodlands to the maximum extent feasible. Within and adjacent to oak woodlands:*

a. Avoid removal of specimen oak trees;

b. Preserve and protect oak saplings and native understory vegetation within areas planned to remain in open space;

c. Provide landscaping compatible with the continuation and enhancement of the habitat area, consisting primarily of native species and excluding use of invasive non-native species;

d. Include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat;

e. Minimize or avoid installation of high water use landscaping (e.g., lawn) under the dripline of oak trees.

Environmental Resources Element Policy ER12: *Wildlife, Coastal and Native Plant Habitat Protection and Enhancement. Protect, maintain, and to the extent reasonably possible, expand the City's remaining diverse native plant and wildlife habitats, including ocean, wetland, coastal, creek, foothill, and urban-adapted habitats.*

Environmental Resources Element Implementation Action ER12.4: *Native Species Habitat Planning. Protect and restore habitat areas for native flora and fauna, and wildlife corridors within the City, including for chaparral, oak woodland, and riparian areas. In particular, provide land use/design guidelines to:*

a. Require buildings and other elements of the built environment, and landscaping to be designed to enhance the wildlife corridor network as habitat.

b. Ensure that the City and new development preserve existing trees within identified wildlife corridors, and promote planting new trees, and installing and maintaining appropriate native landscaping in new developments within or adjacent to important upland wildlife corridors and all streams. Ensure that efforts are made to minimize disturbance to understory vegetation, soils, and any aquatic habitats that are present below the trees in order to provide movement of species that utilize the habitat.

c. Ensure that new development and redevelopment projects will not result in a net reduction or loss in size and value of native riparian habitats.

d. Increase riparian habitat within the City and / or its sphere of influence by 20 acres or more, and 1 linear mile or more, over the 20 year life of Plan Santa Barbara. Priorities for restoration include perennial reaches of the major streams, reaches of creek on publicly owned land, and degraded areas of the City's three major creeks.

Environmental Resources Element Implementation Action ER12.5: *Riparian Woodland Protection. Site new development outside of riparian woodlands to the extent feasible. Within and adjacent to riparian woodlands:*

a. Avoid removal of mature native trees;

b. Preserve and protect native tree saplings and understory vegetation;

c. Provide landscaping within creek setback compatible with the continuation and enhancement of the habitat area, consisting primarily of appropriate native species and excluding use of invasive non-native species;

d. Include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat;

e. Include water quality protection and enhancement measures consistent with the adopted City Storm Water Management Plan.

Environmental Resources Element Policy ER13. Trail Management: *Existing and future trails along creeks or in other natural settings shall be managed for both passive recreational use and as native species habitat and corridors.*

The project includes restoration of the woodland area in the Western Parcels and biological enhancements to the existing drainage swale in that area, consistent with these policies. The project anticipates the removal of two trees; an 8-inch diameter sycamore where access to a City sewer manhole must be accommodated, and a 13-inch diameter oak tree, which is growing horizontally along the ground and located in the City right-of-way of Puesta del Sol and may interfere with sidewalk improvements. Two additional oak trees (24-inch and 25-inch) are anticipated to have sufficient disturbance within their critical root zone that replacement trees are required. The proposed landscape plan includes a minimum of 30 new oaks and 10 sycamores to replace these trees.

The Museum also proposes to impose certain biological resource protection development standards from the Mission Canyon Community Plan on the Western Parcels, which staff has included in the proposed conditions. The project is therefore consistent with these policies and implementation standards.

Historic and Archaeological Resource Preservation

Historic Resources Element Policy HR1: *Protect Historic and Archaeological Resources. Protect the heritage of the City by preserving, protecting and enhancing historic resources and archaeological resources. Apply available governmental resources, devices and approaches, such as the measures enumerated in the Land Use Element of this Plan, to facilitate their preservation and protection.*

Historic Resources Element Policy HR2: *Ensure respectful and compatible development. Seek to ensure that all development within the City respects rather than detracts from individual historic and archaeological resources as well as the neighborhood and the overall historical character of the city. Assure compatibility of development, respect for the historical context of historical resources, and consideration of sustainable design alternatives where compatible.*

In 1981, the City of Santa Barbara designated a portion of the Main Museum Complex, the Museum's Fleischmann Auditorium and the stone wall built for the former Hazard estate as a City of Santa Barbara Structure of Merit. Phase I and Phase II Historic Structures and Sites Reports were accepted by the Historic Landmarks Commission (HLC), which concluded that the project would not result in significant adverse historic impacts. Furthermore, the HLC

stated that the project is superbly designed and appropriately sensitive to historic resources. Therefore, the project is consistent with these policies.

Open Space

Open Parks and Recreation Element Policy OP1: *Variety and Abundance. Provide ample open space through a variety of types, including nature reserves, parks, beaches, sports fields, trails, urban walkways, plazas, paseos, pocket parks, play areas, gardens, and view points, consistent with standards established for this city.*

The proposed conditions require that public access be maintained to trails in the Western Parcels, consistent with this policy.

Fire Hazards

Safety Element Policy S34: *Evacuation Routes. Development projects located in the Extreme Foothill and Foothill High Fire Hazard Zones shall be evaluated to determine if the project would have the potential to substantially affect emergency evacuation. A project would result in a substantial effect on evacuation if it would result in either of the following conditions:*

a. Physically interfere with evacuation capabilities. A project could physically interfere with evacuation capabilities if it would reduce evacuation capacity by substantially decreasing the width of road or other access way, or result in the closure of a road or access way.

b. Add substantial additional evacuees to routes with limited capacity. A project could substantially reduce evacuation capacity if it would add a considerable amount of traffic to probable evacuation routes that do not meet current Fire Department roadway or access standards; or add a considerable amount of traffic to probable evacuation routes in relation to roadway capacity and evacuation traffic volumes reasonably expected to be generated by existing development in the project area.

Safety Element Policy S37: *Fire Hazard Reduction Design Requirements. Project designs shall adequately address fire hazard, providing for appropriate site layout; building design and materials; fire detection and suppression equipment; landscaping and maintenance; road access and fire vehicle turnaround; road capacity for evacuation; and water supply.*

Safety Element Policy S39: *Defensible Space. Require that defensible space be provided around existing and proposed development projects located in high fire hazard areas in accordance with the Wildland Fire Plan, or as recommended by the Fire Department.*

Safety Element Policy S40: *Vegetation Management. Vegetation management programs to reduce fire fuel loads, as well as project related landscape and maintenance plans, shall protect and preserve environmentally sensitive habitat areas (ESHAs) and balance fire risk reduction benefits with possible aesthetic, habitat, and erosion impacts.*

Potential effects resulting from fuel management activities shall be avoided or reduced as feasible.

The proposed changes to the Museum are not expected to physically interfere with evacuation capabilities or add substantial additional evacuees. The project includes a sidewalk along the south side of Puesta del Sol, which would narrow the driving width of the street, but not to a width that would substantially interfere with an evacuation. The Museum has coordinated with

the City Fire Department on the proposed landscaping design and is providing required defensible space to structures. The proposed project is therefore consistent with these policies.

Annexations

Land Use Element Policy R.3: *Annexations Annexation of land to the City shall only be allowed if resource capacities exist to serve the additional area and population, the use of resource capacities will not jeopardize priority development (i.e., affordable housing), and the annexation will minimize impacts on service costs.*

Land Use Element Implementation Action R3.1: Resource Capacity. *It is the City's preference to merge under one government the city of Santa Barbara and the area within its sphere of influence. However, all proposed annexations shall be assessed for potential impacts on the costs and capacities of resources, for example, on water, wastewater treatment, public safety, and affordable housing.*

Land Use Element Implementation Action R3.3: Compatibility. *Residential properties that are annexed to the city shall be designated and zoned to be compatible with adjoining residential areas of the city.*

The proposed annexation has been reviewed by Public Works, and the City Police and Fire Departments. The subject parcels are currently served by City water and sewer services, and fire protection is provided via an interagency (City/County) mutual aid agreement. Staff has concluded that resource capacities exist to serve these properties with minimal service costs. Annexation of the two parcels at 609 Mission Canyon Road provides for a more rational City boundary and allows for annexation of a portion of additional Mission Canyon Road right-of-way, facilitating a simplified design and approval process for enhanced access connecting the Mission and Museum.

The proposed designation and zoning are identical to adjoining City land use designations and zoning. The project is therefore consistent with this policy and implementation actions.

Circulation

Circulation Element Policy 5.1: *The City shall create an integrated pedestrian system within and between City neighborhoods, schools, recreational areas, commercial areas and places of interest.*

Circulation Element Implementation Action 5.1.2: *Identify and link major activity centers and destinations with walkways. This will consist of the following:...improving pedestrian access in and around the Mission by providing safe and attractive walking connections between the Mission, Rose Garden, Rocky Nook Park, Natural History Museum and Alameda Padre Serra....*

Circulation Element Policy 13.8: *Ensure that sustainable transportation linkages, public services, infrastructure, and commercial needs support the City's mobility goals and are evaluated in proposed annexations.*

The project improves circulation through the Museum complex, includes new sidewalk along the Museum's frontage on Puesta del Sol, and facilitates additional circulation improvements between the Mission and the Museum that are under development with a recommended property dedication at the corner of Puesta del Sol and Mission Canyon Road. The

Recommended Conditions of Approval also would memorialize public access to trails on the Western Parcels. These project components are consistent with these circulation policies and implementation action.

Housing

Housing Element Policy H22: Work to Solve Regional Jobs/Housing Imbalance. *The City is committed to working with neighboring jurisdictions and the private sector to solve the regional jobs/housing imbalance in a regional manner.*

Housing Element Implementation Action H22.7 Employer Incentives. *Work with the Coastal Housing Partnership to develop incentives for employers throughout the South Coast to provide employee housing on-site or close-by off-site, and establish or expand programs that encourage employers to provide other housing benefits or financial assistance programs, such as down payments, closing costs and rental move-in fees for employees.*

The Museum currently provides housing for the Museum President off site in addition to three rental units are on the subject parcels: the Carriage House, a portion of MacVeagh House, and the Western Residence. To further this policy and implementation action, staff recommends Condition C.9.b for the Museum to prioritize rental of these units to Museum employees by offering the units to employees before they are offered to the General Public.

VIII. ENVIRONMENTAL REVIEW

The project involves minor physical and operational changes to a long-established facility. Prior projects on the Museum property were found to qualify for exemptions from environmental review. Based on the preliminary environmental review for this project, staff has determined that the project would not result in significant environmental impacts, and qualifies for exemption from further environmental review under the California Environmental Quality Act (CEQA).

Technical Studies: The following studies were submitted with the project and informed the environmental analysis:

- A Phase I Archaeological Resources Report prepared by Applied Earthworks, was accepted by the Historic Landmarks Commission on June 18, 2014. The report concluded it was unlikely that intact prehistoric archeological resources would be encountered during grading activities. The recommended conditions of approval include the standard cultural resource discovery condition.

- A Biological Assessment of the site was prepared by Watershed Environmental, Inc. that evaluated potential short-term, long-term, direct and indirect impacts of the project to biological resources. With implementation of the resource protection measures included as part of the project, the report concludes that the potential impacts to biological resources are less than significant or beneficial.

- A Phase I Historic Structures and Sites Report was accepted by Historic Landmarks Commission August 11, 2011, a Phase 2 Historic Structures and Sites Report was accepted by the Historic Landmarks Commission April 23, 2014, and an addendum to

the Phase 2 Historic Structures and sites report was accepted by Historic Landmarks Commission on December 3, 2014. With implementation of the historic resource protection measures, the report concludes that the project would not result in potentially significant impacts to significant historic resources, including the significant cultural landscape.

- A Noise Assessment Technical Report (dated March 2014) and Addenda dated July and September 2014 were prepared by Dudek. These documents analyzed the noise impacts of the construction and operation of the project, including the use of the proposed exterior speaker system. The report analysis included both average noise calculations per City criteria and noise levels at the time they occur per General Plan policy ER31.5. The report concludes that the project would be consistent with City Noise Element land use criteria and Noise Ordinance provisions, and neither project construction nor operations would have a significant, adverse noise impact in accordance with City significance thresholds.

- A Traffic and Parking Demand Analysis dated July 15, 2014 was completed by Associated Transportation Engineers (ATE) for the project. The Museum does not propose any increase in activities or maximum permitted attendance from what is currently permitted and has occurred at the site. The minor physical changes to the museum and the minor changes to Museum operations would not exceed existing permitted attendance or operations levels and would not result in a net increase in trip generation beyond the level of existing permitted operations. The project would not have a significant effect on traffic.

Categorical Exemptions. The State CEQA Guidelines identify the following applicable classes of projects that are exempt from CEQA review.

- Museum Alternations, Western Residence, As-built Outdoor Activity Areas, Landscape Improvements, Asphalt Removal. Section 15301 exempts the operation, maintenance, permitting, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The listed examples include: interior and exterior alterations involving such things as interior partitions, plumbing, and electrical and additions to existing structures of up to 2,500 square feet, and conversion of a single family residence to office use. This exemption applies to the alterations to the Museum campus buildings and structures; abatement of violations for the Western Residence; permitting of the as-built and proposed changes to the outdoor activity areas; and landscape improvements, including asphalt removal. The Museum renovations result in a net reduction of floor area and a net reduction in impermeable surface area.

- Butterfly Exhibit Replacement. Section 15302 exempts replacement and reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This exemption applies to the replacement of the Butterfly Exhibit.

- Creekside Terrace, Trash Enclosure, Soundwall, Fencing, Conversion of MacVeagh Cottage, Parking Lot Changes, Sidewalk. Section 15303 exempts construction and

location of new small structures and the conversion of existing small structures from one use to another. This exemption applies to the new creekside terrace, accessibility improvements, trash enclosure, soundwall, new fencing, conversion of MacVeagh Cottage from residential to non-residential use, changes to the parking lot, and right-of-way improvements, including the new sidewalk.

- Conditional Use Permit Amendment and Parking Modification. Section 15305 exempts minor alterations in land use limitation, which do not result in any changes to land use and density. This exemption applies to the Conditional Use Permit Amendment requested Parking Modification.
- Habitat Restoration. Section 15307 exempts City actions to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. This exemption applies to the Western Parcels habitat restoration.
- Annexation. Section 13519 exempts annexations of individual small parcels of the minimum size to allow for facilities exempted by Section 15303 (New Construction or Conversion of Small Structures), including single-family residences, accessory structures, utilities, and street improvements. The properties proposed for annexation (the lots known as APNs 023-250-039; -066; and -068, and APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way) allow for those facilities exempted by 15303, and, therefore, qualify for an exemption with the annexation by Section 15319.

Based on City staff analysis, no further environmental document is required for this project.

IX. RECOMMENDATION TO CITY COUNCIL

Staff recommends that the Planning Commission recommend the annexation and related General Plan Amendment and Zoning Map Amendment to the City Council for the following reasons:

A. ANNEXATION

The annexation is appropriate since the Museum's Western Parcels, the parcels at 609 Mission Canyon Road and the Mission Canyon Road right-of-way are within the City's Sphere of Influence and are contiguous with properties currently within the City's jurisdiction. While the Museum institutional complex is within the City, the City-County boundary bisects the land area owned and used by the Museum. The annexation of the Western Parcels would result in all Museum operations being within the City and included in the Museum's Master Plan, subject to an updated and consolidated Conditional Use Permit for the Museum. Annexation of the two 609 Mission Canyon Road parcels provides for a more rational City boundary. Annexation of the portion of Mission Canyon Road would transfer the right-of-way connection between the Mission and Museum, both major visitor-serving institutions, to the City.

B. GENERAL PLAN AMENDMENT

The proposed General Plan designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) is consistent with the land use designation of surrounding parcels

within the City, compatible with surrounding development and land uses in this neighborhood, and is similar to the existing County General Plan designation of the subject parcels.

C. ZONING MAP AMENDMENT

The proposed zoning designation of E-1 (One-Family Residence Zone), requiring a minimum lot size of 15,000 square feet, for all annexed parcels is compatible with the current surrounding buildout and the adjacent zoning, and is generally representative of current development in the Mission Canyon area. The Western Parcels have a Santa Barbara County zoning designation of 20-R-1 (*Single Family residential - 20,000 sq. ft. min. lot size)* and the 609 Mission Canyon Road parcels are currently zoned 1-E-1 (*Single Family residential -1 acre minimum lot size*). The 609 Mission Canyon Road parcels are non-conforming to the current County zoning and the proposed City zoning with 15,000 square foot minimum lot size would not allow for subdivision of those parcels. The proposed E-1 zoning designation would also be consistent with the proposed General Plan designation of Low Density Residential. The annexed properties would not be included in the Hillside Design District.

X. RECOMMENDED APPROVAL FINDINGS

Staff recommends that the Planning Commission approve the Conditional Use Permit Amendment and Parking Modification, making the following findings:

A. CONDITIONAL USE PERMIT

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The Museum's use of the property is desirable to public welfare, as it contributes to the community's appreciation and understanding of the City's history and its natural environment. The use is in harmony with the various elements or objectives of the General Plan as discussed in Sections V and VII of the Staff Report dated December 23, 2014.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

With the proposed limitations on use, the limits on the external speaker system, the sound wall and additional landscaping along Las Encinas Road, the Museum's continued use of the property will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The project proposes only minimal changes to the Museum-owned site area and setbacks to structures and is formalizing the Museum's use of the Western Parcels, providing a substantial area of open space. Therefore, the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character

of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

With implementation of the Museum's parking plan during high attendance events, adequate access and off-street parking are provided in a manner and amount so that the parking demands are adequately met without altering the character of the public streets in the area at any time.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The primary changes to the site result from improved access and habitat restoration. The appearance of the site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Museum proposes to restore habitat in the Western Parcels and will be required to continue to provide public access to the existing trail network.

6. Compliance with any additional specific requirements for a conditional use permit.

There are no additional requirements for a quasi-public facility.

B. PARKING MODIFICATION

The proposed parking supply will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space in the immediate area. The submitted parking demand study demonstrates that adequate parking is provided to address the peak needs of the Museum even with the reduction of parking by one space. The Museum will continue to implement its traffic and parking supply management plan for certain special events.

Exhibits:

A. Recommended Conditions of Approval
B. Site Plans, Floor Plans, Elevations
C. Applicant Report, dated December 1, 2014
D. Annexation Exhibit of Western Parcels
E. Santa Barbara Museum of Natural History Use and Attendance
F. Historic Landmarks Commission Minutes of April 23 and May 7, 2014
G. Relevant General Plan Goals, Policies & Implementation Strategies
H. Relevant Mission Canyon Community Plan Goals, Policies & Implementation Strategies

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 002-15
2559 PUESTA DEL SOL
ANNEXATION, CONDITIONAL USE PERMIT, PARKING MODIFICATION
JANUARY 8, 2015

APPLICATION OF SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES FOR THE SANTA BARBARA MUSEUM OF NATURAL HISTORY, 2559 PUESTA DEL SOL, APNS 023-271-003 & -004; 023-250-039, -056, -066 & -068, COUNTY ZONING: 20-R-1 (SINGLE FAMILY RESIDENTIAL, 20,000 SF MIN. LOT SIZE), CITY ZONING: E-1 (ONE FAMILY RESIDENCE), COUNTY GENERAL PLAN DESIGNATION: RES 1.8 (RESIDENTIAL, 1.8 DWELLING UNITS/ACRE) CITY GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. DENSITY 3 DWELLING UNITS/ACRE) (MST2014-00116)

The proposed Master Plan for the Santa Barbara Museum of Natural History (Museum) anticipates the following improvements over the next 10-15 years: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new screening wall along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22).

The proposal includes Annexation of three Museum-owned parcels to the City: APNs 023-250-039; -066; and -068, totaling approximately five acres (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The Museum proposes to maintain the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation, and Museum educational activities. New improvements in the largely undeveloped Western Parcels include an enhanced bioswale with an associated boardwalk and overlook, and restoration of the woodland area including replacement of non-native plants with native plants.

In addition to Annexation of the three Museum-owned parcels, staff requests that the Planning Commission recommend annexation of two additional privately-owned parcels, adjacent to the Museum property, located at 609 Mission Canyon Road (APNs 023-271-005 and -006) and the Mission Canyon Road right-of-way between the current City boundary up to and including the intersection of Mission Canyon Road and Puesta del Sol. Staff recommends a General Plan Designation of Low Density Residential (Maximum Density: Three Dwelling Units per Acre) and a Zoning Designation of E-1 (One-Family Residence Zone) for all parcels considered for annexation.

Actions requiring a recommendation by the Planning Commission to the City Council, and subsequent approval by the City Council and the Local Agency Formation Commission (LAFCO):

A. Reorganization of the properties known as APNs 023-250-039; -066; and -068, and APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way including Annexation to the City of Santa Barbara and Detachment from the Santa Barbara County Fire Protection District, County Service Area 12, and the Mission Canyon Lighting District.

B. A General Plan Amendment to designate the properties to be annexed as Low Density Residential (Maximum Density: Three Dwelling Units per Acre) upon annexation.

C. A Zoning Map Amendment to zone the properties to be annexed as E-1 (One-Family Residence Zone) upon annexation.

Actions by the Planning Commission:

D. A Conditional Use Permit Amendment to allow for the proposed changes to the Museum (SBMC §28.94.030).

E. A Parking Modification to provide less than the required number of onsite parking spaces (SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and 15319 (Annexations of Existing Facilities and Lots or Exempt Facilities).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 23 people appeared to speak in favor of the application, and 2 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 23, 2014.
2. Site Plans
3. Correspondence received in support of the project:
    a. David Cash, Santa Barbara Unified School District, via email
    b. Virginia and Robert Guess, via email
    c. Virginia Sloan, via email
    d. Sandra Russell, via email
    e. Larry Feinberg, Santa Barbara Museum of Art, via email
    f. Dennis Power, Santa Barbara, CA
    g. Nancy Martz, Santa Barbara, CA
    h. Talli Larrick, via email
    i. Karl Hutterer, Santa Barbara, CA
    j. Janet Sands, via email

k. Maureen Masson, via emal

l. Anabel Ford, UCSB Meso American Research Center, via email

m. Michael Towbes, via email

n. Steve Windhager, Santa Barbara Botanic Garden, via email

o. Alastair Winn, via email

p. Christopher Knowlton, Santa Barbara Museum of Natural History, via email

q. Peter Schulyer, via email

r. Lois Mitchell, Orfalea Foundation, via email

s. Greg Gorga, Santa Barbara Maritime Museum, via email

t. Gwen Stauffer, Ganna Walska Lotusland, via email

u. Steven Hicks, Santa Barbara Museum of Natural History, via email

v. Barbara Lindemann, Mission Canyon Association, via email

w. Kellam de Forest, via email

x. John Markham, via email

y. Melinda Greene, via email

z. Hebe Bartz, neighbor, at hearing

4. Correspondence received in opposition to the project or with concerns:

a. Richard Solomon and Jana Zimmer, via email

b. Mark and Lauren Carey, via email

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. **CONDITIONAL USE PERMIT**

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan.

The Museum's use of the property is desirable to public welfare, as it contributes to the community's appreciation and understanding of the City's history and its natural environment. The use is in harmony with the various elements or objectives of the General Plan as discussed in Sections V and VII of the Staff Report dated December 23, 2014.

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

With the proposed limitations on use, the limits on the external speaker system, the soundwall/visual screen and additional landscaping along Las Encinas Road, the Museum's continued use of the property will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved.

3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

The project proposes only minimal changes to the Museum-owned site area and setbacks to structures and is formalizing the Museum's use of the Western Parcels, providing a substantial area of open space. Therefore, the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.

With implementation of the Museum's parking plan during high attendance events, adequate access and off-street parking are provided in a manner and amount so that the parking demands are adequately met without altering the character of the public streets in the area at any time.

5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title.

The primary changes to the site result from improved access and habitat restoration. The appearance of the site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Museum proposes to restore habitat in the Western Parcels and will be required to continue to provide public access to the existing trail network.

6. Compliance with any additional specific requirements for a conditional use permit.

There are no additional requirements for a quasi-public facility.

B. **PARKING MODIFICATION**

The proposed parking supply will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space in the immediate area. The submitted parking demand study demonstrates that adequate parking is provided to address the peak needs of the Museum even with the reduction of parking by one space. The Museum will continue to implement its traffic and parking supply management plan for certain special events.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur:

1. Obtain all additional annexation approvals. Refer to Condition B "Approval Contingent upon Annexation."

2. Obtain all required design review approvals.

3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.

4. Record any required documents

   a. Recorded Conditions Agreement (Section C.1.).

   b. Dedications prior to completion of public improvements (Item E.1.b.).

   c. Water Rights Assignment (E.1.c.).

   d. Agreement to Construct (if required).

5. Permits.

   a. Submit applications for, obtain Building Permits (BLD), and construct the soundwall/visual screen along the northeasterly portion of the parking lot and associated landscaping within one year of approval of the amended Conditional Use Permit.

   b. Submit applications for and obtain Building Permits (BLD) to address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.

   c. Submit public improvement plans for all required public improvements, an engineer's estimate of public improvements and application with fees for a Public Works Permit (PBW) and either complete said improvements or enter into an Agreement to Construct and post bonds for public improvements.

   d. Submit applications for and obtain a Building Permits (BLD) for construction of the remainder of the approved development and complete said development.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Approval Contingent upon Annexation.** Approval of the project elements related to the Western Parcels is contingent upon approval of the General Plan Map and Zoning Map Amendments by the City Council and approval of the Annexation of the Western Parcels by the Local Agency Formation Commission and completion of that annexation.

C. **Recorded Conditions Agreemen**t. The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The additional development of the Real Property approved by the Planning Commission on January 8, 2015, in addition to the existing development shown on the site plan submitted by the Applicant in Sheet A1.11 is limited to the following improvements: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of

trash and recycling; new fencing; new soundwall/visual screen along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22). The following Assessor Parcel Numbers are subject to the terms of the Conditional Use Permit: APNs 023-272-003 and -004. Upon the completion of the proposed annexation, the following Assessor Parcel Numbers shall also be subject to the Conditional Use Permit: APNs 023-250-039; -056; -066; and -068 (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The project includes maintenance of the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation including public use of the trail network (referenced as footpaths on plan sheet L1.0), and Museum educational activities. The project includes the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Operational Conditions.** The following conditions apply to the overall operations of the Museum and the use of the site.

   a. **Allowed Uses.** The following non-residential uses are allowed on the subject property:

      (1) **General Museum & Educational Use.** Research; collections maintenance; adult classes; children's camps; docent trainings; attendance by visitors and museum members to exhibits; Board of Trustees, Committee and volunteer meetings; appointments with staff by vendors and members of the public; attendance by school groups, children's classes, children's camps, evening films and lectures; special planetarium shows and evening star parties, SBCC and UCSB classes; and visitation by researchers and persons by appointment, including professional symposia or similar gatherings.

      (2) **Community Uses.** Meetings; town hall discussions; memorials; wedding ceremonies; weddings with receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum.

      (3) **High-Attendance Events.** Museum-sponsored gatherings often held on weekends, which are not part of regularly scheduled or routine operations. Currently these include the Wine Festival (June), The Museum League Art Walk (September), the Tribal and Folk Art Marketplace (December), and an additional event associated with a specific exhibition or program offering (e.g. the Tinkertoy Family Festival held in summer 2013).

b. **Annual Attendance and Maximum Capacity.**

(1) The maximum annual attendance including general admissions, members, volunteers, education programs, research programs, outside group use, special events, and weddings and memorials shall be monitored by the Museum and shall not exceed 165,147 people.

(2) The maximum number of people allowed on-site at any one time shall not exceed 1,400 and shall be monitored by the Museum staff at Museum entrance and exit.

c. **Special Event Limitations.**

(1) High Attendance events shall not exceed four (4) events or 11,588 attendees per year, whichever is more restrictive.

(2) The Museum shall continue to coordinate scheduling of high attendance events with the Santa Barbara Women's Club and the Santa Barbara Botanic Gardens to minimize traffic, parking, and fire evacuation issues.

(3) If a High Attendance Event is anticipated to potentially exceed the on-site parking supply, the procedures for addressing parking and transportation during special events in the Museum's Traffic and Parking Procedures shall be implemented as appropriate.

(4) Wedding receptions shall be scheduled for Saturdays only and shall not exceed 15 per calendar year.

(5) Wedding reception attendance shall not exceed 175 guests per wedding.

(6) Amplified music shall be limited to the Fleishman Auditorium for wedding receptions and shall commence no earlier than 4:30 p.m.

(7) The only outdoor amplified sound permitted associated with events is amplification of voices of wedding ceremony participants so wedding guests can hear the ceremony.

(8) An additional non-Museum staff security officer shall be present for the duration of all wedding receptions to help ensure that event guests comply with Museum policies and requirements.

(9) Town hall discussions; memorials; wedding ceremonies; wedding receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum shall end no later than 9:30 p.m. and guests shall vacate the site by 10:00 p.m. All other evening events shall end no later than10:00 p.m. and all guests shall vacate the site by 10:30 p.m.

(10) Outdoor post-event clean-up activities south of the creek are limited to the period between 8:30 a.m. and 7:00 p.m.; post-event clean-up activities outside Fleischmann Auditorium are limited to the period between 8:30 a.m. and 10:00 p.m.

(11) Event guests shall not loiter in the parking lot or in front of the Museum.

d. **General Operations.**

(1) Amplified music is prohibited outdoors.

(2) All music must be stopped by 9:30 p.m. each day.

(3) The use of external public address speakers is limited to the hours between 8:00 a.m. and 8:30 p.m. except for announcements necessary for public safety.

(4) The external public address system must be maintained such that noise from the public address system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary with a residential use, except for emergency announcements. The Museum shall comply with any City Planning Division staff request that public address system be tested to ensure compliance with this condition.

(5) Public gatherings and picnicking are prohibited in the parking lot.

(6) Regular Museum admission hours are between 10:00 a.m. and 5:00 p.m., seven days a week. Special activities and programs may occur outside these hours.

(7) The parking lot shall be locked and access to the parking lot shall be limited after 11:00 p.m. and before 6:45 a.m., seven days a week.

(8) The use of chainsaws, skip loaders, leaf blowers and other noisy equipment is prohibited before 9:00 a.m., seven days a week.

(9) No recreational vehicles, boats, or trailers shall be stored on the Real Property.

(10) The Museum shall implement the following:

a. *Procedures and Requirements for Emergency Response* as approved by the Museum President June 22, 2014 and on file at the City.

b. *Procedures and Requirement for Traffic and Parking Management* approved by the Museum President on November 25, 2014 and on file at the City.

c. *Procedures and Requirements for Events* approved by the Museum President on December 1, 2014 and on file at the City.

Any proposed changes to these documents shall be reviewed by City Staff for consideration of substantial conformance.

e. **Reporting.**

(1) Submit to City staff an annual report of monthly attendance data of the three categories of use allowed and defined under this CUP:

a. General Museum and Educational Uses

b. Community Uses, including the number of weddings with receptions and the number of attendees at weddings with receptions.

c. High Attendance Events, identifying the number of these events, attendance at each, and statistics on use of off-site parking.

(2) Maintain and submit to City staff upon request all complaints submitted to the Museum and the Museum's responses to complaints.

3. **Public Access.** The Museum shall continue to provide free public access to the existing and proposed trail network on the western portion of the Museum property (referenced as footpaths on Sheet L1.0), excluding the paths within the new fenced area identified as Detail 13 (on the Museum campus side) on Sheet L1. 0.

4. **Development Rights Restrictions.** Other than the improvements shown on the approved plans and improvements within the building envelope, the Owner shall not develop the portion of the Real Property labeled "Native Woodland Garden" on Sheet L0.1. Tree protection and replacement shall be consistent with the Watershed Environmental, Inc. report dated March 6, 2014. The Museum shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

Other than elements of the subject project and proposals within the building envelope shown on Sheet L0.1, future development proposals within the restricted area shall be subject to following Mission Canyon Community Plan Development Standards as they existed at the time of the Planning Commission approval of the Conditional Use Permit, in addition to applicable City policies:

DevStd BIO-MC-3.3 Development shall be required to include the following Environmentally Sensitive Habitat (ESH) buffer areas:

- Creeks and streams, including steelhead critical habitat streams–50 feet as measured from the geologic top of creek bank.
- Central and Southern Coast Live Oak Riparian Forest and Woodland, Coast Live Oak/Olive Riparian Woodland, California Sycamore Riparian Forest, and Central Coast Arroyo Willow Riparian Forest–50 feet from edge of canopy.
- Coast Live Oak Woodland and Forest–25 feet from edge of canopy.
- Habitats containing Nuttall's scrub oak or other special status animal or plant species or rare natural communities–25 feet minimum, full extent to be determined on a case-by-case basis.
- Wetland Habitats–50 feet from edge of wetland habitat.
- Buffer areas from other types of ESH shall be determined on a case-by- case basis.

These buffers areas may be adjusted upward or downward on a case-by-case basis given site-specific conditions, such as slopes, biological resources, and erosion potential, as evaluated and determined by the City.

DevStd BIO-MC-3.4: Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that protects the sensitive habitat areas to the maximum extent feasible.

DevStd BIO-MC-8.2: The stream or creek buffer area shall be indicated on all site and grading plans. All ground disturbance and native vegetation removal shall be minimized in the buffer area to the maximum extent feasible.

5. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

8. **Pesticide or Fertilizer Usage.** The use of pesticides or fertilizer shall be prohibited within any area that drains directly into Mission Creek.

9. **Transportation Demand Management.** The following alternative transportation incentives shall be implemented reduce parking demand and traffic impacts.

   a. **Bus Passes.** The Museum shall provide MTD bus passes free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired.

   b. **Housing Priority**. The Museum shall provide rental preference of the onsite residential units in the following order: (1) Museum employees, (2) persons who currently live on the South Coast or households with a member employed on the South Coast; and (3) the general public.

   c. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal alternative transportation arrangements of any employee, the Museum shall guarantee a free ride home.

d. **Flexible Work Hours.** The Museum shall encourage staggered or flexible work hours that allow staff to arrive and depart at times which are outside the morning and afternoon peak traffic hours as established by the City of Santa Barbara (currently Monday through Friday 7-9 a.m. and 4-6 p.m.).

e. **Bicycle Parking.** A total of 22 bicycle parking spaces are to be provided on-site, including at least four covered bicycle parking spaces for employees only. Final rack locations and types of racks shall be approved by City Transportation staff and Historic Landmarks Commission.

D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Historic Structures Report.** All project features described in the Historic Structures and Sites Report(s) accepted by Historic Landmarks Commission shall be implemented to the satisfaction of the City Urban Historian.

2. **Tree Protection and Replacement.** Include a note on the plans that the tree protection and replacement project components included in the Watershed Environmental, Inc. report dated March 6, 2014, shall be implemented. All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained.

3. **Landscape Plan.** Identify on the Landscape Plan the portion of the Real Property outside of the Las Encinas Road easement designated as "Proposed Restoration/Enhancement Area" on the Exhibit labeled "Revised Figure 7" in the Biological Assessment prepared by Watershed Environmental, Inc., dated July 10, 2014, so that those portions of the Real Property remain in their natural state.

4. **Public Improvements.** General Plan Implementation Actions HR6.1, HR6.2, and HR6.3 shall be considered in the review of proposed public improvements on Puesta del Sol.

5. **Exterior Lighting.** All new exterior lighting shall conform with Municipal Code Chapter 22.75 and shall be shielded and directed away from the tree canopy, the creek bed, creek banks, and undisturbed woodland habitat.

6. **Parking Lot Screening.** A soundwall/visual screen shall be provided to buffer the adjacent residences along Las Encinas Road at the location shown on Sheet L3.0.

7. **Screened Backflow Device.** All new backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.

8. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

   Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project other than building permits for the soundwall/visual screen and required alterations to the Western Residence. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.d "Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

b. **Dedication.** Owner shall submit an application and fees to the City Public Works Department for the following dedications and shall complete dedication prior to acceptance of public improvements.

(1) Owner shall grant an easement for right of way purposes to the City of Santa Barbara northeast of the face of the existing historic wall on APN 023-271-004 at the intersection of Puesta Del Sol and Mission Canyon Road.

(2) Owner shall dedicate to the City of Santa Barbara a new onsite ten-foot-wide sewer easement centered over the actual sewer main with right of access and reservation to the owner to continue use of a butterfly exhibit at the existing location over the sewer main.

c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

d. **Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Puesta del Sol. Plans for public improvements shall be prepared by a licensed civil engineer registered in the State of California and shall be submitted prior to or concurrent with (but separately from) plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following:

(1) Installation of frontage improvements along Puesta del Sol from the western extent of the sandstone wall on Puesta del Sol to the driveway entrance of the Carriage House. An in-lieu fee shall be provided to fund the remaining Puesta del Sol frontage improvements. The improvements shall include a minimum of six-foot wide pathway, and minimum of four-foot wide parkway.

(2) Design of all frontage improvements shall be designed to protect existing trees located at the property frontage in the street as required by the Urban Forest Superintendent.

(3) The frontage improvements shall include the installation of one or two new City Standard Dome Style street lights. The locations shall be as approved and modified by the City Engineer. The lighting changes on Puesta Del Sol will be either to install one 20' Type B City Standard street light or two 14' Type A City Standard pedestrian lights. The existing SCE cobra-head shall be removed.

(4) The entire width of Puesta Del Sol along the Museum frontage shall be slurry sealed and striped.

e. **In-lieu Fee for Sidewalk.** The Owner shall pay $7,000 of in-lieu fees for the future construction of the remaining pathway frontage improvements on the easterly end of Puesta del Sol.

f. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

g. **Agreement to Construct and Install Improvements.** Prior to building permit issuance, the Owner shall either complete public improvements or submit preliminary plans for the required public improvement with engineers estimate, securities for construction and execute an *Agreement to Construct*.

h. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in Condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Unpermitted Work.** The Building Permit scope of work shall address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.

c. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of construction/demolition with ground disturbance in close proximity to existing trees. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.

d. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of

Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

e. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in Condition E.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

f. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.

g. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of each of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional

information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m. (Saturday construction is limited to non-noise-generating activities only, such as interior painting), excluding the following holidays:

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

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

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

4. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site, but is prohibited in the northernmost section of the Museum parking lot. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.

5. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.

6. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. Tree removal/relocation/trimming activities shall not occur during nesting season (March 1 – July 1). If these activities must occur during this time, a qualified biologist shall conduct surveys to identify, no more than one week prior to the activity, active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius, no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young fledglings have left the nest.

7. **Storm Water Pollution Prevention.** A Storm Water Pollution Prevention Plan with appropriate erosion/sediment control devices will be implemented between the construction area and Mission Creek. An erosion and sediment control plan that satisfies City of Santa Barbara requirements will be prepared and included in the construction drawings of each project component. Prior to the start of any demolition or construction activity within 100 feet of the topographic top of the creek bank, the perimeter of the work area shall be fenced and sediment and erosion control materials shall be installed to prevent demolition debris, soil, sediment, and other contaminates from falling or washing down into Mission Creek.

8. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

   a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

   b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

   c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

   d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.

   e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

   f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent

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

g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

9. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** For the phase of the project that includes public improvements, those improvements as shown in the public improvement plans or building plans, shall be completed.

3. **Noise Measurements.** For the phase of the project that includes the exterior speaker system, submit a final report from a licensed acoustical engineer, verifying that the sound produced by the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary with a residential use. In the event the noise is not within acceptable levels, additional measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Historic Landmarks Commission (HLC). Such measures may include volume reduction, relocation, reorientation, removal of speaker(s), or limiting the use of the speaker system to emergency announcements only.

4. **Biological Monitoring.** For any phase of the project that includes planting of new native trees, submit a plan and contract with a qualified biologist acceptable to the City for the five-year monitoring period.

H. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolutions 33-1979, 10-1980, 002-89, 025-91, 054-92 and Substantial Conformance Determinations dated April 9, 2007, September 16, 2008, and November 12, 2009.

2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

3. **Approval Limitations.**

   a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

   b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.

c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

   Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

III. NOTICE OF CONDITIONAL USE PERMIT AND MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit and Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building Permit for the project authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

IV. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

Three motions were passed and adopted on the 8th day of January, 2015 by the Planning Commission of the City of Santa Barbara, by the following votes:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

February 5, 2015
Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

RESOLUTION NO. 15-029

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL OF MARK AND LAUREN CAREY AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION GRANTING AN AMENDED CONDITIONAL USE PERMIT AND PARKING MODIFICATION FOR THE SANTA BARBARA MUSEUM OF NATURAL HISTORY (2559 PUESTA DEL SOL)

WHEREAS, in order to implement a proposed Master Plan, the Santa Barbara Museum of Natural History applied for an amended Conditional Use Permit, a parking modification, and an annexation of Museum Owned parcels located within the County of Santa Barbara into the City.

WHEREAS, as part of the amended Conditional Use Permit, the Museum proposed the following physical improvements on the Museum's property located at 2559 Puesta del Sol: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new soundwall/visual screen along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing bioswale and outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings.

WHEREAS, the amended Conditional Use Permit results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22).

WHEREAS, the following Assessor Parcel Numbers are subject to the terms of the amended Conditional Use Permit: APNs 023-272-003 and -004. Upon the completion of the proposed annexation, the following Assessor Parcel Numbers shall also be subject to the Conditional Use Permit: APNs 023-250-039; -056; -066; and -068 (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The project includes maintenance of the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation including public use of a trail network, and Museum educational activities. The project includes the improvements shown on the plans signed by the chairperson of the

Planning Commission on January 8, 2015 and on file at the City of Santa Barbara.

WHEREAS, on January 8, 2015, the Planning Commission conducted a duly noticed public hearing and approved the amended conditional use permit, the parking modification, and recommended that the City Council grant the proposed annexation.

WHEREAS, on January 20, 2015, Mark and Lauren Carey timely filed an appeal of the Planning Commission's approval. In their appeal letter, the Careys objected to the proposed installation of an exterior speaker system for Museum announcements and the proposed relocation of the trash bins to a location within the Museum parking lot. In addition, the Careys requested imposition of additional conditions of approval intended to reduce the impacts of the proposed construction and objected to the environmental determinations for the project.

WHEREAS, on March 23, 2015, the City Council conducted a duly noticed site visit during which members of the City Council inquired into and observed the physical aspects of the issues presented on appeal, including the site planning. Mark and Lauren Carey and Richard Solomon also attended the site visit.

WHEREAS, on March 24, 2015, the City Council conducted a duly noticed public hearing on the appeal. The City Council in the appeal hearing considered the entire record of proceedings, including without limitation the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues and a PowerPoint presentation.

2. The Planning Commission staff report and attachments thereto.

3. Presentations by appellant Lauren Carey and her neighbor Richard Solomon, detailing the grounds of the appeal, which are part of the record in this case and were fully considered by the City Council in making its decision on this appeal.

4. A detailed presentation by Suzanne Elledge, agent for the Santa Barbara Museum of Natural History, including a Power Point presentation; by Luke Swetland, CEO of the Santa Barbara Museum of Natural History; and by Mike Huff of Dudek & Associates on behalf of the Museum regarding the Museum's Fire Protection Plan.

5. Public comments of Planning Commissioner Michael Jordan regarding the appeal issues and the deliberations of the Planning Commission.

6. Public comment, both oral and written, from members of public.

All of the above evidence and the entire record of proceedings is incorporated by reference into this Resolution, which is based upon the entirety of the record of proceedings.

WHEREAS, after consideration of all of the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council members, the City Council voted 6-1 (Council member Murrillo dissenting) to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal and grant the amended Conditional Use Permit and the parking modification.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the Planning Commission and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings.

SECTION 3. The Council has carefully reviewed the evidence it obtained during the site visit and public hearing as described above and from the record of proceedings, and based upon that evidence denies the appeal and upholds the decision of the Planning Commission approving the amended Conditional Use Permit and Parking Modification, making the findings and determinations set forth below:

A. Amended Conditional Use Permit.

1. The City Council finds that the uses proposed within the amended Conditional Use Permit are deemed essential and desirable to the public convenience and welfare and, with implementation of the adopted conditions of approval, are in harmony with the various elements or objectives of the Comprehensive General Plan. The City Council finds the Museum to be an important public institution of long-standing importance within the community and the neighborhood which contributes to the community's appreciation and understanding of the City's history and its natural environment. Substantial public testimony before the City Council establishes the important benefits that the Museum provides to the community as a whole. The Museum uses are in harmony with the various elements or objectives of the General Plan, as discussed in sections V and VII of the Planning Commission staff report dated December 23, 2014, incorporated by this reference.

2. The City Council finds that the Museum uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The Museum has operated in the same location in a similar manner for decades. The conditions included in the amended Conditional Use Permit are in many instances more restrictive regarding Museum operations than are existing conditions of approval. The implementation of the conditions of approval, particularly those relating to high attendance events/facility rentals and noise, insures that the uses proposed within the Museum Master Plan will not be materially detrimental to the public peace, health, safety, comfort and general welfare. Regarding the proposed exterior speaker system for public address announcements, the City Council has adopted a condition of approval that requires testing to verify that the system will not increase the ambient noise level by more than 2dBA at the property boundary before the system may be put into normal operation. The proposed location of the trash and recycling bins will be enclosed and will remain hundreds of feet from the residences of the appellants and of Mr. Solomon, which is an adequate setback for trash enclosures. The proposed bin enclosure is situated in the southwest corner of the parking lot, a location that facilitates pick up by collection trucks, improves safety by reducing the potential for pedestrian conflicts, and eliminates a 225-foot long back-up maneuver and associated beeping back up alarm, all of which the City Council determines to be a substantial benefit to the entire neighborhood. According to a noise study by DUDEK, dated July 2014, the relocation of the trash and recycling reduces Museum operational noise overall. The project plans and conditions of approval also reflect the Museum's commitment to construct a 120-foot long, 6-foot high sound wall, which will serve to further protect the appellants' residence from noise. Conditions of approval address construction implementation; these conditions include neighborhood notification prior to construction, contractor contact information, restricted construction hours, site rules to reduce noise, restricted areas for construction parking and materials and equipment staging, noise shields for certain stationary equipment and Museum contact information for noise complaints. Conditions of approval also incorporate Museum procedures to manage events, traffic and parking, and emergencies, including fire evacuation. Project components referenced in the Applicant's report dated December 1, 2014 will be gradually and individually implemented over the life of the Master Plan; construction will not be continuous over this time period. For all these reasons, the City Council determines that testimony regarding a potential material effect on neighborhood property values is speculative and based on inaccurate information; the City Council finds that the uses allowed under the amended Conditional Use Permit will not materially affect property values in the surrounding neighborhood.

3. The City Council finds that the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. 70% of the

project site consists of landscaping and open space area. The project proposes no new buildings and only minimal changes to the Museum site. Museum attendance utilizing these facilities will remain within previously achieved and permitted levels. As discussed above, adequate setbacks are provided for trash enclosures and other potential sources of noise. An enhanced landscape buffer and 120-foot long sound wall is proposed along the northern boundary of the parking lot adjacent to the appellants' property.

4. The City Council finds that the amended Conditional Use Permit proposes adequate access and off-street parking including parking for guests, provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. The parking demand study for the project demonstrates that the Museum's parking lot provides an adequate number of spaces to accommodate, and historically has accommodated, normal Museum operations. Conditions of approval require that measures be taken by the Museum to provide additional parking capacity when the Museum anticipates that such additional parking capacity will be needed; these measures are described in the Museum's Procedures and Requirements for Traffic and Parking Management, and include but are not limited to the provision of off site parking capacity out of Mission Canyon. Parking demand for all Museum operations can be met without altering the character of area public streets.

5. The City Council finds that the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The City Council finds the minor alterations proposed to the exterior of the Museum facility to be compatible with the character of the area, of which the Museum has been a part for nearly 100 years. The Historic Landmarks Commission unanimously found the proposed project improvements to be compatible with the existing buildings and area character.

6. There are no additional required findings for a Conditional Use Permit issued for a quasi-public use.

B. Parking Modification.

The City Council finds that the proposed modification will not be inconsistent with the purposes and intent of Title 28 of the Santa Barbara Municipal Code. Granting the modification will not cause an increase in the demand for parking or loading in the immediate area. The amended Condition Use Permit does not propose any increase in the maximum permitted attendance from what has historically occurred at the site. The applicant provided a Traffic, Circulation, and Parking Report prepared by Associated Transportation Engineers dated July 15, 2014 that projects a future peak parking demand of 137 spaces for regular use. The Museum has operated for many years providing a total of 156 spaces, and

has previously been granted parking modifications by the City. The proposed Master Plan reduces the number of parking spaces by one (1) space. Additional parking is needed during some high attendance events, so the conditions of approval require that the Museum provide enhanced parking capacity for such events, including but not limited to provision of offsite, out-of-canyon parking and shuttles. Based on the historical experience of the Museum operations within 156 parking spaces, the parking demand study anticipating a future parking demand of 137 for regular use, and the imposition of conditions of approval for additional parking for high attendance events, the City Council finds that the loss of one Museum parking space will not cause an increase in demand for parking space in the immediate area. A designated bus loading/unloading zone is required to be provided by the conditions of approval.

C. All summaries of information in the findings in this Resolution are based upon substantial evidence in the record. The absence of any particular fact from any summary contained in a finding does not indicate that a particular finding is not based upon that fact. All evidence in the record shall be considered when interpreting the findings.

D. California Environmental Quality Act Determinations. The State CEQA Guidelines identify the following applicable classes of projects that are exempt from CEQA review. The City Council finds the following classes of exemptions to apply to the following elements of the proposed project:

Museum Alterations, Western Residence, As-built Outdoor Activity Areas, Landscape Improvements, Asphalt Removal.

Section 15301 exempts the operation, maintenance, permitting, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The listed examples include: interior and exterior alterations involving such things as interior partitions, plumbing, and electrical and additions to existing structures of up to 2,500 square feet, and conversion of a single family residence to office use. This exemption applies to the alterations to the Museum campus buildings and structures; abatement of as-built violations for portions of the Western Residence; permitting of the as-built and proposed changes to the outdoor activity areas; and landscape improvements, including asphalt removal. The Museum renovations result in a net reduction of floor area and a net reduction in impermeable surface area.

Butterfly Exhibit Replacement.

Section 15302 exempts replacement and reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This exemption applies to the replacement of the Butterfly

Exhibit because the Butterfly Exhibit Replacement structure will be sited in the same location as the existing structure and will have the same purpose and capacity as the existing structure.

Creekside Terrace, Trash Enclosure, Sound Wall, Fencing, Conversion of MacVeagh Cottage, Parking Lot Changes, Sidewalk, Accessibility Improvements.

Section 15303 exempts construction and location of new small structures and the conversion of existing small structures from one use to another. This exemption applies to the new creekside terrace; accessibility improvements; trash enclosure; sound wall; new fencing; conversion of MacVeagh Cottage from residential to non-residential use; changes to the parking lot; and right-of-way improvements, including the new sidewalk. The Museum renovations result in a net reduction of floor area and a net reduction in impermeable surface area. These changes to existing structures and small structures fall well within the scope of examples listed in the Guideline. They are accessory or appurtenant structures and far smaller and less impactful than the addition of 2500 square feet of office or a single family dwelling listed in Section 15303.

Conditional Use Permit Amendment and Parking Modification.

Section 15305 exempts minor alterations in land use limitation, which do not result in any changes to land use and density. The Museum has operated in the same location in a similar manner for decades. The conditions included in the amended Conditional Use Permit, particularly those relating to high attendance events/facility rentals and noise, insure that the uses proposed within the Museum Master Plan will maintain potential impacts to neighbors at existing levels or minimize potential impacts further. Regarding parking, based on the historical experience of the Museum operations within 156 parking spaces, the parking demand study anticipating a future parking demand of 137 for regular use, so loss of one space is a minor change in a land use limitation. This exemption therefore applies to the Conditional Use Permit Amendment and requested Parking Modification.

Habitat Restoration.

Section 15307 exempts City actions to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15333 exempts small habitat restoration projects that are less than five acres in size which are done to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that there would be no significant adverse impact on endangered, rare or threatened species or their habitat, there are no hazardous materials at or around the project site that may be disturbed or removed, and the project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current

projects, and the effects of probably future projects. Examples listed include the revegetation of disturbed areas with native plant species, stream bank revegetation, and projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment. The habitat restoration associated with this project will be on an area less than five acres in size. The biological report prepared by Mark De la Garza describes the area and type of activities to be conducted. Specifically, the activities will consist of maintenance, restoration, enhancement, and protection of the oak woodland and other impacted or degraded habitat around the Museum. These exemptions apply to the Western Parcels habitat restoration.

Annexation.

Section 15319(a) exempts annexations to a city of areas containing existing private structures developed to the density allowed by the current zoning of either the gaining or losing governmental agency, whichever is more restrictive, provided that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. Section 15319(b) exempts annexations of individual small parcels of the minimum size to allow for facilities exempted by Section 15303 (New Construction or Conversion of Small Structures), including single-family residences, accessory structures, utilities, and street improvements. The properties proposed for annexation (the Museum parcels identified as APNs 023-250-039; -066; and -068, and the 609 Mission Canyon Road parcels identified as APNs 023-271-005 and -006, and a portion of the Mission Canyon Road right-of way) are located in an unincorporated inholding surrounded by the City of Santa Barbara. These parcels are all already surrounded by City services and utilities. The annexation of these parcels qualify for this exemption because (a) they are already developed to the density allowed by both the City and the County or (b) they are an individual small parcel of the minimum size allowed under the small structures exemption (Section 15303).

None of the exceptions to the CEQA categorical exemptions listed in Section 15300.2 apply to the proposed project for a number of reasons. The Museum has had an existing facility on the site for almost 100 years. The current permits, structures, and operations have been in place for decades. The Museum is not making any significant changes to the facilities. Operationally, the Museum proposes more restrictive and protective constraints which will serve to minimize potential impacts on neighbors. Since the Museum proposes to modify its existing permit such that any potential environmental impacts are either maintained at permitted levels or reduced, the Project cannot result in any new significant impact. The Project therefore will either maintain or reduce potential impacts to neighbors and will not have a significant impact due to the existence of any sensitive environment, scenic highway, historical resource, unusual circumstance, or any other issue. Therefore, none of the exceptions to the categorical exemptions apply.

RECOMMENDED REVISED CONDITIONS OF APPROVAL

2559 PUESTA DEL SOL
ANNEXATION, CONDITIONAL USE PERMIT AMENDMENT, PARKING MODIFICATION
MARCH 24, 2015

In consideration of the project approval granted by the City Council and for the benefit of the owner and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur:

1. Obtain all additional annexation approvals. Refer to Condition B "Approval Contingent upon Annexation."
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
4. Record any required documents
   a. Recorded Conditions Agreement (Section C.1.).
   b. Dedications prior to completion of public improvements (Item E.1.b.).
   c. Water Rights Assignment (E.1.c.).
   d. Agreement to Construct (if required).
5. Permits.
   a. Submit applications for, obtain Building Permits (BLD), and construct the soundwall/visual screen along the northeasterly portion of the parking lot and associated landscaping within one year of approval of the amended Conditional Use Permit.
   b. Submit applications for and obtain Building Permits (BLD) to address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.
   c. Submit public improvement plans for all required public improvements, an engineer's estimate of public improvements and application with fees for a Public Works Permit (PBW) and either complete said improvements or enter into an Agreement to Construct and post bonds for public improvements.
   d. Submit applications for and obtain a Building Permits (BLD) for construction of the remainder of the approved development and complete said development.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Approval Contingent upon Annexation.** Approval of the project elements related to the Western Parcels is contingent upon approval of the General Plan Map and Zoning Map Amendments by the City Council and approval of the Annexation of the Western Parcels by the Local Agency Formation Commission and completion of that annexation.

C. **Recorded Conditions Agreement**. The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The additional development of the Real Property approved by the City Council on March 24, 2015, in addition to the existing development shown on the site plan submitted by the Applicant in Sheet A1.11, is limited to the following improvements: improved pedestrian accessibility and Americans with Disabilities Act (ADA) improvements; renovations to the Marine/Paleontology/Geology Exhibit Hall and restrooms resulting in a net decrease of 194 square feet; replacement of the butterfly exhibit; rehabilitation of Gould Hall; conversion of the 475 square-foot MacVeagh Cottage from residential use to educational non-residential use; relocation of trash and recycling; new fencing; new soundwall/visual screen along the northeasterly portion of the parking lot; as-built improvements and enhancements to existing outdoor activity areas; native habitat restoration; landscape improvements, including removal of approximately 2,800 square feet of existing asphalt; mechanical equipment upgrades; and interior repairs to existing buildings. The Master Plan results in a net increase in accessible Museum parking spaces (from 6 to 7), a net loss of Museum parking spaces overall (from 156 to 155), and an addition of four bicycle spaces (from 18 to 22). The following Assessor Parcel Numbers are subject to the terms of the Conditional Use Permit: APNs 023-272-003 and -004. Upon the completion of the proposed annexation, the following Assessor Parcel Numbers shall also be subject to the Conditional Use Permit: APNs 023-250-039; -056; -066; and -068 (hereinafter referred to as the Western Parcels). Existing development on the Western Parcels includes a single family residence. The project includes maintenance of the existing uses of the Western Parcels which consist of the use of the single family residence, passive recreation including public use of the trail network, and Museum educational activities. The project includes the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Operational Conditions.** The following conditions apply to the overall operations of the Museum and the use of the site.

a. **Allowed Uses.** The following non-residential uses are allowed on the subject property:

(1) **General Museum & Educational Use.** Research; collections maintenance; adult classes; children's camps; docent trainings; attendance by visitors and museum members to exhibits; Board of Trustees, Committee and volunteer meetings; appointments with staff by vendors and members of the public; attendance by school groups, children's classes, children's camps, evening films and lectures; special planetarium shows and evening star parties, SBCC and UCSB classes; and visitation

by researchers and persons by appointment, including professional symposia or similar gatherings.

(2) **Community Uses.** Meetings; town hall discussions; memorials; wedding ceremonies; weddings with receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum.

(3) **High-Attendance Events.** Museum-sponsored gatherings often held on weekends, which are not part of regularly scheduled or routine operations. Currently these include the Wine Festival (June), The Museum League Art Walk (September), the Tribal and Folk Art Marketplace (December), and an additional event associated with a specific exhibition or program offering (e.g. the Tinkertoy Family Festival held in summer 2013).

b. **Annual Attendance and Maximum Capacity.**

(1) The maximum annual attendance including general admissions, members, volunteers, education programs, research programs, outside group use, special events, and weddings and memorials shall be monitored by the Museum and shall not exceed 165,147 people.

(2) The maximum number of people allowed on-site at any one time shall not exceed 1,400 and shall be monitored by the Museum staff at Museum entrance and exit.

c. **Special Event Limitations.**

(1) High Attendance events shall not exceed a total of four (4) events, seven (7) days (not including two (2) days with invitation-only receptions associated with the High-Attendance Event), and 11,588 attendees per year.

(2) The Museum shall continue to coordinate scheduling of high attendance events with the Santa Barbara Women's Club and the Santa Barbara Botanic Gardens to minimize traffic, parking, and fire evacuation issues.

(3) If a High Attendance Event is anticipated to potentially exceed the on-site parking supply, the procedures for addressing parking and transportation during special events in the Museum's Traffic and Parking Procedures shall be implemented as appropriate.

(4) Wedding receptions shall be scheduled for Saturdays only and shall not exceed 15 per calendar year.

(5) Wedding reception attendance shall not exceed 175 guests per wedding.

(6) Amplified music shall be limited to the Fleishman Auditorium for wedding receptions and shall commence no earlier than 4:30 p.m.

(7) The only outdoor amplified sound permitted associated with events is amplification of voices of wedding ceremony participants so wedding guests can hear the ceremony.

(8) An additional non-Museum staff security officer shall be present for the duration of all wedding receptions to help ensure that event guests comply with Museum policies and requirements.

(9) Town hall discussions; memorials; wedding ceremonies; wedding receptions; fundraising events; and lectures or similar activities organized by community groups other than the Museum shall end no later than 9:30 p.m. and guests shall vacate the site by 10:00 p.m. Monthly astronomical unit star parties and weekday college astronomy classes shall end no later than 10:30 p.m. and all participants shall vacate the site by 11:00 p.m. All other evening events shall end no later than10:00 p.m. and all guests shall vacate the site by 10:30 p.m.

(10) Outdoor post-event clean-up activities south of the creek are limited to the period between 8:30 a.m. and 7:00 p.m.; post-event clean-up activities outside Fleischmann Auditorium are limited to the period between 8:30 a.m. and 10:00 p.m.

(11) Event guests shall not loiter in the parking lot or in front of the Museum.

d. **General Operations.**

(1) Amplified music is prohibited outdoors.

(2) All music must be stopped by 9:30 p.m. each day.

(3) The use of the exterior speaker system for public address announcements is limited to the hours between 8:00 a.m. and 8:30 p.m. except for announcements necessary for public safety.

(4) The exterior speaker system for public address announcements must be maintained such that noise from the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, except for emergency announcements. The Museum shall comply with any City Planning Division staff request to test the exterior speaker system to ensure compliance with this condition.

(5) Public gatherings and picnicking are prohibited in the parking lot.

(6) Regular Museum admission hours are between 10:00 a.m. and 5:00 p.m., seven days a week. Special activities and programs may occur outside these hours.

(7) The parking lot shall be locked and access to the parking lot shall be limited after 11:00 p.m. and before 6:45 a.m., seven days a week.

(8) The use of chainsaws, skip loaders and other noisy equipment is prohibited before 9:00 a.m., seven days a week.

(9) The use of leaf blowers is prohibited before 9:00 a.m. and after 5:00 p.m. Monday through Saturday and any time on Sundays and national holidays.

(10) There shall be no storage of any materials, trailers, landscape trimmings, construction debris, temporary structures, refuse bins, or vehicles, of any kind on the Las Encinas Road easement

(11) No recreational vehicles, boats, or trailers shall be stored on the project site.

(12) No animal carcass preparation or decomposition activities, or burial, shall be permitted on the project site.

(13) The Museum shall implement the following:

a. *Procedures and Requirements for Emergency Response* as approved by the Museum President June 22, 2014 and on file at the City.

b. *Procedures and Requirements for Traffic and Parking Management* approved by the Museum President on November 25, 2014 and on file at the City.

c. *Procedures and Requirements for Events* approved by the Museum President on December 1, 2014 and on file at the City.

Any proposed changes to these documents shall be reviewed by City Staff for consideration of substantial conformance.

e. **Reporting.**

(1) Submit to City staff an annual report of monthly attendance data of the three categories of use allowed and defined under this CUP:

a. General Museum and Educational Uses

b. Community Uses, including the number of weddings with receptions and the number of attendees at weddings with receptions.

c. High Attendance Events, identifying the number of these events, attendance at each, and statistics on use of off-site parking.

(2) Maintain and submit to City staff upon request all complaints submitted to the Museum and the Museum's responses to complaints.

3. **Public Access.** The Museum shall continue to provide free public access to the trail network on the western portion of the Museum property (, excluding the paths within the fenced fee area.. The free public access trail network is illustrated in the plans on file as required by Condition E.2.c.

4. **Development Rights Restrictions.** Other than the improvements shown on the approved plans and improvements within the building envelope, the Owner shall not develop the portion of the Real Property labeled "Native Woodland Garden" on Sheet L0.1. Tree protection and replacement shall be consistent with the Watershed Environmental, Inc. report dated March 6, 2014. The Museum shall continue to be responsible for

maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.

Other than elements of the subject project and proposals within the building envelope shown on Sheet L0.1, future development proposals within the restricted area shall be subject to following Mission Canyon Community Plan Development Standards as they existed at the time of the Planning Commission approval of the Conditional Use Permit, in addition to applicable City policies:

DevStd BIO-MC-3.3 Development shall be required to include the following Environmentally Sensitive Habitat (ESH) buffer areas:

- Creeks and streams, including steelhead critical habitat streams–50 feet as measured from the geologic top of creek bank.
- Central and Southern Coast Live Oak Riparian Forest and Woodland, Coast Live Oak/Olive Riparian Woodland, California Sycamore Riparian Forest, and Central Coast Arroyo Willow Riparian Forest–50 feet from edge of canopy.
- Coast Live Oak Woodland and Forest–25 feet from edge of canopy.
- Habitats containing Nuttall's scrub oak or other special status animal or plant species or rare natural communities–25 feet minimum, full extent to be determined on a case-by-case basis.
- Wetland Habitats–50 feet from edge of wetland habitat.
- Buffer areas from other types of ESH shall be determined on a case-by- case basis.

These buffers areas may be adjusted upward or downward on a case-by-case basis given site-specific conditions, such as slopes, biological resources, and erosion potential, as evaluated and determined by the City.

DevStd BIO-MC-3.4: Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that protects the sensitive habitat areas to the maximum extent feasible.

DevStd BIO-MC-8.2: The stream or creek buffer area shall be indicated on all site and grading plans. All ground disturbance and native vegetation removal shall be minimized in the buffer area to the maximum extent feasible.

5. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

6. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

8. **Pesticide or Fertilizer Usage.** The use of pesticides or fertilizer shall be prohibited within any area that drains directly into Mission Creek.

9. **Transportation Demand Management.** The following alternative transportation incentives shall be implemented reduce parking demand and traffic impacts.

   a. **Bus Passes.** The Museum shall provide MTD bus passes free of charge to employees who request them for travel to and from work. Notice of the free passes shall be provided to existing employees and new employees when they are hired.

   b. **Housing Priority**. The Museum shall provide rental preference of the onsite residential units in the following order: (1) Museum employees, (2) persons who currently live on the South Coast or households with a member employed on the South Coast; and (3) the general public.

   c. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal alternative transportation arrangements of any employee, the Museum shall guarantee a free ride home.

   d. **Flexible Work Hours.** The Museum shall encourage staggered or flexible work hours that allow staff to arrive and depart at times which are outside the morning and afternoon peak traffic hours as established by the City of Santa Barbara (currently Monday through Friday 7-9 a.m. and 4-6 p.m.).

   e. **Bicycle Parking.** A total of 22 bicycle parking spaces are to be provided on-site, including at least four covered bicycle parking spaces for employees only. Final rack locations and types of racks shall be approved by City Transportation staff and Historic Landmarks Commission.

D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Historic Structures Report.** All project features described in the Historic Structures and Sites Report(s) accepted by Historic Landmarks Commission shall be implemented to the satisfaction of the City Urban Historian.

2. **Tree Protection and Replacement.** Include a note on the plans that the tree protection and replacement project components included in the Watershed Environmental, Inc. report dated March 6, 2014, shall be implemented. All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained.

3. **Landscape Plan.** Identify on the Landscape Plan the portion of the Real Property outside of the Las Encinas Road easement designated as "Proposed Restoration/Enhancement Area" on the Exhibit labeled "Revised Figure 7 Woodland Habitat Restoration/Enhancement Area" in the Biological Assessment prepared by Watershed Environmental, Inc., dated July 10, 2014, so that those portions of the Real Property remain in their natural state.

4. **Public Improvements.** General Plan Implementation Actions HR6.1, HR6.2, and HR6.3 shall be considered in the review of proposed public improvements on Puesta del Sol.

5. **Exterior Lighting.** All new exterior lighting shall conform with Municipal Code Chapter 22.75 and shall be shielded and directed away from the tree canopy, the creek bed, creek banks, and undisturbed woodland habitat.

6. **Parking Lot Screening.** A soundwall/visual screen shall be provided to buffer the adjacent residences along Las Encinas Road at the location shown on Sheet L3.0.

7. **Bus Loading/Unloading.** The Museum shall designate a bus loading/unloading area near the Museum entrance.

8. **Screened Backflow Device.** All new backflow devices for fire sprinklers and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.

9. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

   Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project other than building permits for the soundwall/visual screen and required alterations to the Western Residence. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition E.1.d "Public Improvements" shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the *Agreement to Construct and Install Improvements (Not a Subdivision)*.

b. **Dedication.** Owner shall submit an application and fees to the City Public Works Department for the following dedications and shall complete dedication prior to acceptance of public improvements.

(1) Owner shall grant an easement for right of way purposes to the City of Santa Barbara northeast of the face of the existing historic wall on APN 023-271-004 at the intersection of Puesta Del Sol and Mission Canyon Road.

(2) Owner shall dedicate to the City of Santa Barbara a new onsite ten-foot-wide sewer easement centered over the actual sewer main with right of access and reservation to the owner to continue use of a butterfly exhibit at the existing location over the sewer main.

c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

d. **Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements along the property frontage on Puesta del Sol. Plans for public improvements shall be prepared by a licensed civil engineer registered in the State of California and shall be submitted prior to or concurrent with (but separately from) plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following:

(1) Installation of frontage improvements along Puesta del Sol from the western extent of the sandstone wall on Puesta del Sol to the driveway entrance of the Carriage House. An in-lieu fee shall be provided to fund the remaining Puesta del Sol frontage improvements. The improvements shall include a minimum of six-foot wide pathway, and minimum of four-foot wide parkway.

(2) Design of all frontage improvements shall be designed to protect existing trees located at the property frontage in the street as required by the Urban Forest Superintendent.

(3) The frontage improvements shall include the installation of one or two new City Standard Dome Style street lights. The locations shall be as approved and modified by the City Engineer. The lighting changes on Puesta Del Sol will be either to install one 20' Type B City Standard street light or two 14' Type A City Standard pedestrian lights. The existing SCE cobra-head shall be removed.

(4) The entire width of Puesta Del Sol along the Museum frontage shall be slurry sealed and striped.

e. **In-lieu Fee for Sidewalk.** The Owner shall pay $7,000 of in-lieu fees for the future construction of the remaining pathway frontage improvements on the easterly end of Puesta del Sol.

f. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.

g. **Agreement to Construct and Install Improvements.** Prior to building permit issuance, the Owner shall either complete public improvements or submit preliminary plans for the required public improvement with engineers estimate, securities for construction and execute an *Agreement to Construct.*

h. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in Condition C "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Unpermitted Work.** The Building Permit scope of work shall address the as-built garage conversion and any additions or modifications to the Western Residence that were completed without required permits.

c. **Trail Network.** Include a plan sheet illustrating the trail network on the western portion of the Museum property as shown within the Proposed Restoration/Enhancement Area on the exhibit labeled "Revised Figure 7 Woodland Habitat Restoration/Enhancement Area" in the Biological Assessment prepared by Watershed Environmental, Inc., dated July 10, 2014. The trail network shall be clearly labeled as public access as provided in Condition C.3.

d. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of construction/demolition with ground disturbance in close proximity to existing trees. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.

e. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

f. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in Condition F.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

g. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D "Design Review," and all elements/specifications shall be implemented on-site.

h. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of each of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

1. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

3. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m. (Saturday construction is limited to non-noise-generating activities only, such as interior painting), excluding the following holidays:

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

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

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

4. **Project Site Rules.** No radios, music playback equipment, musical instruments, recreational drugs, or alcohol shall be used by workers while on the project site.

5. **Early Arrivals.** If construction workers arrive at the project site before 8:00 a.m. Monday through Friday or before 9:00 a.m. Saturday, they shall remain in the area of actual construction, and away from any neighbors' property lines.

6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. Materials storage and construction worker parking shall be prohibited on the northern section of the parking lot along and adjacent to the Las Encinas Road easement. The 'northern' section of the parking lot is defined to include all spaces north of the large landscaped island in the parking lot. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.

7. **Noise Control.** All construction equipment used on the site, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and site activity silencing devices. Sound control devices and techniques, such as noise shields and blankets, shall be employed as needed to reduce the level of noise of all project development activity to surrounding residents consistent with the requirements of SBMC Section 9.16.025.C.

8. **Portable and Stationary Equipment.** When portable or stationary equipment, such as, but not limited to generators, air compressors and wood sawing stations are required on the project site, the equipment shall be located as far from the project boundaries with residences (other than those owned by the Museum) as possible. If it is necessary to locate portable/stationary equipment within 200 feet of the project perimeter, methods to provide noise shielding for that equipment shall be implemented. This may include but is not limited to: providing a two or three sided enclosure which is lined with a sound absorbing material between the equipment and the property line, or locating the equipment so that noise shielding is provided by existing or new structures located on the project site consistent with the requirements of SBMC 9.16.025.C.

9. **Noise Complaints and Resolution.** Include on relevant signage a Museum-designated representative's telephone number to address noise complaints. The Museum will include construction related complaints and methods of resolution in its annual reporting to the City. In response to verified complaints the City may require the applicant to implement a noise monitoring program. The noise monitoring program shall be designed and conducted to ensure that appropriate noise reduction and control measures are identified and implemented so that construction related noise levels at the property lines of sensitive receptors (residents) adjacent to the project site are consistent with the requirements of SBMC Section 9.16.025.C.

10. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. Tree removal/relocation/trimming activities shall not occur during nesting season (March 1 – July 1). If these activities must occur during this time, a qualified biologist shall conduct surveys to identify, no more than one week prior to the activity, active nests and nest

holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius, no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young fledglings have left the nest.

11. **Storm Water Pollution Prevention.** A Storm Water Pollution Prevention Plan with appropriate erosion/sediment control devices will be implemented between the construction area and Mission Creek. An erosion and sediment control plan that satisfies City of Santa Barbara requirements will be prepared and included in the construction drawings of each project component. Prior to the start of any demolition or construction activity within 100 feet of the topographic top of the creek bank, the perimeter of the work area shall be fenced and sediment and erosion control materials shall be installed to prevent demolition debris, soil, sediment, and other contaminates from falling or washing down into Mission Creek.

12. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

    a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

    b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

    c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

    d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.

    e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

    f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

13. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

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

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

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

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

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

2. **Complete Public Improvements.** For the phase of the project that includes public improvements, those improvements as shown in the public improvement plans or building plans, shall be completed.

3. **Noise Measurements.** For the phase of the project that includes the exterior speaker system, compliance with Condition C.2.d(4) shall be verified before the exterior speaker system is put into regular operation. Verification of compliance shall occur in the following manner:

   a. Upon installation of the exterior speaker system, and prior to initiation of their use for Museum purposes, the Museum shall schedule a test of the speakers. The Museum shall provide at least fourteen (14) days prior written notice of the date and time of the test to the owners and residents of any property adjacent to the Museum property that is developed with a residential use.

   b. If the test demonstrates that use of the exterior speaker system does not exceed the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall submit a final report from a licensed acoustical engineer describing the design and operational parameters of the exterior speaker system and verifying that the sound produced by the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary where the property adjacent to the Museum is developed with a residential use.

      If the test demonstrates that use of the exterior speaker system exceeds the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall not initiate the use of the exterior speaker system for announcements. Instead, the Museum's noise specialist shall recommend additional measures to limit the noise level associated with the use of the exterior speaker system subject to the review and approval of the Building and Safety Division. Such additional measures may include volume reduction, relocation, reorientation, or removal of speaker(s).

   c. Once the additional measures are approved by the Building and Safety Division, the Museum shall schedule another test of the speakers. The Museum shall provide at least fourteen (14) days prior written notice of the date and time of the

test to the owners and residents of any property adjacent to the Museum property that is developed with a residential use.

d. If the additional test demonstrates that use of the exterior speaker system does not exceed the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall submit a final report from a licensed acoustical engineer describing the design and operational parameters of the exterior speaker system and verifying that the sound produced by the exterior speaker system does not exceed ambient exterior noise levels by more than 2 dBA at any property boundary where the property adjacent to the Museum is developed with a residential use.

If the additional test demonstrates that the use of the exterior speaker system, including the implementation of the additional mitigation measures, continues to exceed the ambient noise level by more than 2dBA at any property boundary where the property adjacent to the Museum is developed with a residential use, the Museum shall limit the use of the exterior speaker system to public safety emergency announcements.

4. **Biological Monitoring.** For any phase of the project that includes planting of new native trees, submit a plan and contract with a qualified biologist acceptable to the City for the five-year monitoring period.

H. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in Planning Commission Resolutions 33-1979, 10-1980, 002-89, 025-91, 054-92 and Substantial Conformance Determinations dated April 9, 2007, September 16, 2008, and November 12, 2009.

2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

3. **Approval Limitations.**

a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.

c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

   Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

RESOLUTION NO. 15-029

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

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on April 28, 2015 by the following roll call vote:

AYES: Councilmembers Dale Francisco, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Pro Tempore Gregg Hart

NOES: None

ABSENT: Mayor Helene Schneider

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on April 29, 2015.

Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on April 29, 2015.

Gregg Hart
Mayor Pro Tempore

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO ZONING UPON ANNEXATION OF ASSESSOR PARCEL NUMBERS 023-250-039; -066; AND -068, AND A PORTION OF THE LAS ENCINAS ROAD EASEMENT, IN THE UPPER EAST NEIGHBORHOOD

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

Upon annexation of the subject property, Sheet SC02 of the City's Sectional Zone Maps specified in Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended to designate Assessor's Parcel Numbers 023-250-039; -066; and -068, and a portion of the Las Encinas Road Easement, and legally described in Exhibit A and depicted in Exhibit B, as E-1 (One Family Residence) Zone.

EXHIBIT A

LAFCO NO. 15-___

SANTA BARBARA MUSEUM OF NATURAL HISTORY ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTIRCIT 29 AND COUTY SERVICE AREA 12

THAT PORTION OF PARCEL 2 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 04-LLA-00000-00008 RECORDED DECEMBER 22, 2005 AS INSTRUMENT NO. 2005-0122900 AND ALL OF PARCEL THREE PER INSTRUMENT NO. 1967-37730, BOOK 2216, PAGE 21, RECORDED DECEMBER 28, 1967, BOTH OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO THE FRANCISCAN FATHERS OF CALIFORNIA RECORDED IN BOOK 314, PAGE 203 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, ALSO BEING THE POINT OF BEGINNING OF SAID PARCEL 2;

THENCE 1ST, ALONG THE BOUNDARY OF SAID PARCEL 2 AND THE CITY LIMIT LINE AS DESCRIBED IN CITY ORDINANCE NO. 3283, SOUTH 21º41’40” WEST, A DISTANCE OF 23.99 FEET TO THE NORTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN THE DEED TO THE FRANCISCAN FATHERS OF CALIFORNIA, RECORDED IN BOOK 550, PAGE 37 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, SAID CORNER BEING IN THE CHANNEL OF MISSION CREEK;

THENCE 2ND, CONTINUING ALONG SAID CITY LIMIT LINE AND ALONG THE NORTHERLY BOUNDARY OF SAID LAST MENTIONED TRACT OF LAND, SOUTH 84º55’00” WEST, A DISTANCE OF 50.38 FEET;

THENCE 3RD, CONTINUING ALONG SAID CITY LIMIT LINE, NORTH 67º12’00” WEST, A DISTANCE OF 164.45 FEET TO INTERSECT A POINT ON THE CITY LIMIT LINE DESCRIBED IN CITY ORDINANCE NO. 454;

THENCE 4TH, CONTINUING ALONG SAID CITY LIMIT LINE DESCRIBED IN CITY ORDINANCE NO. 454, NORTH TO INTERSECT THE WEST BANK OF MISSION CREEK;

THENCE 5TH, CONTINUING ALONG SAID CITY LIMIT LINE ANDTHE WEST BANK OF MISSION CREEK, NORTH 68º45’50” WEST, A DISTANCE OF 62.81 FEET;

THENCE 6TH, CONTINUING ALONG SAID CITY LIMIT LINE, NORTH 82º01’20” WEST, A DISTANCE OF 310.24 FEET;

THENCE 7TH, CONTINUING ALONG SAID CITY LIMIT LINE, SOUTH 68º21’40” WEST TO INTERSECT AT A POINT ON THE WESTERLY BOUNDARY OF SAID PARCEL 2 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 04-LLA-00000-00008 RECORDED DECEMBER 22, 2005 AS INSTRUMENT NO. 2005-0122900 OF OFFICIAL RECORDS;

THENCE 8TH, LEAVING SAID CITY LIMIT LINE DESCRIBED IN CITY ORDINANCE NO. 454, ALONG SAID WESTERLY BOUNDARY OF PARCEL 2, NORTH 1º28’00” EAST, A DISTANCE OF 44.11 FEET TO A POINT WHICH BEARS NORTH 1º28’00” EAST, A DISTANCE OF 92.19 FEET FROM THE POINT OF BEGINNING OF PARCEL ONE OF SAID LOT LINE ADJUSTMENT;

THENCE 9TH, CONTINUING ALONG SAID WESTERLY BOUNDARY, OF PARCEL 2, NORTH 34º08’32” EAST, A DISTANCE OF 12.41 FEET;

THENCE 10TH, CONTINUING ALONG SAID WESTERLY BOUNDARY, NORTH 1º28’ 00” EAST, A DISTANCE OF 21.80 FEET;

THENCE 11TH, CONTINUING ALONG SAID WESTERLY BOUNDARY, NORTH 61º15’13” WEST, A DISTANCE OF 7.54 FEET;

THENCE 12TH, CONTINUING ALONG SAID WESTERLY BOUNDARY , NORTH 1º28’ 00” EAST, A DISTANCE OF 218.12 FEET TO A POINT ON THE BOUNDARY OF SAID PARCEL THREE PER INSTRUMENT NO. 1967-37730, BEING IN THE CENTERLINE OF LAS ENCINAS, A PRIVATE ROADWAY AND A POINT ON A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 25º47’55” EAST, HAVING A RADIUS OF 62.50 FEET AND A DELTA ANGLE OF 6º25’00”;

THENCE 13TH, CONTINUING ALONG THE BOUNDARY OF SAID PARCEL THREE, NORTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 7.00 FEET TO THE BEGINNING OF A COMPOUND CURVE HAVING A RADIUS OF 369.72 FEET AND A DELTA ANGLE OF 19º45’59”;

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THENCE 17TH, CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 84º31’35” EAST, A DISTANCE OF 152.20 FEET TO THE SOUTHEAST CORNER OF SAID DIMON TRACT OF LAND AND AN ANGLE POINT IN THE WESTERLY LINE OF THE TRACT OF LAND DESCRIBED IN A DEED TO CORNELIUS MULLER, ET UX., RECORDED DECEMBER 18, 1963 AS INSTRUMENT NO. 53566 IN BOOK 2026, PAGE 1010 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY;

THENCE 18TH, ALONG THE SOUTHWESTERLY AND SOUTHERLY LINES OF SAID LAST MENTIONED TRACT OF LAND, SOUTH 26º37’44” EAST, A DISTANCE OF 26.04 FEET;

THENCE 19TH, CONTINUING ALONG SAID SOUTHWESTERLY AND SOUTHERLY LINES, SOUTH 88º38’20” EAST, A DISTANCE OF 30.14 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 557.34 FEET AND A DELTA ANGLE OF 8º44’58”;

THENCE 20TH, ALONG THE BOUNDARY OF SAID PARCEL THREE AND THE ARC OF SAID CURVE, A DISTANCE OF 85.11 FEET TO A POINT IN THE SOUTHERLY LINE OF LOT 6 AS SHOWN ON A MAP RECORDED IN BOOK 12, PAGE 93 IN SAID OFFICE COUNTY RECORDER, ALSO BEING A POINT IN THE CENTER LINE OF SAID LAS ENCINAS ROAD AND THE BOUNDARY OF SAID PARCEL 2 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 04-LLA-00000-00008;

THENCE 21ST, LEAVING SAID BOUNDARY OF PARCEL THREE, ALONG SAID CENTER LINE OF LAS ENCINAS ROAD AND SAID BOUNDARY OF PARCEL 2, SOUTH 79º53’20” EAST, A DISTANCE OF 94.37 FEET TO INTERSECT THE CITY LIMIT LINE DESCRIBED IN EXHIBIT A OF INSTRUMENT NO. 1982-0053336 RECORDED DECEMBER 20, 1982 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE 22ND, CONTINUING ALONG SAID TANGENT AND SAID CITY LIMIT LINE, SOUTH 79º53’20” EAST, A DISTANCE OF 65.49 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIAL CENTER WHICH BEARS NORTH 10º06’40” EAST 112.34 FEET AND A CENTRAL ANGLE OF 30º16’40”;

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2005-0122900 OF OFFICIAL RECORDS AND SAID CITY LIMIT LINE AS DESCRIBED IN ORDINANCE NO. 3238;

THENCE 24TH, LEAVING SAID CENTERLINE AND SAID NORTHERLY BOUNDARY, SOUTH 26º49’30” EAST, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL 2 AND SAID CITY LIMIT LINE, A DISTANCE OF 493.57 FEET TO THE POINT OF BEGINNING.

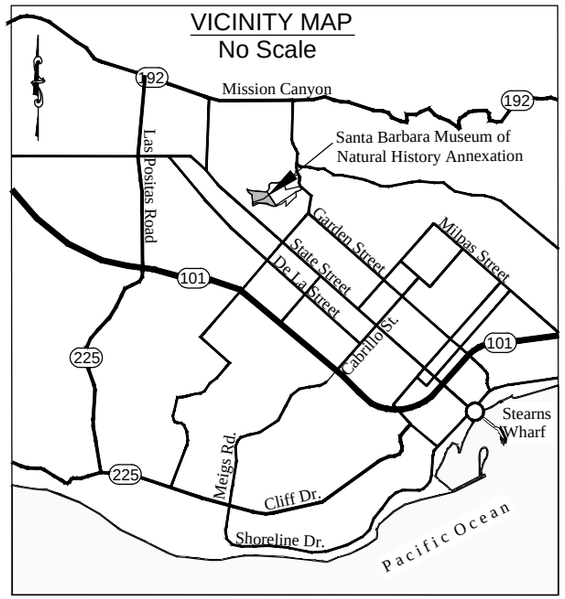
CONTAINING 230, 090.46 SQUARE FEET, 5.28 ACRES MORE OR LESS.

END OF DESCRIPTION

PREPARED BY:

_____	5-22-2014
STEPHEN K. DAVIS, PLS 5742	DATE
LICENSE EXP. DATE: 12/31/15	

EXHIBIT B



CITY ORDINANCE NO. 454

INSTRUMENT NO. 82-0053336 O.R.
recorded December 20, 1982

CITY ORDINANCE NO. 3283
adopted March 19, 1968

DENOTES EXISTING CITY AND DISTRICT BOUNDARY

DENOTES PROPOSED CITY AND DISTRICT BOUNDARY

ALEKSANDAR JEVREMOVIC, PLS 8378
SANTA BARBARA COUNTY SURVEYOR
LICENSE EXPIRATION DATE: 12/31/15

PREPARED BY:

STEPHEN K. DAVIS
P.L.S. 5742

DATE

LICENSED LAND SURVEYOR
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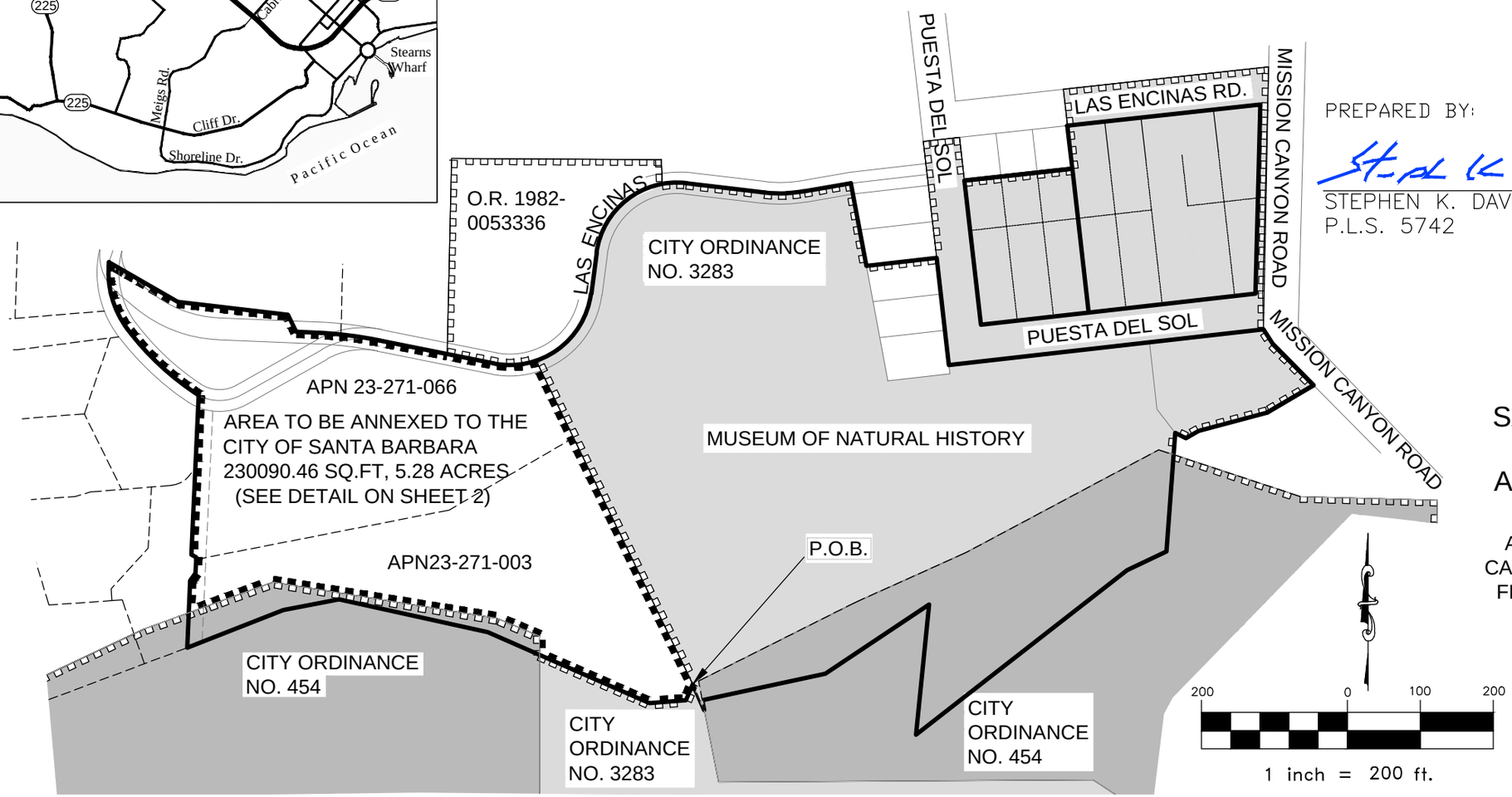

LAFCO NO. 15-
SANTA BARBARA MUSEUM
OF NATURAL HISTORY
ANNEXATION TO THE CITY
OF SANTA BARBARA

AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTRICT 29 AND COUNTY SERVICE AREA 12

DAVIS LAND SURVEYING
comprehensive land surveying and project consulting
44 HELENA AVENUE
SANTA BARBARA, CALIFORNIA 93101
L.S.5742 (805)564-8756

RESOLUTION NO._____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA REQUESTING INITIATION OF PROCEEDINGS FOR A REORGANIZATION OF BOUNDARIES, ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM THE MISSION CANYON LIGHTING DISTRICT, SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT, COUNTY SERVICE AREA 12 FOR CERTAIN REAL PROPERTY KNOWN AS ASSESSOR'S PARCEL NUMBERS 023-250-039; -066; AND -068, AND A PORTION OF THE LAS ENCINAS ROAD EASEMENT

WHEREAS, the City accepted an application from Santa Barbara Museum of Natural History, owners of the subject property, in order to process a request for: 1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2. A General Plan Amendment Upon Annexation to add the property to the City's General Plan Map; 3. A Zoning Map Amendment Upon Annexation; 4. A Conditional Use Permit; and 5. A Parking Modification;

WHEREAS, the proposed reorganization has been reviewed and recommended for approval by the Planning Commission with respect to environmental and planning matters; and

WHEREAS, the City desires to initiate a proceeding for the adjustment of boundaries specified herein.

NOW, THEREFORE, the City Council does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code.

2. This proposal is a reorganization and consists of the following changes of organization:

    a. Annexation to the City of Santa Barbara;

    b. Detachment from Mission Canyon Lighting District;

    c. Detachment from the County Fire Protection District; and

    d. Detachment from County Service Area 12.

3. A description of the boundaries and a map of the affected territory are set forth in Exhibits A and B, respectively, attached hereto and incorporated herein by reference.

4. It is desired that the proposal be subject to the following term and condition:

   The affected territory will be subject to the existing general bonded indebtedness of the City of Santa Barbara.

5. Upon annexation to the City, the annexed area will be designated on the General Plan as Residential (Maximum Density: Three Dwelling Units Per Acre).

6. Upon annexation to the City, the annexed area will be zoned E-1 (One-Family Residence Zone).

7. Upon annexation to the City, the annexed area will not be included in the Hillside Design District.

8. The reason for the proposal is to provide services to the subject property in a manner considered in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.

9. The proceeding is subject to the terms and conditions approved by the Local Agency Formation Commission.

10. The regular County assessment roll will be utilized.

11. Consent is given to the waiver of conducting authority proceedings, with the condition that LAFCO does not subject completion of this annexation to the initiation or completion of annexations other than those listed in this Resolution.

12. The City Clerk is directed to transmit two (2) certified copies of this resolution to the Santa Barbara Local Agency Formation Commission.

EXHIBIT A

LAFCO NO. 15-___

SANTA BARBARA MUSEUM OF NATURAL HISTORY ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTIRCIT 29 AND COUTY SERVICE AREA 12

THAT PORTION OF PARCEL 2 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 04-LLA-00000-00008 RECORDED DECEMBER 22, 2005 AS INSTRUMENT NO. 2005-0122900 AND ALL OF PARCEL THREE PER INSTRUMENT NO. 1967-37730, BOOK 2216, PAGE 21, RECORDED DECEMBER 28, 1967, BOTH OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO THE FRANCISCAN FATHERS OF CALIFORNIA RECORDED IN BOOK 314, PAGE 203 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, ALSO BEING THE POINT OF BEGINNING OF SAID PARCEL 2;

THENCE 1ST, ALONG THE BOUNDARY OF SAID PARCEL 2 AND THE CITY LIMIT LINE AS DESCRIBED IN CITY ORDINANCE NO. 3283, SOUTH 21º41’40” WEST, A DISTANCE OF 23.99 FEET TO THE NORTHEASTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN THE DEED TO THE FRANCISCAN FATHERS OF CALIFORNIA, RECORDED IN BOOK 550, PAGE 37 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, SAID CORNER BEING IN THE CHANNEL OF MISSION CREEK;

THENCE 2ND, CONTINUING ALONG SAID CITY LIMIT LINE AND ALONG THE NORTHERLY BOUNDARY OF SAID LAST MENTIONED TRACT OF LAND, SOUTH 84º55’00” WEST, A DISTANCE OF 50.38 FEET;

THENCE 3RD, CONTINUING ALONG SAID CITY LIMIT LINE, NORTH 67º12’00” WEST, A DISTANCE OF 164.45 FEET TO INTERSECT A POINT ON THE CITY LIMIT LINE DESCRIBED IN CITY ORDINANCE NO. 454;

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THENCE 9TH, CONTINUING ALONG SAID WESTERLY BOUNDARY, OF PARCEL 2, NORTH 34º08’32” EAST, A DISTANCE OF 12.41 FEET;

THENCE 10TH, CONTINUING ALONG SAID WESTERLY BOUNDARY, NORTH 1º28’ 00” EAST, A DISTANCE OF 21.80 FEET;

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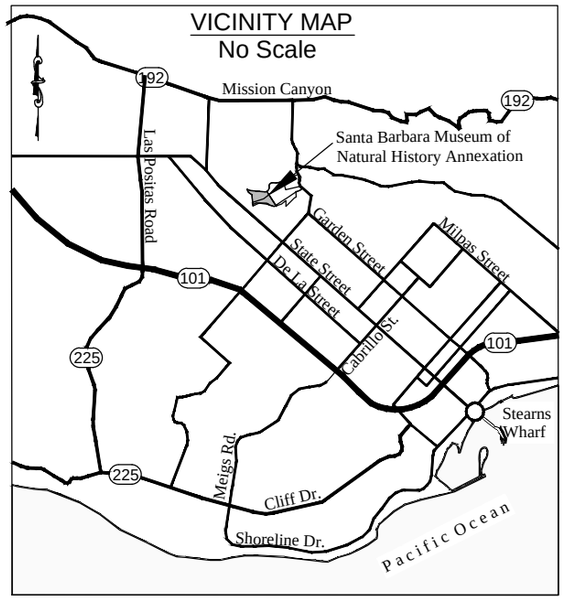
CONTAINING 230, 090.46 SQUARE FEET, 5.28 ACRES MORE OR LESS.

END OF DESCRIPTION

PREPARED BY:

_____	5-22-2014
STEPHEN K. DAVIS, PLS 5742	DATE
LICENSE EXP. DATE: 12/31/15	

EXHIBIT B



CITY ORDINANCE NO. 454

INSTRUMENT NO. 82-0053336 O.R.
recorded December 20, 1982

CITY ORDINANCE NO. 3283
adopted March 19, 1968

DENOTES EXISTING CITY AND DISTRICT BOUNDARY

DENOTES PROPOSED CITY AND DISTRICT BOUNDARY

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SANTA BARBARA COUNTY SURVEYOR
LICENSE EXPIRATION DATE: 12/31/15

PREPARED BY:

STEPHEN K. DAVIS
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DATE

LICENSED LAND SURVEYOR
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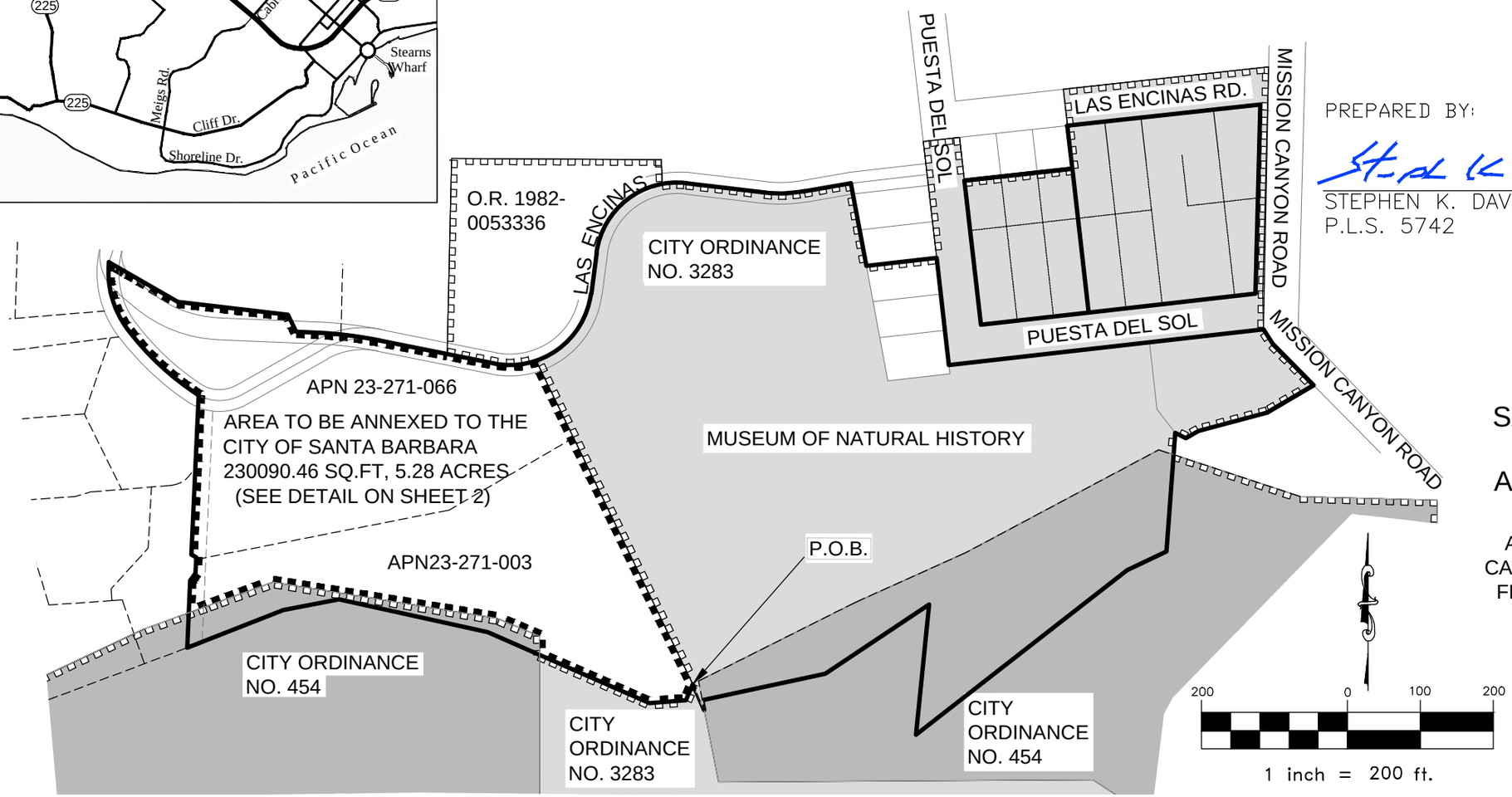

LAFCO NO. 15-
SANTA BARBARA MUSEUM
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ANNEXATION TO THE CITY
OF SANTA BARBARA

AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTRICT 29 AND COUNTY SERVICE AREA 12

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RESOLUTION NO._____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE GENERAL PLAN MAP OF THE CITY OF SANTA BARBARA PERTAINING TO ASSESSOR'S PARCEL NUMBERS 023-250-039; -066; AND -068, AND A PORTION OF THE LAS ENCINAS ROAD EASEMENT WHICH WILL BE ANNEXED TO THE CITY OF SANTA BARBARA

WHEREAS, the City accepted an application from Santa Barbara Museum of Natural History, owners of the subject property, in order to process a request for: 1. Annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2. A General Plan Amendment Upon Annexation to add the property to the City's General Plan Map; 3. A Zoning Map Amendment Upon Annexation; 4. A Conditional Use Permit; and 5. A Parking Modification;

WHEREAS, on June 5, 2014, the Planning Commission held a duly noticed public hearing to consider the proposed reorganization for the subject property and with respect to planning matters and initiated the annexation by a vote of 6-0;

WHEREAS, the Environmental Analyst determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and 15319 (Annexations of Existing Facilities and Lots or Exempt Facilities);

WHEREAS, on January 8, 2015, the Planning Commission held a duly noticed public hearing to consider the proposed development request for the project at 2559 Puesta Del Sol, along with the reorganization and of said properties and, with respect to environmental and planning matters and approved the development request by a vote of 7-0;

WHEREAS, on Janaury 20, 2015, Mark and Lauren Carey timely filed an appeal of the Planning Commission's approval. In their appeal letter, the Careys objected to the proposed installation of an exterior speaker system for Museum announcements and the proposed relocation of the trash bins to a location within the Museum parking lot. In addition, the Careys requested imposition of additional conditions of approval intended to reduce the impacts of the proposed construction and objected to the environmental determinations for the project;

WHEREAS, on March 24, 2015, the City Council conducted a duly noticed public hearing on the appeal and, after consideration of all of the evidence presented and public testimony received, voted 6-1 to direct preparation of written findings consistent

with the oral findings made by Council that would deny the appeal and grant the amended Conditional Use Permit and parking modification;

WHEREAS, on August 11, 2015, the City Council has conducted a duly noticed public hearing concerning the requested Annexation, pursuant to the provisions of Chapter 3, Title 7 of the Government Code of the State of California;

WHEREAS, the City Council has introduced an Ordinance that will amend the current Zoning Map upon the annexation of the subject property;

WHEREAS, the City Council has reviewed and considered all materials and exhibits in the current record relative to this amendment, including the project and all staff reports. At the close of the public hearing, the City Council, _____ vote, initiated the annexation, and forwarded the request to the Local Agency Formation Commission (LAFCO) for their review; and

WHEREAS, the documents or other materials which constitute the record of the proceedings upon which this decision is based are on file at the City of Santa Barbara Planning Division, located at 630 Garden Street.

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

Upon annexation of the subject real property, the General Plan map of the City of Santa Barbara is amended by designating Assessor's Parcel Numbers 023-250-039, 023-250-066, and 023-250-068 and a portion of the Las Encinas Road easement as Low Density Residential (Maximum Density: Three Dwelling Units Per Acre), are described and depicted on the attached Exhibits.

EXHIBIT A

LAFCO NO. 15-___

SANTA BARBARA MUSEUM OF NATURAL HISTORY ANNEXATION TO THE CITY OF SANTA BARBARA AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTIRCIT 29 AND COUTY SERVICE AREA 12

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THENCE 10TH, CONTINUING ALONG SAID WESTERLY BOUNDARY, NORTH 1º28’ 00” EAST, A DISTANCE OF 21.80 FEET;

THENCE 11TH, CONTINUING ALONG SAID WESTERLY BOUNDARY, NORTH 61º15’13” WEST, A DISTANCE OF 7.54 FEET;

THENCE 12TH, CONTINUING ALONG SAID WESTERLY BOUNDARY , NORTH 1º28’ 00” EAST, A DISTANCE OF 218.12 FEET TO A POINT ON THE BOUNDARY OF SAID PARCEL THREE PER INSTRUMENT NO. 1967-37730, BEING IN THE CENTERLINE OF LAS ENCINAS, A PRIVATE ROADWAY AND A POINT ON A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 25º47’55” EAST, HAVING A RADIUS OF 62.50 FEET AND A DELTA ANGLE OF 6º25’00”;

THENCE 13TH, CONTINUING ALONG THE BOUNDARY OF SAID PARCEL THREE, NORTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 7.00 FEET TO THE BEGINNING OF A COMPOUND CURVE HAVING A RADIUS OF 369.72 FEET AND A DELTA ANGLE OF 19º45’59”;

THENCE 14TH, CONTINUING ALONG THE BOUNDARY OF SAID PARCEL THREE AND THE ARC OF SAID CURVE, A DISTANCE OF 127.55 FEET TO THE BEGINNING OF A COMPOUND CURVE HAVING A RADIUS OF 130.25 FEET AND A DELTA OF 42º54’09”;

THENCE 15TH, CONTINUING ALONG THE BOUNDARY OF SAID PARCEL THREE AND THE ARC OF SAID CURVE, A DISTANCE OF 97.53 FEET TO THE MOST WESTERLY CORNER OF TRACT OF LAND DESCRIBED IN A DEED TO A.C. DIMON, ET UX., RECORDED MAY 15, 1951 IN BOOK 990, PAGE 387 OF

OFFICIAL RECORDS, RECORDS OF SAID COUNTY AS SHOWN ON A MAP RECORDED IN BOOK 12, PAGE 93 OF MAPS IN THE OFFICE OF SAID COUNTY RECORDER;

THENCE 16TH, ALONG THE SOUTHERLY LINE OF SAID DIMON TRACT OF LAND, SOUTH 61º18’05” EAST, A DISTANCE OF 108.70 FEET;

THENCE 17TH, CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 84º31’35” EAST, A DISTANCE OF 152.20 FEET TO THE SOUTHEAST CORNER OF SAID DIMON TRACT OF LAND AND AN ANGLE POINT IN THE WESTERLY LINE OF THE TRACT OF LAND DESCRIBED IN A DEED TO CORNELIUS MULLER, ET UX., RECORDED DECEMBER 18, 1963 AS INSTRUMENT NO. 53566 IN BOOK 2026, PAGE 1010 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY;

THENCE 18TH, ALONG THE SOUTHWESTERLY AND SOUTHERLY LINES OF SAID LAST MENTIONED TRACT OF LAND, SOUTH 26º37’44” EAST, A DISTANCE OF 26.04 FEET;

THENCE 19TH, CONTINUING ALONG SAID SOUTHWESTERLY AND SOUTHERLY LINES, SOUTH 88º38’20” EAST, A DISTANCE OF 30.14 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 557.34 FEET AND A DELTA ANGLE OF 8º44’58”;

THENCE 20TH, ALONG THE BOUNDARY OF SAID PARCEL THREE AND THE ARC OF SAID CURVE, A DISTANCE OF 85.11 FEET TO A POINT IN THE SOUTHERLY LINE OF LOT 6 AS SHOWN ON A MAP RECORDED IN BOOK 12, PAGE 93 IN SAID OFFICE COUNTY RECORDER, ALSO BEING A POINT IN THE CENTER LINE OF SAID LAS ENCINAS ROAD AND THE BOUNDARY OF SAID PARCEL 2 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 04-LLA-00000-00008;

THENCE 21ST, LEAVING SAID BOUNDARY OF PARCEL THREE, ALONG SAID CENTER LINE OF LAS ENCINAS ROAD AND SAID BOUNDARY OF PARCEL 2, SOUTH 79º53’20” EAST, A DISTANCE OF 94.37 FEET TO INTERSECT THE CITY LIMIT LINE DESCRIBED IN EXHIBIT A OF INSTRUMENT NO. 1982-0053336 RECORDED DECEMBER 20, 1982 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE 22ND, CONTINUING ALONG SAID TANGENT AND SAID CITY LIMIT LINE, SOUTH 79º53’20” EAST, A DISTANCE OF 65.49 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIAL CENTER WHICH BEARS NORTH 10º06’40” EAST 112.34 FEET AND A CENTRAL ANGLE OF 30º16’40”;

THENCE 23RD, CONTINUING ALONG SAID CITY LIMIT LINE, EASTERLY ALONG SAID CURVE, A DISTANCE OF 59.37 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 2 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 04-LLA-00000-00008 RECORDED DECEMBER 22, 2005 AS INSTRUMENT NO.

2005-0122900 OF OFFICIAL RECORDS AND SAID CITY LIMIT LINE AS DESCRIBED IN ORDINANCE NO. 3238;

THENCE 24TH, LEAVING SAID CENTERLINE AND SAID NORTHERLY BOUNDARY, SOUTH 26º49’30” EAST, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL 2 AND SAID CITY LIMIT LINE, A DISTANCE OF 493.57 FEET TO THE POINT OF BEGINNING.

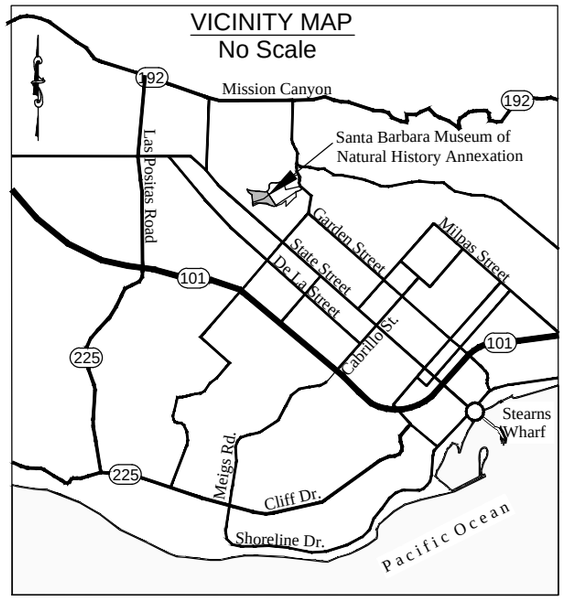
CONTAINING 230, 090.46 SQUARE FEET, 5.28 ACRES MORE OR LESS.

END OF DESCRIPTION

PREPARED BY:

_____	5-22-2014
STEPHEN K. DAVIS, PLS 5742	DATE
LICENSE EXP. DATE: 12/31/15	

EXHIBIT B



CITY ORDINANCE NO. 454

INSTRUMENT NO. 82-0053336 O.R.
recorded December 20, 1982

CITY ORDINANCE NO. 3283
adopted March 19, 1968

DENOTES EXISTING CITY AND DISTRICT BOUNDARY

DENOTES PROPOSED CITY AND DISTRICT BOUNDARY

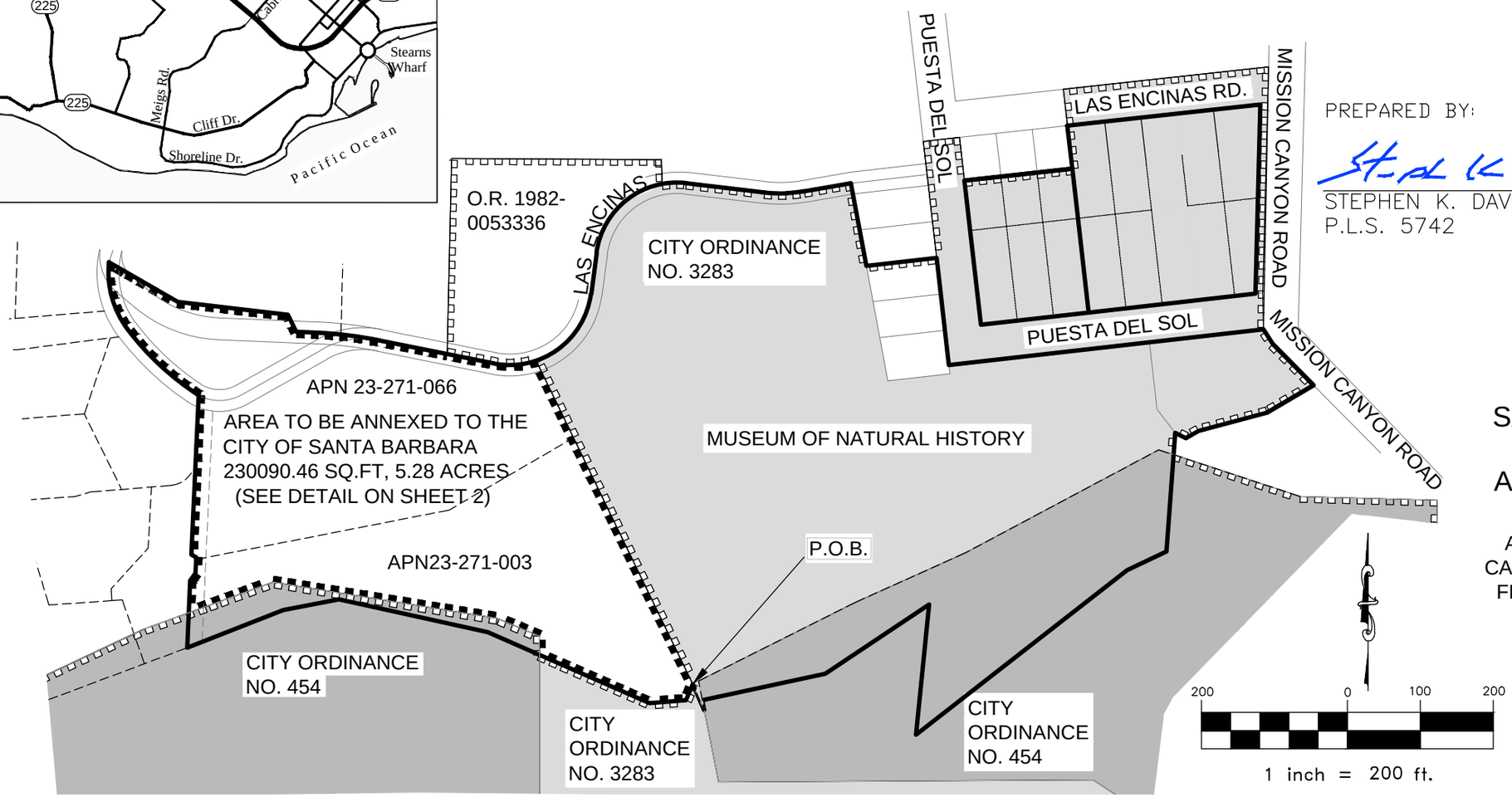
ALEKSANDAR JEVREMOVIC, PLS 8378
SANTA BARBARA COUNTY SURVEYOR
LICENSE EXPIRATION DATE: 12/31/15

PREPARED BY:

STEPHEN K. DAVIS
P.L.S. 5742

DATE

LICENSED LAND SURVEYOR
STEPHEN K. DAVIS
Exp. 12-31-15
No. 5742
STATE OF CALIFORNIA



LAFCO NO. 15-
SANTA BARBARA MUSEUM
OF NATURAL HISTORY
ANNEXATION TO THE CITY
OF SANTA BARBARA

AND DETACHMENT FROM MISSION CANYON LIGHTING DISTRICT, COUNTY FIRE PROTECTION DISTRICT 29 AND COUNTY SERVICE AREA 12

DAVIS LAND SURVEYING
comprehensive land surveying and project consulting
44 HELENA AVENUE
SANTA BARBARA, CALIFORNIA 93101
L.S.5742 (805)564-8756

Agenda Item No. 14

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Single Family Design Board Final Approval For Additions To A Residence At 1912 Mission Ridge Road

RECOMMENDATION:

That Council deny the appeal of Trevor Martinson, agent for adjacent neighbors Rinaldo and Lalla Brutoco, and uphold the Single Family Design Board decision to grant Final Approval for additions to an existing single-family residence.

DISCUSSION:

On June 25, 2015, an appeal was filed by Trevor Martinson, agent for the adjacent neighbors (Brutoco), of the Single Family Design Board (SFDB) Final Approval of June 15, 2015 (Attachment 1, Appellant's letter). The subject property is a 25,091 square-foot flag lot in the Hillside Design District, owned by Craig Morrison, and zoned A-1 (single family residential). The project proposes a 22 square-foot first-floor addition and 530 square-foot second-floor addition to an existing 2,146 square-foot, one-story residence with an attached 658 square foot garage. The proposal includes one new uncovered parking space, a 194 square-foot covered entry patio, a 158 square-foot second-story deck, a raised pool and surrounding deck, and interior remodel work (Attachment 2 – Project Plans). 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 (FAR).

<u>Background</u>

The current appeal is the second appeal of this project. The new appeal raises several issues different from the first appeal, involving concerns with an alleged inadequacy of grading plans, incomplete drainage design details and potential building code compliance issues with the proposed design.

Previously, on March 10, 2015, Council denied an appeal filed by several neighbors (which included the Brutocos) of the SFDB decision to grant Project Design Approval. At

the public hearing, Council discussed the appellants' assertions regarding "unacceptable privacy and view impacts" that might result if the project's second floor addition was constructed, and agreed that the design could be improved. Council asked that some minor changes be made to windows and the second floor balcony design to increase privacy between neighbors. Council voted 6/1 to deny the appeal and uphold the SFDB Project Design Approval, and determined that the proposed second-story project was compatible with the neighborhood, would not substantially block private views and found the project consistent with the Neighborhood Preservation Ordinance (NPO) Findings and Good Neighbor Guidelines (Attachment 3 – Council Resolution).

Council Direction and SFDB Review

Council's decision to uphold the SFDB's Project Design Approval was subject to conditions involving minor design changes to increase privacy levels between properties. The project was subsequently revised to address Council's direction and returned to the SFDB for Final Approval on June 15, 2015.

The standard of review for the SFDB on Final Approval is whether the revised project is consistent with the City Council's conditional approval of the Project Design. The SFDB reviewed the redesign of the project and agreed that the new design of the windows on the north elevation, at the master bedroom, met the Board's guidelines for privacy. The Board acknowledged the architect's efforts to raise the sill of the windows to five feet to ensure the privacy of the neighbors. The Board also re-evaluated the design of the balcony on the west elevation, and confirmed that the final design with fixed planters will prevent occupants from stepping onto the balcony and that the design will ensure privacy for the neighborhood (Attachment 4 – SFDB minutes).

Other Issues Raised on Appeal

Building Code Compliance Check

The appellant raises two issues in this appeal that were not raised in the first Council appeal regarding Project Design Approval. The appellant claims that a foundation detail shown on the project plans is not adequately designed to support the two-story project. This is an issue that is more appropriately raised during the building permit process, not design review. The Building and Safety Division is primarily responsible for ensuring that proposed constructions plans are feasible and meet all building and structural codes. In most cases, licensed design professionals must verify existing site and building conditions, and submit structural calculations and sufficient plan details to properly demonstrate how the new improvements can be constructed and meet building codes. Building plan check staff may conduct site visits to look into any allegations of misrepresentation of a property's existing site conditions. Ultimately, the existing structure and the site's physical conditions must be accurately represented and match what is on the construction plans in order for the structure to pass field inspections. If a change in the structural detail significantly alters

the proposed design of the project, the project may need to return to the SFDB for review after final. Otherwise, this level of detailed building code review is outside the purview of the SFDB.

Drainage

The appellant expresses concern about incomplete drainage information provided to the SFDB and adequacy of the drainage plans. Design review staff implements the SFDB submittal requirements based on the nature and scope of the application. In the case of 1912 Mission Ridge Road, the application consisted of a second story addition above an existing garage, a new covered porch entry addition, and a revised pool design within the existing pool footprint. The application before the SFDB did not propose to change the footprint of development. In a context such as this, it is common for staff not to require an applicant to submit a full site topography plan because the land form is not being altered in a significant way. That being said, the SFDB may require the submission of the information if the Board feels it is needed in order to inform their decision. This issue was raised before the SFDB and the Board did not request additional information.

Staff agrees that the project has not yet demonstrated full compliance with the City's SWMP Tier 2 level requirement. However, these final drainage design details and storm water treatment system details are typically addressed through the building permit plan check process.

CONCLUSION:

The SFDB determined the project was consistent with Council's previous direction, compatible with the neighborhood, and indicated the project complied with the Good Neighbor Policies. The City Council's standard of review on an appeal of a decision of the SFDB on Final Approval is the same as the SFDB, is the final design consistent with Council's conditional approval of the Project Design. Planning staff is of the opinion that the final design is in substantial conformance with the project previously reviewed by Council.

Furthermore, the other issues raised by this appeal are related to building code and plan check compliance and are not within the purview of the SFDB. These issues should be directed to the Building and Safety Division staff for resolution, not the City Council.

RECOMMENDATION:

Staff recommends that Council deny the appeal and uphold the Single Family Design Board's decision to grant Final Approval finding that the final design is consistent with the Project Design Approval as conditionally approved by the City Council on March 10, 2015.

NOTE: The project file and plans were delivered separately to City Council for review and are available for public review at the City Clerk's office.

ATTACHMENTS:
1. Appellant's letter, dated June 25, 2015
2. Reduced building elevations and balcony details
3. Council Resolution No.15-018
4. SFDB Minutes, dated June15, 2015

PREPARED BY: Jaime Limón, Senior Planner II

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

RECEIVED

2015 JUN 25 PM 12: 45

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

TREVOR J. MARTINSON
ARCHITECT & PLANNER

1849 Mission Ridge
Santa Barbara
California 93103
(805) 965-2385
(FAX) 965-5457

25 June 2015

City Clerk
The Mayor and City Council
City of Santa Barbara
De La Guerra Plaza
P. O. Box 1990
Santa Barbara, CA. 93102-1990

Re: 1912 Mission Ridge Road
Single Family Design Board (SFDB)
Final Approval MST2014-00585 on Monday,
15 June 2015 Item 6.

Subject: Filing of Appeal SBMC §1.30.050
and SBMC §22.69.080 A

Mayor Schneider and Council members:

I am appealing the City SFDB decision referenced above on behalf of Mr. and Mrs. Rinaldo Brutoco and the immediate Riviera Neighborhood, on the grounds that the Final Approval exceeds and violates the Project Design Approval previously given.

Background Information & Reasons for the Appeal

In 1963 the City permitted this home and garage, located at 1912 Mission Ridge Road, on 18 February 1963 to Owner/Builder, William Nels, General Contractor's License 211379. The City Building Application and Permit is enclosed as (**Attachment "1-A"**) which also had on the back side of this permit, three (3) additional requirements noted by the Public Works Department which is shown on **(Attachment "1-B")** Please take note of item number two (2) Drainage Provisions which states; ***"All run-off to be conducted on driveway to Mission Ridge Road surface."*** As we know now, Storm Water Management Program Compliance is a part of the Single Family Design Board General Design Guidelines. How did the original builder

get away with not providing the required Drainage Provisions on his permit and avoid being caught by the City Building and Public Works Inspectors? As noted in my previous comments to the City, Mr. Nels, the original owner/builder was a very frugal person and never spent money if he could somehow avoid it! Cleverly, he put a new fence and masonry wall on his property located just before his new dirt-building pad went down the hill toward the neighboring property and established it as his southerly property line. Obviously, this ploy worked well and everyone bought into this for over fifty years until a surveyor proved it wrong! Every property owner buying in at 1900 and 1915 Mission Ridge Road over the years thought this was their property division line and the Zoning Information Reports never caught it!

Clearly, two issues arise from this dilemma, one is the downhill property owner at 1900 Mission Ridge Road appears to have the necessary elements for a Prescriptive Easement and could potentially take away and own this divided parcel for their own use. This would, of course, significantly reduce the lot area available to this proposed project and elevate the Floor to Area Requirements (FAR) to a very high level. Issue two: if the downhill neighbor passes on the easement issue, the uphill neighbor Morrison, the applicant, will still have to provide a significant retaining wall and storm water diversion at the property line to their paved driveway. The original City permit requirements and California State Law require this action. This is not optional under Santa Barbara ordinances.

The final review plans submittal by the Architect, Jeff Shelton, were inaccurate and incomplete as follows:

1. The Drainage Plan, shown on Sheet A1.5 is incomplete. It does not show the existing grade contour line elevations or the downhill drainage pattern from the noted existing fence and Concrete Masonry Wall (CMU)

1. cont.
to the downhill neighbor's property at 1900 Mission Ridge Road. As it relates to this first point, Mr. Brutoco testified at the SFDB hearing hereby being appealed that a "Required" submission for initial "Concept Review" pursuant to the SFDB's published "Submittal Checklist" *includes* a "site topography, conceptual grading & retaining walls...."

Mr. Brutuco then went to testify that no accurate contour map showing the actual slope of the lot in question had ever been filed at the Concept Review stage nor had one been put forth as of the "Final & Consent" stage now being appealed. This failure by the SFDB to require the accurate site topography, he testified, in summary fashion constituted a *per se* violation, of the SFDB's own published rules. Failure to follow those rules and giving Final Approval to this project would thereby constitute a Due Process violation of all affected parties as there was no final lawful, complete submission of the required documentation thereby invalidating any action taken by the SFDB in violation of its own published rules. The Council should note that "Project Design Approval" requires all the documentation that was required in the Concept Review stage to be present at the Project Design Approval stage with additional materials to be submitted. In a similar fashion Final & Consent requires all the documentation from the two prior phases plus additional materials. Mr. Brutuco correctly pointed out that a failure to supply the accurate site topography (which would have shown the subject property's real contours) at the outset was a continuing invalidating condition thereby making it impossible to render a Final & Consent decision. A review of the record will reveal that the Chair did not address this point in proceeding to call for a Final & Consent vote, which is what gives rise to the Due Process violation as a basis for this appeal.

2. The existing foundation detail shown on Sheet A2.2 Crawl Space Plan **(Attachment "2")** is not believable and must be corrected by the SFDB. My letter of 15 June 2015 to the SFDB focused on this incorrect detail and the SFDB chair, Fred Sweeney, brushed it off as a Building Department issue. This is a two-story detail and does not exist on this site or the existing building and cannot be used as a ploy or excuse for support of the proposed project. Additional Section Details on Sheets A3.2, A3.3, A3.4 and A3.5 do not show the existing exterior foundation details used by the original builder. Enclosed are copies of the Uniform Building Code Dwelling House Construction details used in the 1960-70's era as **(Attachment "3")** and **(Attachment "4")** No two-story, or for that matter, a single story building can structurally support the proposed heavy two piece Mexican tile roof on the existing 1960 era footings and wood stud framing being proposed to the SFDB. This erroneously approved project by the SFDB cannot be allowed to continue through the design process any further and must be corrected and sent back for further review!

Mr. Brutuco also commented, with regard to the second issue above, regarding the existing foundations, said: It appears *highly likely* that the proposed structure will not survive a Building Department inspection. He requested that inspection to occur at the SFDB hearing and was told that it was not the concern of the SFDB. That is, at best, a very cavalier response. If, as in this case, it appears that a structure may get all the way to Building Department review and then be rejected is a very good reason to withhold final approval until the Building Department can provide its findings thereby saving the SFDB and this Council the necessity of a prolonged process that will, at the end, fail to be approved and, of course, constructed. What is the rush here? Does anyone doubt

2. cont.
the evidence I already produced, and does it not leave the highly likely conclusion that the subject footings are inadequate for a single story structure with a heavy tile roof let alone an addition of a second story?

In closing, it's my feeling and my clients, along with their neighbors, that an error in judgment has occurred by City Staff and the SFDB by ignoring the facts presented in the meetings held and that we all agree with the single member of the SFDB, who at the last meeting, felt that the SFDB did not adequately apply the Design Guidelines and Good Neighbor Guideline & Tips to this project for the neighbors and voted no on the motion for approval by the SFDB.

Respectfully Submitted,

Trevor J. Martinson
Architect, Planner & Forensic

Attachments:
1-A, 1-B, 2, 3 and 4

XC: Mr. & Mrs. Brutoco
The Riviera Association

NOTE: USE BALL POINT PEN AND PRESS FIRMLY

BUILDING APPLICATION
CITY OF SANTA BARBARA

P.C. No. 1648	Date Received 2/7/63	Received By	
Permit No. 1779	Date Issued 2/18/63	Issued By	
Group I	Type Const. V	Use Zone E-1	Fire Z. 3

BUILDING ADDRESS: 1912 Mission Ridge Rd.
LOT NO.: LOT A (19-083-15)
OWNER: Wm. Nels
ADDRESS: 219 Adair Dr. TEL. 64639
ARCHITECT: TEL. LIC.
ENGINEER: TEL. LIC.
DESIGNER: TEL.
CONTRACTOR: Gen. Wm Nels 211379

DESCRIPTION OF WORK

NEW	Home & garage	AREA SQ. FT.	2266
ALTERATIONS		NO. OF STORIES	1
ADDITION		EXTERIOR WALL COVERING	Plaster
REPAIR		ROOF COVERING	Shake
DEMOLISH			

NO. OF BUILDINGS NOW ON LOT: NONE
USES:
USE OF PROPOSED STRUCTURE: 1 Home
atch Garg 688 #

APPLICANT — PLEASE NOTE THE FOLLOWING

1. Separate permits are required for grading, electrical work, plumbing, sewer connections and curb breaks.
2. Trees in parkways may not be removed except by authorization of the Park Dept.
3. Buildings in the El Pueblo Viejo area may not be demolished except by approval of the Land Marks Committee.
4. Required planting must be installed before building can be finaled.
5. Occupancy certificates are required for all buildings in A to H occupancies.
6. Occupancy certificates are required for changes in occupancies.
7. The issuance of this permit does not waive any requirements of other applicable Laws and Ordinances, nor does it prevent the Building Official from thereafter requiring the correction of errors in plans and specifications.

I hereby acknowledge that I have read this application and state that the information given is correct.

I agree to comply with all City Ordinances and State Laws regulating building.

Signature of Owner or Agent: Wm Nels

$ 28,000 Valuation

P.C. Fee $43.75
Permit Fee $87.50

Form B-4

PLAN CHECK VALIDATION Ck. M.O. Cash

PERMIT VALIDATION Ck. M.O. Cash

PLAN APPROVALS

	DATE		D
A.B.R. PRELIM.		A.B.R. FINAL	
PLANNING		CITY COUNCIL	
PUBLIC WORKS		TRAFFIC	
FIRE MARSHAL		HEALTH	
ELECTRICAL O.P.H. 2-19-63		MECHANICAL	

OCC. LOAD	1st FL.	2nd	3rd	4th

ROAD WIDENING — Gutierrez — Montecito — De la Vina — Chapala — Anapa Milpas — Cacique —

INSPECTION RECORD

DATE	CORRECTIONS	INSPE
100 00 Bond posted for utilities	8/12/63	#
Clim pept Finance	8/16/63	
Bond released		

APPROVALS		DATE	
LOCATION		3-5-63	Ma
TRENCHES — FORMS		3-5-63	Ma
MASONRY	1st 2nd		
FIREPLACE	1st 2nd		
FRAMING	1st 2nd	4-4-63	Ma
PLASTER	1st 2nd*	4-11-63	Ma
PARKING			
PLANTING & DRAINAGE			
FINAL		9-11-63	Jim

*or Drywall

OFFICIAL DOCUMENT SCANNED

Attachment "1-A"

TJMltrCCCapp25June2015

PLOT PLAN REPORT

ITEM	PERMIT NO.	APPROVED		DISAPPROVED	
GRAVITY SEWER CONNECTION					
DRIVEWAY GRADE AT R/W LINE	① na		2/8		
DRAINAGE PROVISIONS	② na		2/8		
SUBDIVISION REQUIREMENTS	ok na		2/8	Koefod Lot Split Recorded 2-1-63 BK A PG 96	

Sewer in Drainage Rd. Rd. Map No. 15

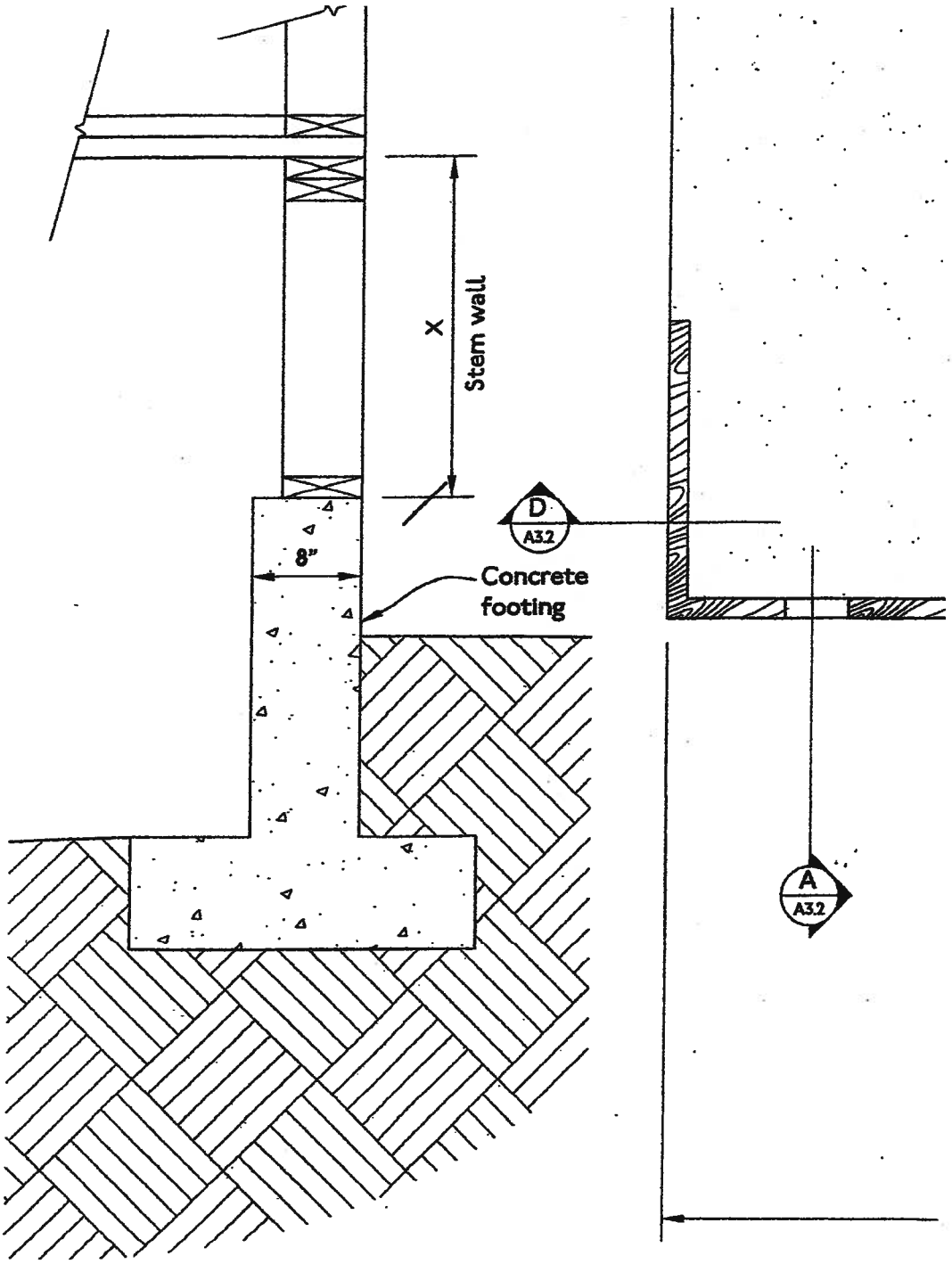
① Subject to driveway grade at R/W being constructed to 1/4" to 1' above top of curb.

② All run-off to be conducted on driveway to Mission Ridge Road surface.

(3) Subject to re-location of existing sewer serving existing house above subject property.

Attachment "1-B"

TJMltrCCCapp25June2015

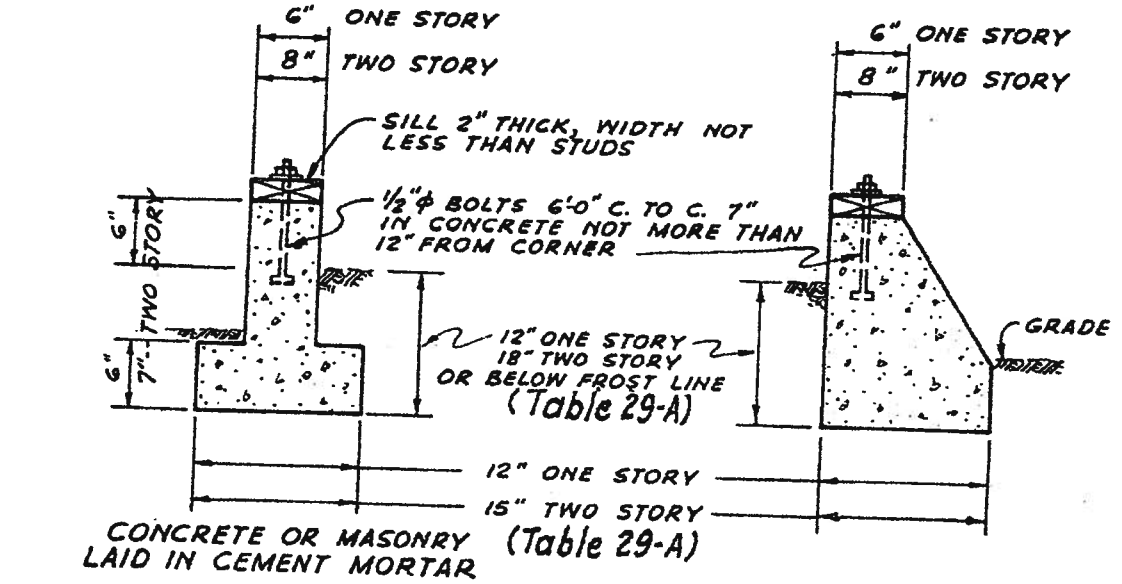


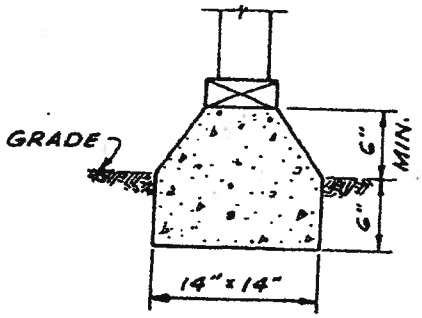
2 (E) STEM-WALL HEIGHT

1/4"=1'-0"

Attachment "2"

TJMltrCCCapp25June2015





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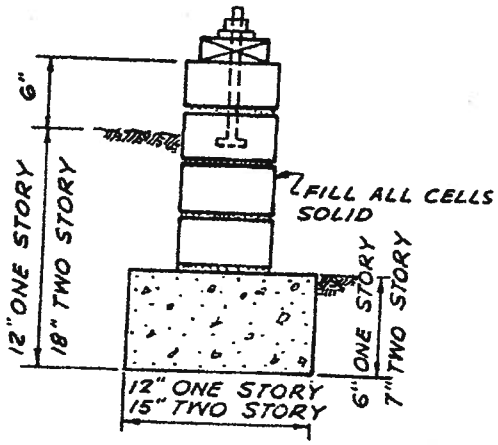


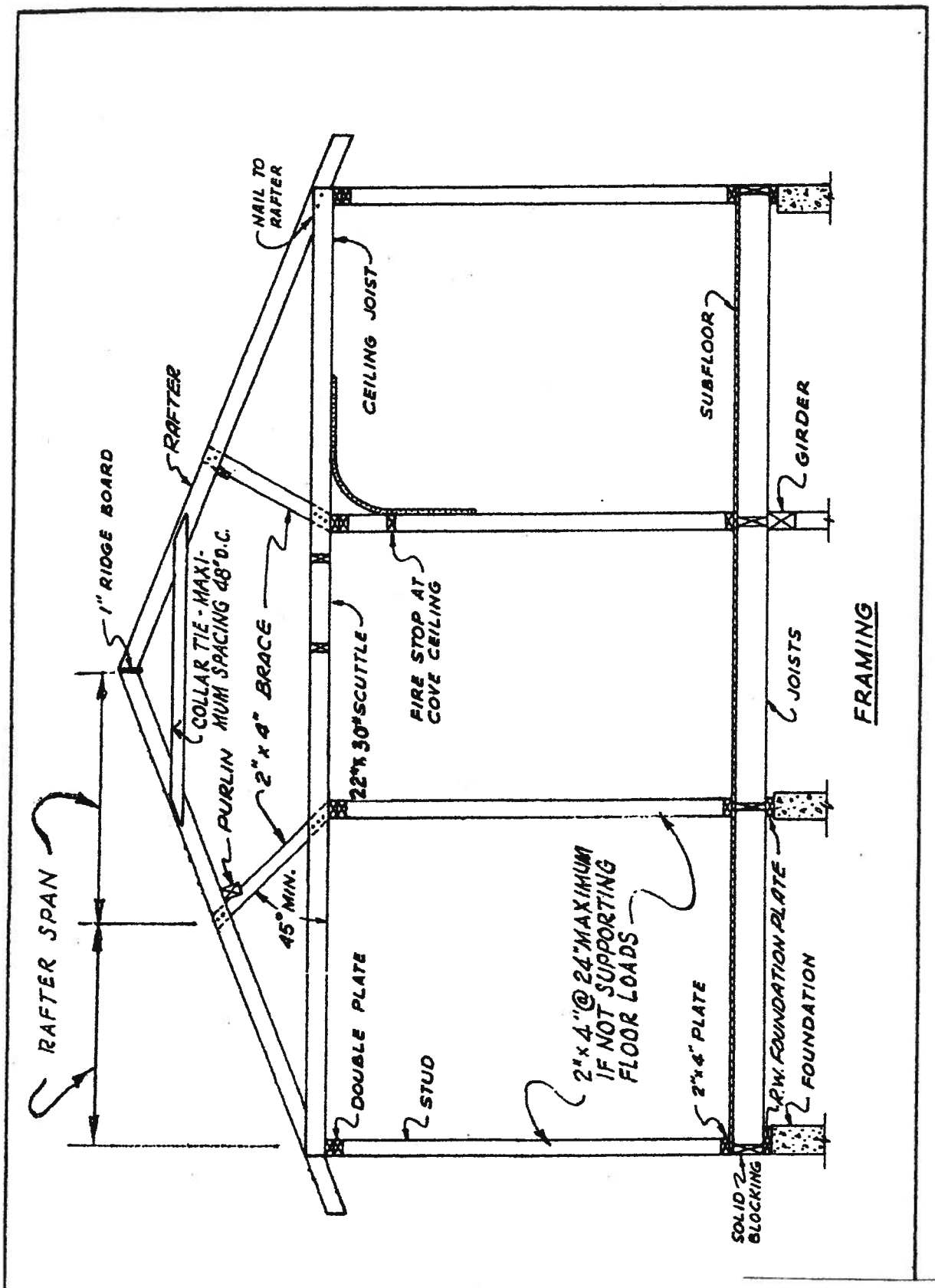
CONCRETE BLOCK

ALL FOUNDATIONS TO EXTEND INTO NATURAL UNDISTURBED GROUND BELOW FROST LINE.

FOUNDATIONS

Attachment "3"

TJMltrCCCapp25June2015



Attachment "4"

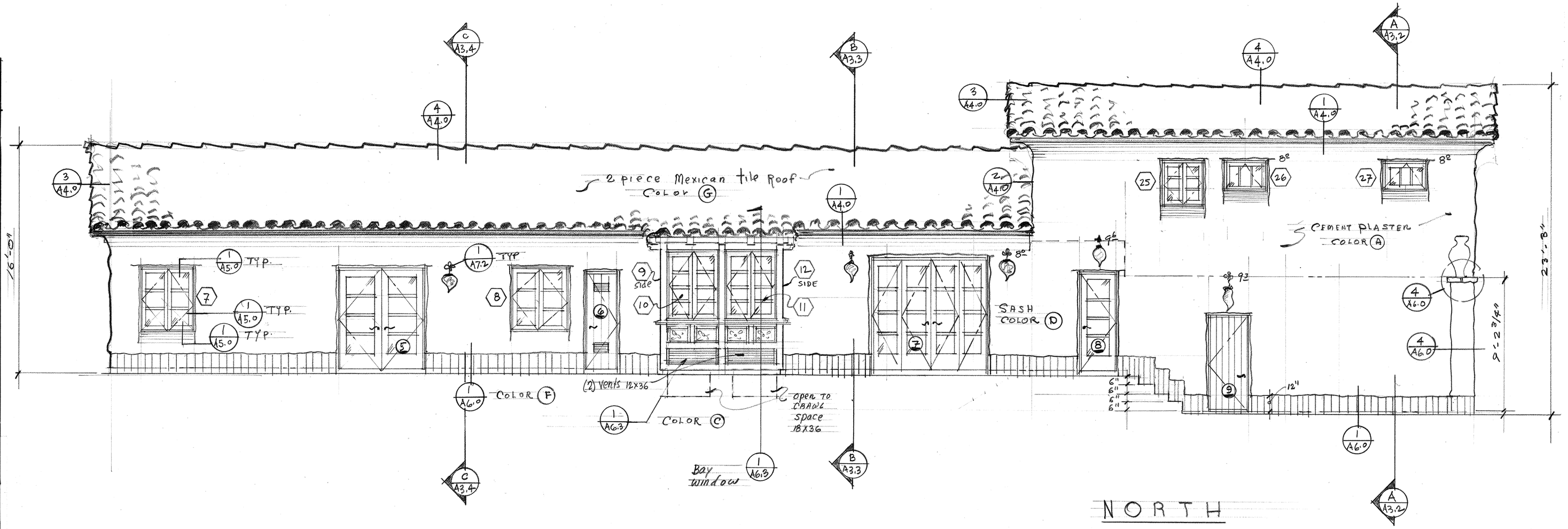
TJMltrCCCapp25June2015

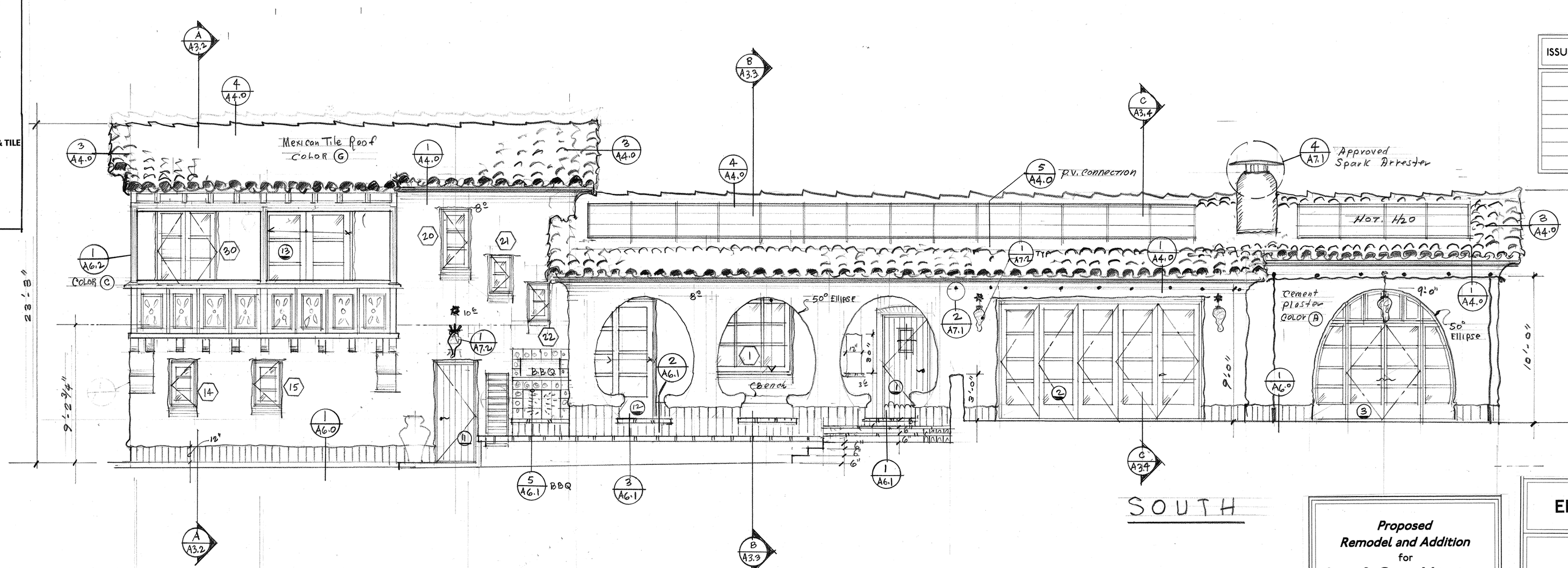
ATTACHMENT 2

JEFF SHELTON ARCHITECT
519 Fig AVE.
Santa Barbara
93101
965-8812

PROJECT COLORS

A	Cement Plaster	SPECIALTY 801
B	Ironwork	FRAZEE Ink Spot 1179n
C	Stained Wood	FRAZEE M409 "Manzanita"
D	Window & Door Sash	EAGLE "Olive"
E	Garage Door & Stencil	MINWAX Mediterranean Green Sherwin Williams SW7698 "Straw"
F	Tile Skirt	Terra Cotta
G	Mexican Tile Roof	Terra Cotta
H	Iron @ Lamps	SHERWIN WILLIAMS SW6989 Domino
I	Canvas Curtains	SUNBRELA "Jockey Red" "Buttercup"
J	Canvas Awnings	SUNBRELA "Mauve" "Vanilla"
K	Cement Tile @ BBQ	ORIGINAL MISSION TILE Azul Rey Blanco
L	Cement Tile @ Loggia	ORIGINAL MISSION TILE Azul Rey Blanco Rojo Palo Alto Gold Verde Canada
M	Ceramic Risers	CALIFORNIA POTTERY & TILE Blue CP 104 Off-White CP 41 Green CP 84 Black CP 142



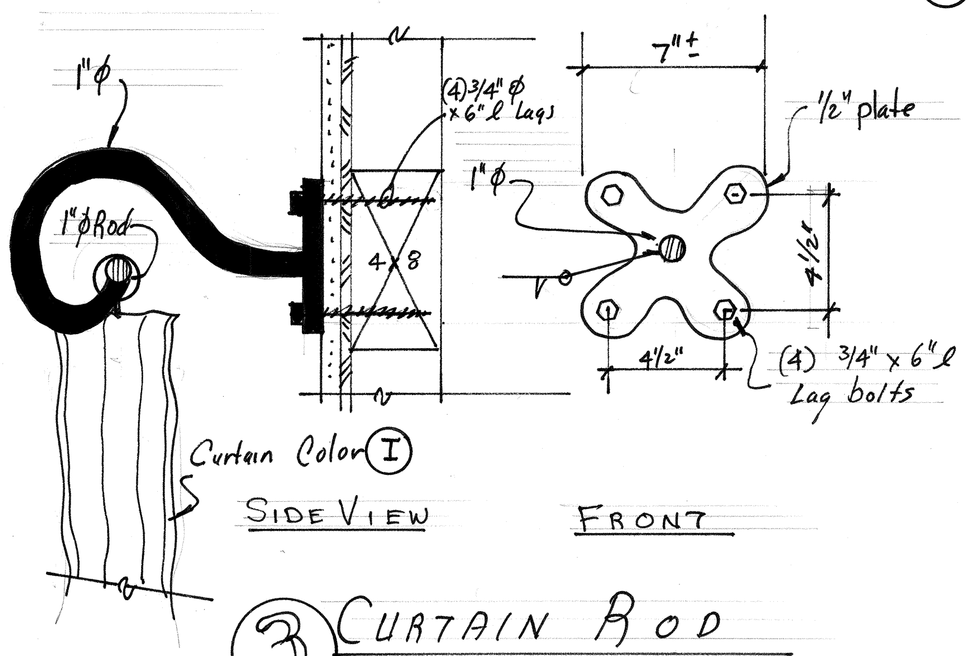


ISSUED	DATE

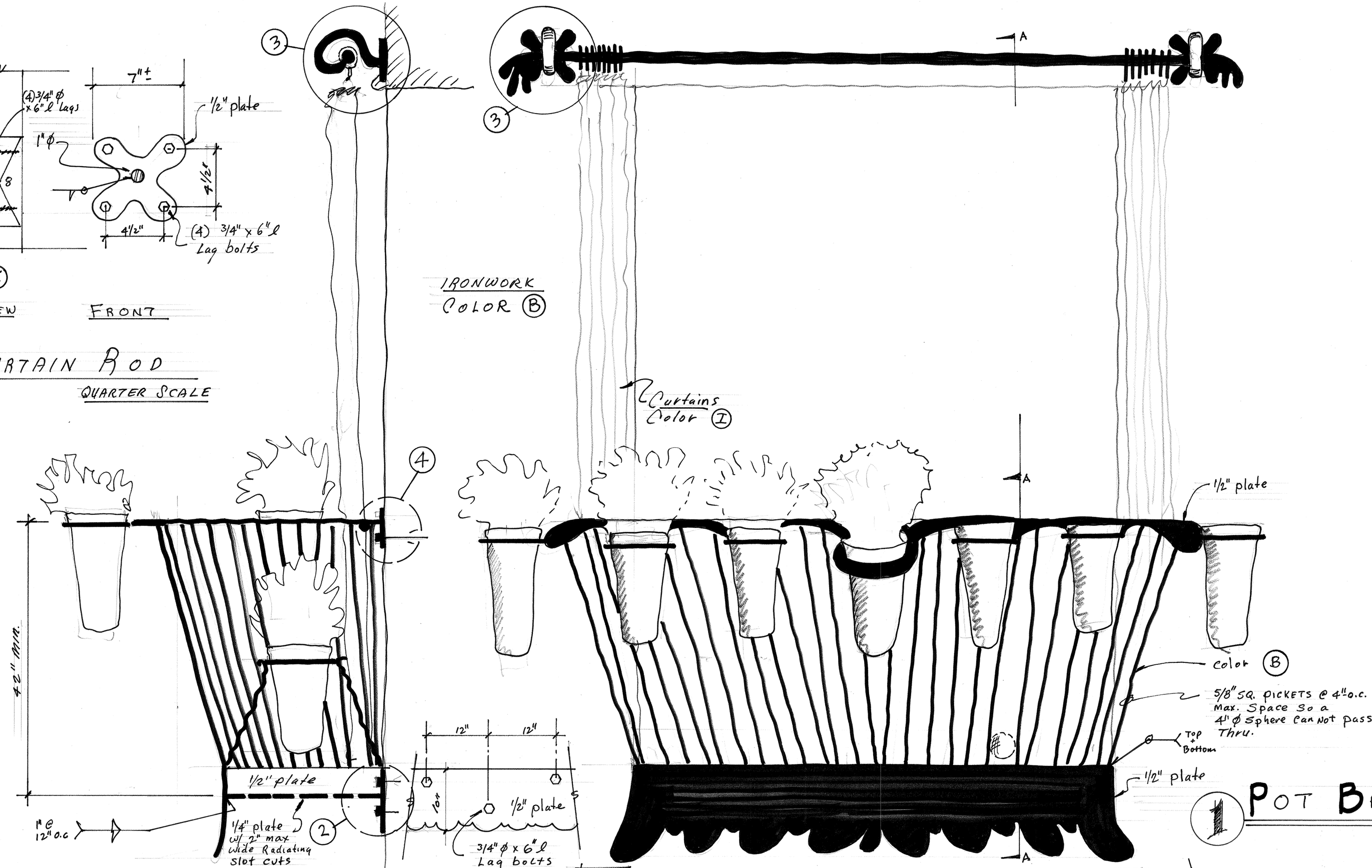
Proposed
Remodel and Addition
for
Jane & Craig Morrison
1912 Mission Ridge Road
Santa Barbara, CA 93103

ELEVATIONS

A3.0



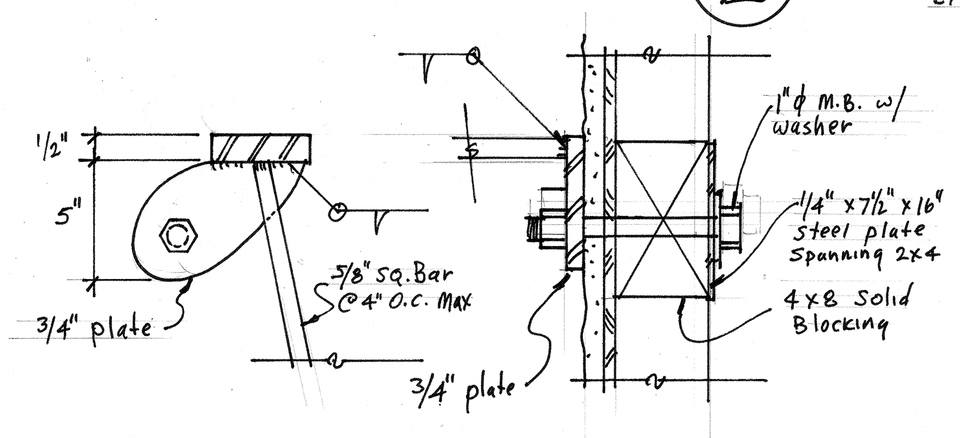
(3) CURTAIN ROD
QUARTER SCALE



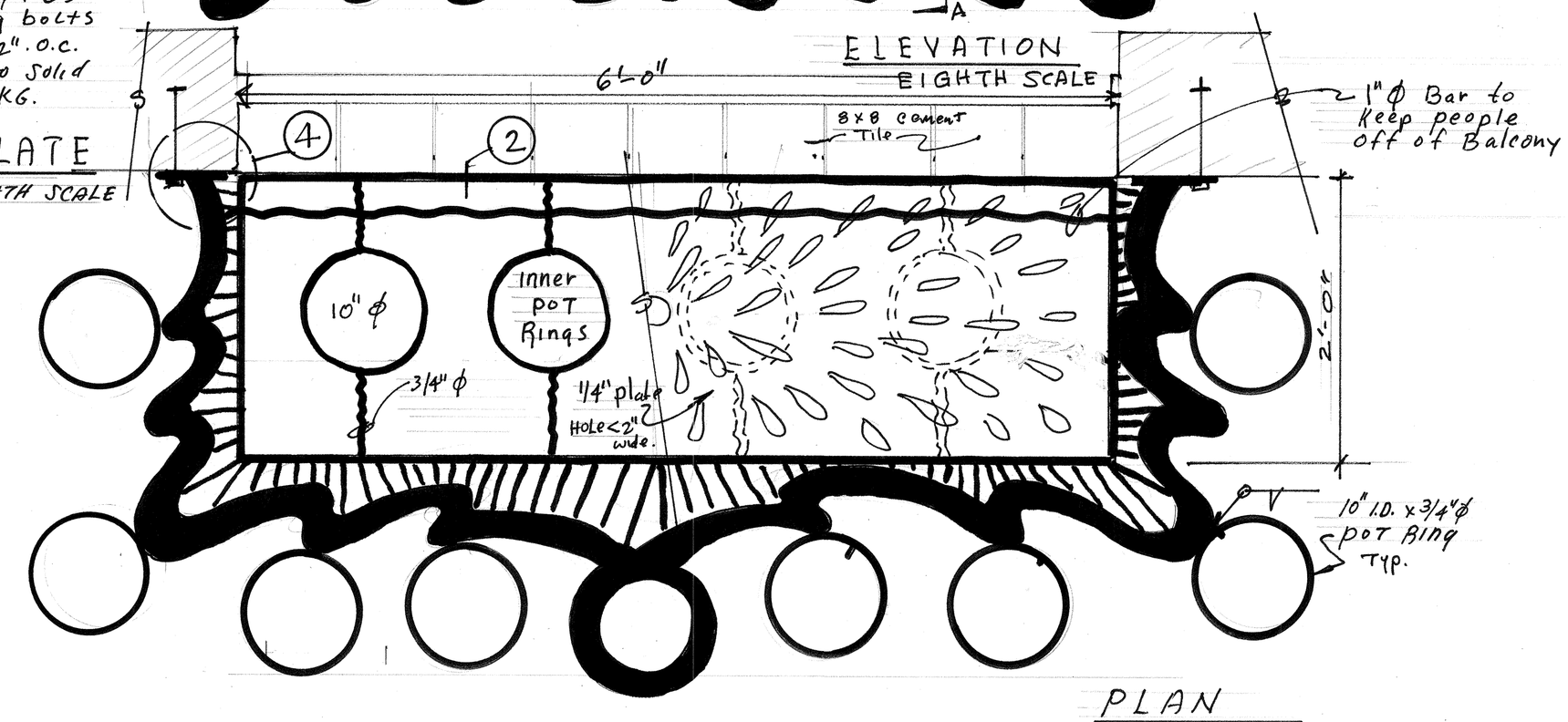
(1) POT BALCONY

(A) SECTION "A"
EIGHTH SCALE

(2) WALL PLATE
EIGHTH SCALE



(4) BALCONY BRACKET
QUARTER SCALE



ELEVATION
EIGHTH SCALE

PLAN
EIGHTH SCALE

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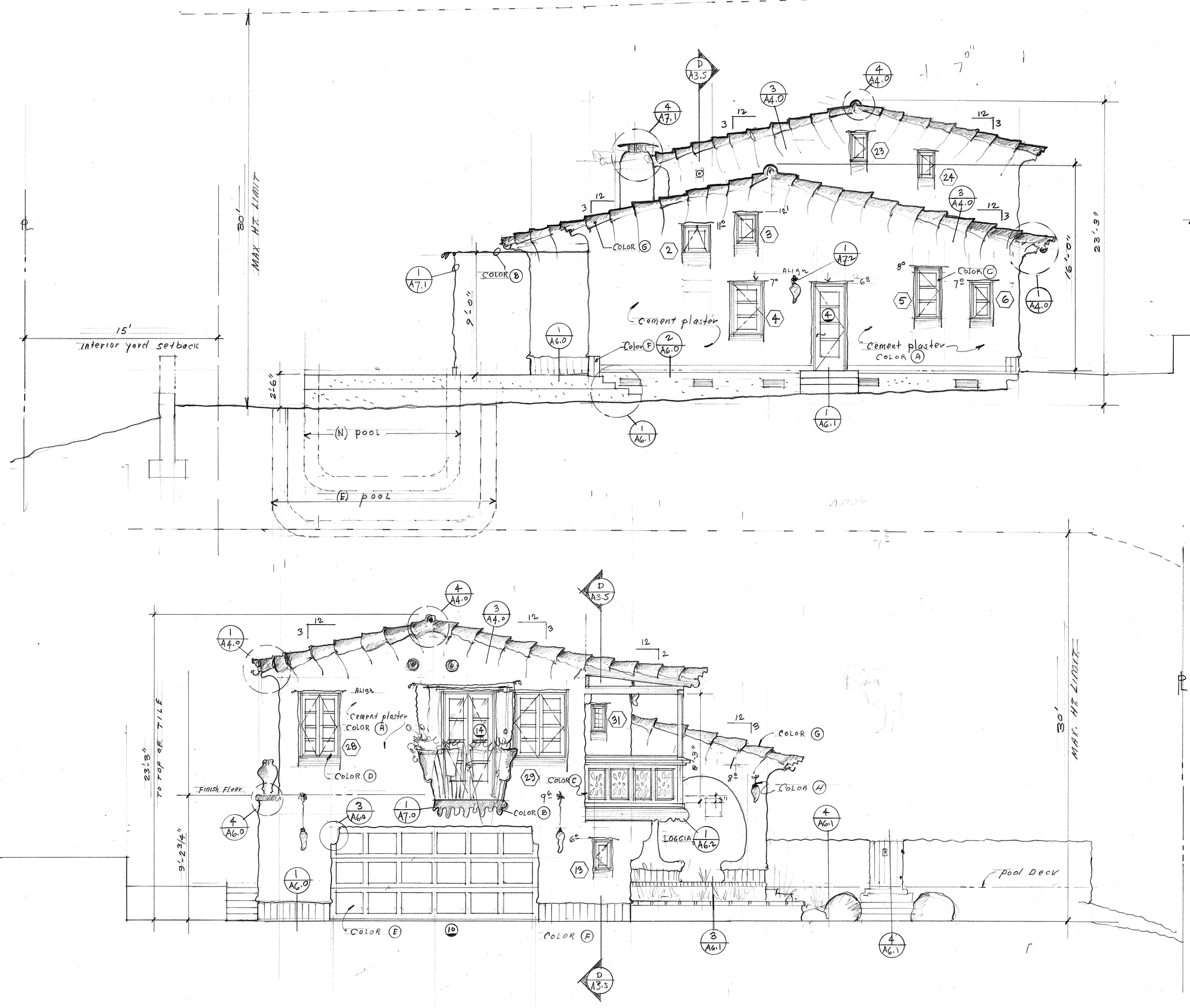
ISSUED	DATE

Proposed
Remodel and Addition
for
Jane & Craig Morrison
1912 Mission Ridge Road
Santa Barbara, CA 93103

IRONWORK

A7.0



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MORRISON

ISSUED	DATE

Proposed
Remodel and Addition
for
Jane & Craig Morrison
1912 Mission Ridge Road
Santa Barbara, CA 93103

ELEVATIONS

A3.1

RESOLUTION NO. 15-018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE SINGLE FAMILY DESIGN BOARD GRANTING PROJECT DESIGN APPROVAL FOR ADDITIONS TO THE RESIDENCE AT 1912 MISSION RIDGE ROAD

WHEREAS, Craig and Jane Morrison, owners of 1912 Mission Ridge Road, have applied for design review approval of a proposal for 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 658 square foot garage within the City of Santa Barbara. (MST 2014-00585) 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. Also included in the project are an "as-built" approval of an installed air conditioner condenser unit, relocation of the pool equipment enclosure, and a new driveway and pedestrian gate. The proposed project would result in a project of a total of 3,251 square feet of development on a 25,091 square foot lot in the Hillside Design District. The project is 69% of the City's maximum floor to lot area (FAR) guideline;

WHEREAS, the SFDB (SFDB) conducted its initial concept review of the project on December 15, 2014 at which time the SFDB voted unanimously to continue the project indefinitely, making the following comments:

1. The SFDB supports the style and quality of architecture.

2. The SFDB finds the second story acceptable.

3. Erect standard level story poles;

WHEREAS, on January 26, 2015, the SFDB conducted a site visit to 1912 Mission Ridge Road to observe the site with the story poles depicting the proposed ridgelines of the remodeled residence and the proposed addition over the garage;

WHEREAS, on January 26, 2015, following the site visit, the project was presented to the SFDB for consideration of Project Design Approval. The SFDB voted 5-1 (Pierce Opposed) to grant Project Design Approval, finding that the Neighborhood Preservation Ordinance criteria were met with the following comments:

1. Study removing the bathroom window or utilizing frosted materials (on the northern elevation).

2. Remove the balcony on the west elevation above the garage.

3. The size, bulk, and scale are consistent and compatible to the neighborhood, the quality of architecture and materials are superior, and the project complies with the Good Neighbor Guidelines.

Board member Pierce's opposition to the motion granting Project Design Approval was due to the second condition of the motion that requires removal of the balcony on the west elevation above the garage. Board member Pierce felt that the balcony was an acceptable element of the proposal and disagreed with the condition of approval that required the removal of the balcony;

WHEREAS, on February 4, 2015, Susan Basham from the law firm of Price, Postel and Parma, attorney for Roger and Stefanie Bacon and Rinaldo and Lalla Brutoco to the project, timely filed an appeal regarding the SFDB decision to grant Project Design Approval. Ms. Basham's appeal enumerated three grounds for the appeal:

1. The SFDB abused its discretion when it voted to affirm the Neighborhood Preservation Ordinance Compatibility Finding given the size and bulk of the second story addition.

2. The SFDB abused its discretion when it voted to affirm the Neighborhood Preservation Ordinance Good Neighbor Guidelines Finding given the allegation that the second story addition and deck will result in direct window to window views of the Appellants' residences and sight lines into their private yard and pool areas.

3. The project fails to comply with Single Family Residence Design Guidelines' Good Neighbor Tips for private views. The appeal argues that the height and scale of the proposed second story addition causes the loss of "a substantial portion of the existing city and ocean views from the entire first floor and yard area" [of the Bacons' residence at 1901 East Las Tunas Road];

WHEREAS, on March 9, 2015, the City Council conducted a duly noticed site visit during which it inquired into the physical aspects of the issues presented on appeal, including the site planning; the height of the proposed roof forms of the remodeled residence; the location, size and materials of the proposed windows and their potential impacts on the privacy of neighboring properties; and the location and use of proposed balconies on the southern and western elevations;

WHEREAS, on March 10, 2015, the City Council conducted a duly noticed public hearing on the appeal. The project design presented to the City Council on appeal was the project design approved by the SFDB on January 26, 2015; however, the applicants asked the City Council to consider allowing the balcony on the western elevation to remain. The applicants expressed a willingness to design the balcony so it would merely serve as an architectural element and would not allow persons to stand outside the second story addition on the western elevation. The appeal hearing included the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a City staff report discussing the appeal issues, and a PowerPoint presentation on the appeal issues – both of which are incorporated by reference into this Resolution (along with the entire record of proceedings).

2. A presentation by Susan Basham, including PowerPoint presentations by her clients Rinaldo Brutoco and Roger Bacon detailing the grounds of the appeal, which are part of the record in this case and were fully considered by the City Council in making its decision on this appeal.

3. A PowerPoint presentation by the Morrisons' architect, Jeff Shelton, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal. In addition, Mr. Shelton prepared a scale model of the proposed project which was present for viewing at the City Council site visit and appeal hearing.

4. Public comments from the chair of the SFDB detailing the Board's perspective on the Project design and the appeal issues.

5. Public comment from members of public all of whom spoke in opposition to the project; and

WHEREAS, after consideration of all of the evidence presented (both written and oral), as well as the public testimony received, and after deliberation by the Council members, the City Council voted 6-1 (Mayor Schneider dissenting) to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal of the Project and to uphold the decision of the SFDB to grant Project Design Approval.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the SFDB and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings. The facts and findings in the March 10, 2015 Council Agenda Report are incorporated into this Resolution and determined to be true.

SECTION 3. With respect to alleged incompatibility of the project with its neighborhood, using the criteria set forth in Evidence Code section 780, and in particular subsection (f), the Council finds that the appellants and the public comment were not credible.

SECTION 4. The Council carefully reviewed the evidence it obtained during the site visit and public hearing and finds and determines as follows:

A. Neighborhood Preservation Findings. The Council makes the following findings pursuant to the Neighborhood Preservation Ordinance, Santa Barbara Municipal Code section 22.69.050 A. 1-7:

Consistency and Appearance. The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood by proposing an upgraded architectural style when compared to the design of the existing residence.

Compatibility. The proposed single family residence is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood. At approximately 69% of the maximum guideline FAR, the size of the proposed residence is within the city's adopted FAR guidelines. The proposed high-quality materials are appropriate for the neighborhood. The fact that finished height the proposed residence is less than the allowed building height within the zone and the fact that the applicants have proposed the second story addition over the garage, which has a lower existing height than the rest of the existing residence, factored significantly in the Council's decision.

Quality Architecture and Materials. The proposed building is designed with quality architectural details and quality materials. The City Council found the proposed restyling of the architecture from the present 1960's tract house style to a Mediterranean design to be a positive benefit to the aesthetics of the property individually and the neighborhood as a whole.

Trees. The proposed project does not include the removal of or significantly impact any designated Specimen Tree, Historic Tree or Landmark Tree.

Health, Safety, and Welfare. The public health, safety, and welfare are appropriately protected and preserved in that the neighborhood will be enhanced in value and design by the proposed additions.

Good Neighbor Guidelines. The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting.

The City Council found the arguments of appellants Rinaldo and Lalla Brutoco regarding privacy impacts of the second story addition and deck to be unpersuasive. The City Council found that the existing guesthouse adjacent to the pool on the Brutoco property will shield most of the pool area from the view of the second story additions proposed on 1912 Mission Ridge Road. The City Council further discounted the impact of the proposed addition on the privacy of the Brutocos' master bedroom and bathroom due to the distance (estimated variously by Councilmembers to be 50 to 100 feet) between the proposed addition and the bedroom and bathroom windows.

Regarding the Bacons' residence at 1901 East Las Tunas Road, the Council finds that the project generally complies with the Good Neighbor Guidelines regarding

privacy, subject to the implementation of the recommended use of translucent glass and possible reduction of the size in the windows of the windows on the northern elevation of the addition. While the City Council acknowledged that the proposed project will block a portion of the Bacons' existing views of the city and ocean, the Council found that the proposed project did generally comply with the Good Neighbor Guidelines based on the proposed location of addition over the garage (which will be less impactful to the Bacons than would an addition over other portions of the residence) and the relatively minor scale of the roof alteration on the rest of the residence.

Public Views. The development, including proposed structures and grading, will preserve any significant public scenic views of and from the hillside. The proposed addition and roof alteration will not meaningfully impact public views.

B. Hillside Design District Findings. The Council makes the following findings pursuant to Santa Barbara Municipal Code section 22.69.050 B. 1-2:

Natural Topography Protection. The proposed development does not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside because the majority of the project consists of a remodel of an existing residence and an addition over the existing garage.

Building Scale. The scale of the proposed building maintains a scale and form that blends with the hillside by minimizing the visual appearance of structures and the overall height of structures through the placement of the proposed addition over the existing garage which has a lower ridge height than the rest of the residence. In addition, while the project proposes an increase of the ridge height of the residence, the final building height of the residence as a whole is well below the maximum building height of 30 feet allowed under the zoning ordinance.

C. California Environmental Quality Act Determination. The City Environmental Analyst evaluated the proposed project and determined the project to be categorically exempt from CEQA pursuant to CEQA Guideline section 15301, the small additions exemption.

SECTION 6. The City Council grants Project Design Approval to the proposed addition and remodel of 1912 Mission Ridge Road as depicted on the set of architectural plans received by the Community Development Department on January 23, 2015, as presented to the City Council on March 10, 2015, subject to the following directions to the SFDB for consideration on Final Design Approval:

1. Review the design of the north elevation of the proposed addition at 1912 Mission Ridge Road with consideration as to its impacts on the privacy of the residence and private yard of the residence at 1901 East Las Tunas Road, including considering of the use of translucent glass for the windows and the possible reduction of the size of the windows on the north elevation of the addition.

2. Consider allowing the balcony on the western elevation of the addition as an architectural element while minimizing the privacy impacts on the neighbors, including the consideration of designing the balcony in order to prevent persons from standing on the balcony.

RESOLUTION NO. 15-018

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

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on March 24, 2015, by the following roll call vote:

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

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on March 25, 2015.

Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on March 25, 2015.

Helene Schneider
Mayor

SFDB MINUTES- June 15, 2015

FINAL REVIEW

6. 1912 MISSION RIDGE RD A-1 Zone
(5:40) Assessor's Parcel Number: 019-083-021
Application Number: MST2014-00585
Owner: Craig Morrison
Applicant: Jeff Shelton

(Proposal for a 22 square foot first-floor addition and a 530 square foot second-floor addition to an existing 2,120 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 new pedestrian and driveway gates. 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 (FAR). This project will address violations identified in Zoning Information Report ZIR2014-00157.)

(Final Approval is requested. Project was last reviewed on January 26, 2015.)

Actual time: 5:40 p.m.

Present: Jeff Shelton, Architect; and Craig Morrison, Owner.

Public comment opened at 5:55 p.m.

1) Rinaldo Brutoco, adjacent neighbor, appreciated the architect's changes to the balcony above the garage. Mr. Brutoco also expressed concerns on behalf of himself and the Bedfords who live south of the project regarding potential drainage impacts and the lack of information on plans to inform a discussion about this. He stated that he echoes the concerns presented by Trevor Martinson, is concerned about the Board's lack of consideration to privacy issues, and noted the short notice on review of the project.
2) Trevor Martinson, neighbor in close proximity, raised concerns about the noticing for the review and requested a two week postponement to respond to the concerns in his letter.
3) Stephanie Bacon, adjacent neighbor, expressed concerns regarding privacy from windows proposed in the project.

The Board acknowledged a letter of expressed concerns submitted by Trevor Martinson, neighbor in close proximity. Mr. Martinson submitted the letter at the start of the meeting and the Board allowed 20 minutes for review of the concerns.

Public comment closed at 6:02 p.m.

Motion: **Final Approval with comments:**

1) The Board has reviewed the redesign of the eaves and finds it acceptable.
2) The new design of the windows on the north elevation, at the master bedroom, meets the Board's guidelines for privacy. The Board acknowledges the architect's efforts to raise the sill of the windows to five feet to ensure the privacy of the neighbors.
3) The Board has revaluated the design of the balcony on the west elevation, and seeing that its design with fixed planters will prevent occupants from stepping out onto it, the Board finds that the design will ensure privacy for the neighborhood.

Action: Woolery/Pierce, 4/1/0. Motion carried. (Bernstein opposed, Miller/James absent).

The ten-day appeal period was announced.

Agenda Item No. 15

File Code No. 640.09

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Vacation Rental Enforcement And Home Sharing Rental Ordinance

RECOMMENDATION: That Council:

A. Allocate $80,000 from the General Fund appropriated reserves to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of legal services;
B. Allocate $90,000 from the General Fund appropriated reserves to the Community Development Department's Fiscal Year 2016 budget and incur as an ongoing cost to augment existing zoning enforcement staff and cover the cost of increased zoning enforcement related to Vacation Rentals;
C. Allocate $10,000 from the General Fund appropriated reserves to the Finance Department's Fiscal Year 2016 budget and incur as an ongoing cost for staffing overtime costs related to increased zoning enforcement of Vacation Rentals; and
D. Initiate a Zoning Ordinance amendment to allow Home Sharing Rentals.

EXECUTIVE SUMMARY:

The City Council and staff are aware that short-term Vacation Rentals exist throughout the City and that most are operating in residential areas where they are not currently allowed. To date, alleged violations have been investigated and code enforcement action taken only in response to neighborhood complaints.

On June 23, 2015, the City Council directed staff to enforce the City's existing Zoning Ordinance and develop an enhanced enforcement plan. The City Council also directed staff to return with a work plan to amend the Zoning Ordinance to allow Home Sharing Rentals. This Council Agenda Report provides information on Vacation Rental enforcement priorities and budget implications. It also provides information on the process and schedule for developing a Home Sharing Rental ordinance.

DISCUSSION

Background

The growing industry of online marketing sites is making short-term rentals more accessible to tourists than ever before. Currently, there are over 90 online web sites advertising short-term stays in the City. A quick glance at two of the larger sites (Airbnb and VRBO) revealed over 1,000 individual listings in the City. Based on the maps provided online, for the most part, these listings are in the City limits. There are currently 361 short-term rentals registered with the City and paying Transient Occupancy Tax (TOT).

Definitions

For the purposes of this Council Agenda Report and Council discussion, staff recommends a common use of the following definitions regarding short-term Vacation Rentals. These are not terms or definitions currently found in the City's Municipal Code or Zoning Ordinance.

"Home Sharing Rental" – A resident(s) hosts visitors in their home for short periods of time (less than 30 days), while at least one of the primary residents lives on-site throughout the stay. Guests pay a nightly fee and enjoy non-exclusive shared use of the unit with the person(s) who lives there. Typically, the primary resident actively hosts the guests during the visit.

"Vacation Rental" – The rental of any un-hosted dwelling unit to any person for exclusive transient use of less than 30 days. Guests pay a nightly fee and enjoy the exclusive private use of the unit.

Previous Council Meeting on Vacation Rentals

On June 23, 2015, the City Council held a public hearing and discussed the growth of short-term Vacation Rentals in the City. The City received 47 comment letters and heard over three hours of public testimony from 69 speakers representing 90 speaker cards. It is estimated that a total of 200 people attended the meeting.

At the conclusion of the public hearing, the Council was unanimous in their support for enforcement of the City's existing Zoning Ordinance, which prohibits hotel uses in most residential zoning districts. Noting concerns regarding neighborhood compatibility and the loss of urgently needed housing to a commercial enterprise, Council directed staff to:

- Proactively enforce existing Zoning Ordinance regulations that:
    - Prohibit Vacation Rentals in single-family, R-2 and R-3 Zones ; and

- Permit Vacation Rentals where hotel uses are allowed, subject to the applicable discretionary review and approval process

- Develop a work program to define, regulate and permit Home Sharing Rentals anywhere residential uses are allowed.

Need for Clarity in Existing Zoning Ordinance

The City's Zoning Ordinance contains distinct definitions for residential units and hotels, which have existed for decades. The length of stay, less than 30 days, determines the transient nature of room rentals. The sharing economy and use of the Internet to book commercial transactions (transportation, rooms or homes) did not exist when the City's zoning definitions and regulations were adopted. Applying existing regulations to this new and rapidly expanding phenomenon has proven challenging.

Initiating a Zoning Ordinance amendment to add relevant definitions and clarify regulations will be beneficial to both the public and staff. This will also provide staff and the Planning Commission authorization to explore ways to regulate and permit Home Sharing Rentals anywhere residential land uses are allowed.

Existing City Zoning Regulations

On June 23rd, Council also asked staff to develop a work program that would allow some form of home sharing of a person's primary residence. This direction prompted staff to request a City Attorney opinion on this type of use. The conclusion is that renting out rooms for less than 30 days is currently a zoning violation. The City Attorney's opinion is based upon the clear definition of hotel in the Zoning Ordinance, which can include any "portion of a building" as a hotel:

28.04.395 Hotel.
"A building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days including, but not limited to, establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses."

Accordingly, a Zoning Ordinance amendment will be required to implement a home sharing program.

Hotels are currently allowed in the City's R-4 (Hotel-Motel-Multiple Residence) and commercial zones, subject to discretionary review. Discretionary review is review using reason and judgment based upon specific criteria defined in the Santa Barbara Municipal Code (SBMC) established to protect the health, safety and welfare of the community to assess impacts of a proposed use or development project. This review

includes a public notice, a comment period, and the ability to appeal the decision, In Santa Barbara, these types of decisions are made by the Community Development Director, Staff Hearing Officer, Design Review Boards, Planning Commission, City Council, or other decision making body.

The discretionary review process to convert existing residential units to a hotel use involves compliance with the City's Growth Management Program, the Condominium / Hotel Conversion Ordinance, Tenant Displacement Assistance Ordinance and Transient Occupancy Tax Ordinance, to name just a few of the applicable laws. Due to the complexity of the process, especially for conversion of more than one unit on a lot, staff has developed a brochure describing the steps involved to legally convert one or more residential units into a Vacation Rental.

General Plan

The General Plan places a high priority on housing development. The Average Unit-Size Density (AUD) Program (2013) provides significant incentives for the development of rental housing. There is considerable overlap in the areas where AUD incentives are allowed and where Vacation Rentals are currently operating illegally. Based on the Vacation Rentals that have been paying TOT (without planning permits and approval), the highest concentrations are in the East Beach, West Beach, and West Downtown neighborhoods. Whether the TOT is being paid for transient stays in a full-time Vacation Rental or in Home Sharing Rental is unknown. Therefore the effect on the City's housing supply cannot be quantified at this point in time.

Enforcement Approach and Priorities

Council directed staff to begin proactive enforcement of existing zoning regulations on unlawful Vacation Rentals.

Gathering the necessary evidence to support proactive enforcement will be time-consuming and relatively costly because of the sheer number of unlawful Vacation Rentals in the City. However, through web-based research, staff has compiled a list of approximately 90 short-term Vacation Rental websites, agents, property management companies and online rental services that appear to be doing business in Santa Barbara. These enforcement leads will be used to support issuance of "legislative subpoenas" that will result in the provision of information necessary for outreach and enforcement. The data provided by a subpoena will be essential to the enforcement process.

<u>Enforcement Approach</u>

Vacation Rental enforcement will have two goals: Achieving permanent compliance with the Zoning Ordinance and recovery of unpaid Business License and Transient

Occupancy Tax (TOT). These goals will be met by firm and clear enforcement practices. For example, in six Vacation Rental cases handled by the City Attorney's Office earlier this year, the business owners were provided compliance notices that included a copy of the enforcement complaint that would be filed in Superior Court should compliance not be accomplished voluntarily within a relatively short period of time (14 to 21 days). In order to be effective as an incentive and deterrent, Vacation Rental business owners must be presented with the threat of enforcement costs that are higher than the cost of compliance. This may require the use of more sophisticated business litigation strategies than typically used in code enforcement.

With contract lawyer support, the City Attorney estimates that about 300 cases per year can be competently and aggressively managed. The approach would be to work 30-40 cases in each 6 week enforcement wave.

Council discussed offering a temporary amnesty to some existing Vacation Rental owners. Staff believes this to be both unnecessary and unwise. As a practical matter, it will take at least two years of concerted effort to make a significant impact in the Vacation Rental market. And, as discussed below with respect to enforcement priorities, existing Vacation Rentals that are paying TOT are in the lowest enforcement priority category. This effectively provides amnesty to those owners who have made a reasonable effort to address the City's prior policy concerns.

Enforcement Priorities

Because of the criminal and public nuisance aspects of the City's code enforcement options, the City Attorney has an ethical obligation as an impartial prosecutor whose duty it is to seek justice on behalf of the People. Thus, Council cannot give case-by-case direction on code enforcement matters. Nor are closed sessions permitted. Council's policy control and priority setting power comes through the budget process, as the Council's control over spending public funds does not implicate the handling of any specific case. We seek Council's concurrence in our proposed enforcement priorities as part of the funding request, noting that because of the considerations listed above we may need to adopt different strategies from time-to-time and case-by-case.

The focus of the June 23, 2015 discussion was full-time short-term Vacation Rentals. For a fair and effective enforcement strategy, staff is recommending that all short-term Vacation Rentals and Home Sharing Rentals be subject to enforcement, with the following priorities:

1. Existing and new complaints about Vacation Rentals and Home Sharing Rentals, citywide.

2. Vacation Rentals and Home Sharing Rentals operating without a City business license and not paying TOT, in single-family, R-2 and R-3 Zones.

3. Vacation Rentals and Home Sharing Rentals operating without required land use approvals, a City business license and not paying TOT, in areas where hotels can be allowed (R-4 and Commercial Zones).

4. Vacation Rentals and Home Sharing Rentals operating with a City business license and paying TOT, in single-family, R-2 and R-3 Zones.

5. Vacation Rentals and Home Sharing Rentals operating without required land use approvals, but with a City business license and paying TOT, in areas where hotels can be allowed (R-4 and Commercial Zones).

Collection of TOT

For Vacation Rentals and Home Sharing Rentals that are currently not paying TOT or a business license tax, the enforcement action will include requiring these operators to pay back taxes, including interest and penalties. This approach recognizes that, while out of compliance with zoning requirements, these operators are still subject to the TOT and Business License Ordinances. Certainly, we encourage these rental operators to cease operations in advance of being contacted by the City and to resolve their tax liabilities to avoid further penalties and interest being imposed.

All Vacation Rentals and Home Sharing Rentals that are currently licensed and paying TOT will be required to continue to pay those taxes until they are notified by the City Attorney's Office to cease operations. The timing of the notice will be determined by the enforcement priorities proposed and previously discussed in this report.

However, applications for new Vacation Rentals or Home Sharing Rentals will not be accepted by the City, except for any new, Vacation Rentals in the R-4 and commercial zones that have received all appropriate planning and land use approvals.

Proposed Home Sharing Rental Ordinance

Staff proposes to draft a Zoning Ordinance amendment that would define and regulate Home Sharing Rentals where residential uses are allowed. The ordinance would include regulations requiring a City Business License, TOT payments, and performance standards.

<u>Ordinance Amendment Process and Schedule</u>

Staff is proposing the following expedited approach to develop a Home Sharing Rental ordinance for Council consideration, with a goal of having the ordinance adopted prior to reaching enforcement tiers 4 and 5 (operators not currently paying TOT). This would ideally avoid the awkward situation where the City is shutting down a Home Sharing Rental arrangement that would shortly thereafter become allowable under the proposed change in the ordinance. To achieve an expedited change in the ordinance, the

proposed work program does not include a separate community outreach process other than the required public hearings before the Planning Commission, Council Ordinance Committee, and City Council.

1. Planning Commission workshop on the general scope of a Home Sharing Rental ordinance – Fall 2015

2. Draft Zoning Ordinance amendment prepared by staff – Winter 2015/16

3. CEQA Review & Planning Commission hearing on Draft Ordinance amendment, with recommendation to Council – Spring 2016

4. Planning Commission Recommendation to Council (if necessary) – Late Spring 2016

5. City Council Ordinance Committee review and recommendation to Council - Summer 2016

6. City Council consideration of Ordinance amendment - Fall 2016

Noticing

For the June 23, 2015 Council meeting, staff sent mailed notices as a courtesy to all Vacation Rental operators currently paying TOT to the Finance Department. Additional interested parties were also sent a notice of the meeting, primarily by email. Notices were also sent to all City neighborhood groups, business and community groups, and the email distribution list for General Plan implementation projects. A City press release was also issued. A similar broad noticing approach was used for this meeting.

BUDGET/FINANCIAL INFORMATION:

In Fiscal Year 2015, the City's General Fund received approximately $1.2 million in TOT revenues from the 349 registered Vacation Rentals. This General Fund revenue stream will diminish over time with increased zoning enforcement. Further, staff is requesting that Council allocate $170,000 from the General Fund appropriated reserves to cover the cost of increased enforcement by the City Attorney's Office and Community Development Department in Fiscal Year 2016.

Staff recommends that Council allocate $80,000 to the City Attorney's Office Fiscal Year 2016 budget to cover the cost of increased legal services. This would include hiring contract staff to assist in the enforcement of the existing Zoning Ordinance with respect to non-compliant Vacation Rentals and Home Sharing Rental operations. Staff expects this level of enforcement will be needed through the end of Fiscal Year 2017. These figures are our best estimates, but they have been prepared without detailed programmatic

planning. Accordingly, we would fine-tune the figures in conjunction with the next fiscal year's budget.

Currently, zoning enforcement is conducted through the Planning Division with two part-time employees and about 50% of one full-time employee who also works on other assignments (for a total of 1.5 FTE). Based on the experience of other communities currently engaged in enforcing vacation rental regulations, staff anticipates that a significant short-term effort will be required, and there will likely be need for additional staff over the long-term. In order to meet these staffing needs, staff recommends that Council allocate $90,000 to the Community Development Department's Fiscal Year 2016 budget. These funds will be used to create one new full-time position and add two part-time staff (for a total of 3.0 FTE) for zoning enforcement purposes. Following the initial two-year effort, it is anticipated that staffing would be reduced to a total of 2.0 FTE, and the ongoing annual cost increase of creating and retaining .5 FTE is estimated at $70,000. The creation of this full-time position is recommended to better ensure recruitment and retention of quality staff and to provide on-going continuity and leadership within the zoning enforcement team. Similar to the City Attorney's Office, if additional staff support is required, this would be addressed in the next fiscal year's budget.

As a component of enforcing Vacation Rental regulations, the Treasury Division of the Finance Department will be required to calculate unpaid Business License and Transient Occupancy Tax for each enforcement case. The Finance Department has sufficient staffing to perform these required functions; however, staff anticipates that overtime costs will be incurred to meet the demands of the proposed enforcement approach of 300 cases per year. Staff recommends that Council allocate $10,000 to the Finance Department's Fiscal Year 2016 budget to cover these overtime costs. Staff anticipates the additional staffing costs to be ongoing through Fiscal Year 2018.

PREPARED BY: Elizabeth Limón, Project Planner

SUBMITTED BY: George Buell, Community Development Department Director
Ariel Pierre Calonne, City Attorney
Robert Samario, Assistant City Administrator/Finance Director

APPROVED BY: City Administrator's Office

Agenda Item No. 16

File Code No. 640.09

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 11, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Issuance Of Legislative Subpoena To Support Vacation Rental Enforcement

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Issuing Subpoenas for Certain Records Related to Short-Term Vacation Rentals in the City.

DISCUSSION:

In order to assist in the enforcement against unlawful vacation rentals in R-1, R-2, and R-3 residential zones, the City Attorney's Office is requesting that Council adopt a resolution authorizing legislative subpoenas to all companies that operate websites advertising vacation rental properties within the City of Santa Barbara. A legislative subpoena will ensure that the City Attorney's Office has all relevant records to conduct a thorough review to determine whether a rental property owner is violating the Municipal Code.

The majority of short term rentals are advertised on the internet. There are multiple vacation rental websites that advertise properties in Santa Barbara for short term rental. Information on these websites often includes photos of the property, reviews, rental rates, and location of the property. Community Development staff, through web-based research, has uncovered and compiled a list of ninety-one (91) websites containing short term vacation rental listings of properties in Santa Barbara.

The City Attorney's Office requests the issuance of legislative subpoenas on all websites that have active listings for vacation rentals in the City of Santa Barbara in order to investigate, and to obtain compliance with the Municipal Code. Without these legislative subpoenas the City Attorney's Office will be hampered in its effort to investigate and obtain vacation rental compliance.

The City Council has the authority to issue a legislative subpoena under Santa Barbara City Charter Section 509. Legislative subpoenas are issued in the name of the City and

attested by the City Clerk. In addition, a legislative subpoena issued under the powers delineated under the Charter is required to be served and complied with in the same manner as subpoenas in civil actions.

The City Council also has the authority to issue legislative subpoenas requiring the attendance of witnesses or production of documents pursuant to California Government Code section 37104. Under Government Code section 37105, legislative subpoenas are signed by the Mayor, attested by the City Clerk, and served in the same manner as civil subpoenas. If the subpoenaed party does not comply with the subpoena, Government Code section 37106 provides a remedy whereby the Mayor reports the noncompliance to the Santa Barbara Superior Court. A judge can then issue an Order to Show Cause (OSC) to the subpoenaed party to appear in court and explain the reasons for noncompliance. We recommend using both sources of subpoena authority.

The punishment for disobedience of a legislative subpoena is the same as if the contempt had been committed in a civil trial in superior court, namely when a subpoenaed party has disobeyed a duly served subpoena, that person has committed contempt. (California Code of Civil Procedure Section 1209, subd. (a) (10)). The court may then punish the subpoenaed party for contempt by imposing a fine not exceeding $1,000 or imprisonment not exceeding five days, or both. (Code Civ.Proc., § 1218).

The proposed Resolution authorizes issuance and service of legislative subpoenas to companies that operate current websites that have active listings for vacation rentals in Santa Barbara. The legislative subpoena directs the subpoenaed party to either appear at a specified city council meeting with the requested records or make arrangements for the production of records. If the subpoenaed party fails to comply, this Resolution further authorizes the Mayor to submit a report to the Santa Barbara Superior Court regarding noncompliance.

ATTACHMENT(S): Sample Draft of Legislative Subpoena

PREPARED BY: Ariel Pierre Calonne, City Attorney
John Steve Doimas, Deputy City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office

IN THE MATTER OF FACTUAL INQUIRY RELATED TO INVESTIGATION OF CHAPTER 4.08, 5.04 OF TITLE 28 OF THE CITY OF SANTA BARBARA MUNICIPAL CODE	LEGISLATIVE SUBPOENA (Government Code §§ 37104 *et seq.*) (SB City Charter §509) Date: Time: Place: City Hall City of Santa Barbara 735 Anacapa Street Santa Barbara, CA 93101

To: Custodian of Records for _____, Inc.

c/o XXX (agent for service of process for XXX, Inc.)

address

city, state, zip

Draft

1. On August 11, 2015, the City Council adopted Resolution No. (incorporated by reference into this subpoena).

2. Accordingly, you are ordered to appear in person and produce true and correct copies of the document specified in Attachment 1 at the regular City Council Meeting for the City of Santa Barbara ("City") at 735 Anacapa Street, Santa Barbara, California, 93101, on _____, 2015, at _____ p.m. (or as soon thereafter as the matter may be heard)

3. **You are not required to appear in person and produce the requested documents IF, <u>by 4:00 p.m. on XXX, 2015,</u> you deliver the document described in Attachment 2 to:**

XXX
Title
City of Santa Barbara
735 Anacapa Street
Santa Barbara, California 93101

4. All documents produced to the City shall be accompanied by a declaration or affidavit warranting to their accuracy and completeness sufficient to meet the requirements of Code of Civil Procedure section 2020.430. The City will pay all reasonable documented costs associated with photocopying the requested documents. If costs exceed $50.00 please contact XXX before copying.

The City requires these records to assist it in evaluating, investigating, and enforcing the municipal code compliance against unlawful vacation rentals in R-1, R-2, and R-3 residential zones pursuant to Santa Barbara Municipal Code Chapters 4.08, 5.04,

28.15, 28.18, and 28.21. The documents requested are material and good cause exists for their production as described in Attachment 3. This subpoena is issued pursuant to Santa Barbara City Charter section 509 and California Government Code section 37104 and authorized by the City of Santa Barbara Council.

Disobedience of this subpoena will be referred to the Superior Court for enforcement and is punishable as contempt pursuant to Government Code section 37109 and the Santa Barbara City Charter. Should you have any questions regarding this subpoena please contact:

Ariel Pierre Calonne (State Bar No. 110268)
City Attorney
John S. Doimas (State Bar No. 282346)
Deputy City Attorney
City Attorney's Office
740 State Street, Suite 201
Santa Barbara, California 93101
(805) 564-5326

Draft

Dated: XXX

City Council, City of Santa Barbara

By:_____
XXX
Mayor, City of Santa Barbara

Attest:

By:_____
XXX
City Clerk, City of Santa Barbara

APPROVED AS TO FORM:

By:_____
XXX

ATTACHMENT 1

The following documents must be produced to the City:

Request #1: Documents sufficient to identify all persons that through any website owned or controlled by ***Company Name*** who advertised, have rented, or offered to rent any HOTEL for a period of 30 consecutive days or less for dwelling, use, lodging or sleeping purposes in the City of Santa Barbara, California during the period from _____, through the present.

"HOTEL" is defined as a building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses.

(1) Request #2: Documents sufficient to provide the following information for each person identified in response to Request #1:

a. The name, physical address, email address, and any other contact information for each person.
b. The url for each website which the person used to list a HOTEL.
c. The address of the person's HOTEL that has been rented, or offered to rent, for dwelling, use, lodging or sleeping purposes in the City of Santa Barbara through any website or property owned or controlled by _____ during the period from _____, through the present ("PROPERTY" means the HOTEL(S) rented as described in this paragraph by the person).
d. The dates and duration of stay for each time the PROPERTY was rented since _____, to present.

Draft

e. The rate charged and funds collected for each time the PROPERTY was rented since _____, to present.

f. The method of payment, including name of institution and type of account, for each time the PROPERTY was rented since _____, to present.

g. The name of any person who rented any PROPERTY from a person identified in Request #!, since _____, to present, as well as the renter's physical address, email address and other contact information.

h. The total gross revenue generated by the person renting the PROPERTY as a result of that renting since _____, to present.

(2) If documents do not exist sufficient to provide all of the information requested, the city requests that you produce electronically stored information that is sufficient to provide all of the information requested. This information must be provided in pdf, Microsoft Word or Microsoft Excel Format. If production in this manner is not feasible then it must be produced in a different format agreed to by the City.

Draft

ATTACHMENT 2

(3) **Alternatively, and in lieu of the documents requested in Attachment 1**, you may provide a list identifying all persons that through any website owned or controlled by ***Company Name*** who advertised the availability of a HOTEL for a period of 30 consecutive days or less for dwelling, use, lodging or sleeping purposes in the City of Santa Barbara, California during the period from _____, through the present. This list must also include the following regarding these rentals:

a. The name, physical address, email address, and any other contact information for each person.

b. The url for each website which ther person used to list a HOTEL.

c. The address of the HOTEL.

d. The dates and duration of stay for each time the HTOEL was rented.

e. The rate charged and funds collected for each time the HTOEL was rented.
f. The method of payment, including name of institution and type of account, for each time the HOTEL was rented.
g. The name of any person who rented any HOTEL, as well as their physical address, email address and any other contact information.
h. The total gross revenue generated by the person renting the HOTEL.

ATTACHMENT 3

[City Council Agenda Report]

Draft

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ISSUING SUBPOENAS FOR CERTAIN RECORDS RELATED TO SHORT-TERM VACATION RENTALS IN THE CITY.

WHEREAS, City Charter Section 509 and Government Code Section 37104 both authorizes the City Council to issue a legislative subpoena requiring attendance of witnesses or production of documents; and

WHEREAS, this legislative subpoena serves as a lawful legislative purpose as it will allow the Santa Barbara City Attorney's Office and City Staff to investigate and commence actions to abate unlawful vacation rentals in R-1, R-2, and R-3 residential zones pursuant to Santa Barbara Municipal Code; and

WHEREAS, the City Council finds enforcement of the City's Municipal Code is a proper legislative concern.

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

1. The above-listed recitals are true and correct and adopted as findings of City Council of the City of Santa Barbara; and

2. That legislative subpoenas similar to the attached hereto as Exhibit A, are hereby issued, and the Mayor is authorized to sign each subpoena commanding the subpoenaed party to appear before the City Council at a specified City Council meeting to produce the requested records, or alternatively to make arrangements with the City for production of said records prior to that time; and

3. City staff is directed to have the legislative subpoenas served in accordance with all legal requirements for service of subpoenas; and

4. If a subpoenaed party fails to comply with the legislative subpoena authorized by this resolution, the Mayor is authorized to submit a report of noncompliance to the Santa Barbara Superior Court.