

**CITY OF SANTA BARBARA
CITY COUNCIL**

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Bendy White



Paul Casey
City Administrator

Ariel Pierre Calonne
City Attorney

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

**OCTOBER 13, 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

12:30 p.m. - Ordinance Committee Meeting, Council Chamber

2:00 p.m. - City Council Meeting

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

Subject: Zoning Information Report Process Improvements-Municipal Code Amendments To Establish A Minor Zoning Exception Process (120.03)

Recommendation: That the Ordinance Committee consider proposed amendments to the Municipal Code to establish a Minor Zoning Exception process; forward the ordinance amendments to the Planning Commission for further review; and subsequently forward said amendments to City Council for introduction and adoption.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

- 1. Subject: Proclamation Declaring October 2015 As Breast Cancer Awareness Month "Color-Me-Pink" (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of September 29, 2015.

3. Subject: Memorandum Of Understanding With The City Of Goleta For A Runway Protection Zone Analysis (560.01)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to execute a Memorandum of Understanding, in a form acceptable to the City Attorney, with the City of Goleta for selection of a consultant for a Runway Protection Zone Analysis for Goleta's Proposed Ekwil Fowler Circulation Improvement Project; and
- B. Increase estimated revenues and appropriate \$100,000 in the Airport Operating Fund to provide the initial cost for the analysis to be reimbursed by the City of Goleta.

NOTICES

4. The City Clerk has on Thursday, October 8, 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.
5. A City Council site visit is scheduled for Monday, October 19, 2015, at 1:30 p.m. to the property located at 1187 Coast Village Road, which is the subject of an appeal hearing set for October 20, 2015, at 2:00 p.m.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

POLICE DEPARTMENT

6. Subject: Police Department Update (520.04)

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT

7. Subject: Introduction Of Ordinance To Permit Carshare Operations On City-Owned Properties And Within The Right Of Way (670.08)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 10.73 to the Santa Barbara Municipal Code to Establish a Carshare Vehicle Permit Program.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

8. Subject: Conference With City Attorney - Pending Litigation (160.01)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Debra A. Corral, et al., v. City of Santa Barbara, et al.*, SBSC Case No.1466439 and; *Monika Wikman v. City of Santa Barbara*, SBSC Case No. 1467345.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

To Monday, October 19, 2015, at 1:30 p.m. at 1187 Coast Village Road. (See Agenda Item No. 5)

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 13, 2015
TIME: 12:30 p.m.
PLACE: Council Chambers

Randy Rowse, Chair
Frank Hotchkiss
Cathy Murillo

Office of the City
Administrator

Office of the City
Attorney

Kate Whan
Administrative Analyst

Ariel Pierre Calonne
City Attorney

ITEMS FOR CONSIDERATION

Subject: Zoning Information Report Process Improvements—Municipal Code Amendments To Establish A Minor Zoning Exception Process

Recommendation: That the Ordinance Committee consider proposed amendments to the Municipal Code to establish a Minor Zoning Exception process, forward the ordinance amendments to the Planning Commission for further review, and subsequently forward said amendments to City Council for introduction and adoption.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 13, 2015

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Zoning Information Report Process Improvements—Municipal Code Amendments To Establish A Minor Zoning Exception Process

RECOMMENDATION:

That the Ordinance Committee consider proposed amendments to the Municipal Code to establish a Minor Zoning Exception process, forward the ordinance amendments to the Planning Commission for further review, and subsequently forward said amendments to City Council for introduction and adoption.

DISCUSSION:

Planning staff has been working closely with the Santa Barbara Association of Realtors and the City's Planning Commission to address issues regarding Zoning Information Reports (ZIRs) for several years. The primary issues include timeliness of report preparation, discrepancies between ZIRs, report reliability and understandability, and identification of code violations.

In January 2014, following public hearings before the Planning Commission and City Council, a ZIR Working Group was formed to clarify and streamline the ZIR process and formulate recommendations for improvements. One of the recommendations was to allow administrative review of minor reductions or waivers of zoning standards in the instances of errors or discrepancies between ZIRs, thus expediting the resolution of issues discovered during the preparation of a ZIR. Staff proposes this review process be established through an amendment to the Municipal Code to create a Minor Zoning Exception (MZE) provision in the Zoning Ordinance, similar to what was recently established for administrative review of exceptions to fence, screen, wall, and hedge requirements (Attachment 1—Draft Ordinance).

On February 10, 2015, the City Council initiated an amendment to the Zoning Ordinance to establish the MZE provision.

On June 4, 2015, the Planning Commission reviewed an outline of the proposed MZE Ordinance. The major comments included applicability of the MZE process, the time

when improvement had to be on the site to qualify for a reduction or waiver of zoning standards, whether an appeal process should be included, and the timing of such a MZE request (Attachment 2—Planning Commission Meeting Minutes).

The ZIR Working Group recommended to the Planning Commission and City Council the types of site improvements that should be eligible for a MZE, which can be generally characterized as minor additions or alterations to buildings located within required setbacks or yard areas and alterations to required parking. Staff initially developed the list of eligible improvements based on experience with past ZIR discrepancies. In many instances, staff administratively rectifies errors in the City record or discrepancies between ZIRs by reviewing evidence and properly documenting the improvement going forward. However, when a disputed improvement is located within a required setback or yard, staff currently does not have the authority to approve or otherwise acknowledge these alterations. In such cases, the property owner must apply for a Modification and seek approval from the Staff Hearing Officer (SHO).

Staff refined the list of eligible improvements by reviewing the types of improvements that currently qualify for Design Review administrative approval and projects involving Modification requests that are typically supported by the SHO and do not raise significant public controversy at SHO hearings. Additional refinements were made to the list as a result of comments received at the public hearings.

As proposed, the alteration or improvement must have existed in its current configuration on the site prior to 1980 and been the subject of a discrepancy between ZIRs or an error in a ZIR or City records. The ZIR Working Group recommended that the improvement had to be on the site since 1974, which was when the first ordinance pertaining to ZIRs was adopted by the City Council. Staff is proposing 1980 instead, which includes the time period when the City made major changes to the Zoning Ordinance and when the County of Santa Barbara ceased granting building permits on behalf of the City. After 1980, City building records are more complete.

It is important to note that improvements authorized through the MZE process may still require a building permit. Although the City cannot waive the requirement for a building permit, Planning and Building & Safety staff have been working together to streamline the permit process for these types of projects. The majority of these projects qualify for expedited building permit review with minimal submittal requirements, and the building permit serves as documentation of the existing situation on the site.

The proposed MZE process does not contain a provision for an appeal of the administrative decision. This is consistent with the City's existing Design Review administrative approval process and the administrative review of minor exceptions to the fence/hedge ordinance. The purpose of an administrative review process, without a public hearing, is to allow minor improvements that meet specific criteria to be expeditiously reviewed and potentially approved, or approved with conditions. An

appeal provision would be counter to that purpose. The Planning Commission agreed but stated that if an appeal process was established, the decision should be appealable to the Community Development Director only and not to a review body (i.e., Staff Hearing Officer or Planning Commission).

As proposed, a property owner may request zoning relief through the MZE process at any time after the ZIR discrepancy or error is discovered. This may be during the preparation of a ZIR, along with other necessary approvals for a future project, or during the building permit plan check process.

BUDGET/FINANCIAL INFORMATION:

As part of the recommended ZIR process improvements, Council directed staff to waive Planning fees for projects undergoing discretionary review as a result of a discrepancy or error in a ZIR. Since the proposed MZE process is a component of the ZIR process improvements, staff is not proposing to charge a fee to request a Minor Zoning Exception. Staff estimates that this would result in a revenue loss of approximately \$5,000-\$10,000 due to projects no longer requiring a Modification. If the Ordinance Committee deems that an appeal process is warranted, the Committee should discuss whether it would be appropriate to charge a fee for the appeal.

Since many of the anticipated MZE requests will replace applications currently being processed as Modifications, staff does not anticipate a significant increase in workload as a result of implementation of the MZE process.

ATTACHMENT: 1. Draft Ordinance
 2. Planning Commission Meeting Minutes, June 4, 2015

PREPARED BY: Susan Reardon, Senior Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

28.92.130 Minor Zoning Exceptions for Errors in Zoning Information Reports**A. Purpose.**

A Minor Zoning Exception is a method of resolving a discrepancy or error in a Zoning Information Report (ZIR) prepared by the City pursuant to Section 28.87.220 of this Code. If a discrepancy or error in a ZIR involves one or more of the zoning violations specified in Subsection B, the property owner may request a Minor Zoning Exception to obtain relief from the zoning standard up to the maximum amount of relief specified for the particular zoning standard, subject to the findings specified in Subsection C.

In order to qualify, the discrepancy or error in the ZIR must involve a failure of City staff to properly identify a zoning violation, or a mischaracterization of the legality or illegality of an existing improvement on the real property, that is related to the relief requested. A decision on a requested Minor Zoning Exception is an administrative action of the Community Development Director, or the Director's designee, without public notice or hearing. In order to grant a Minor Zoning Exception, the Community Development Director or his or her designee must make the findings specified in Subsection C.

B. Unpermitted Improvements Eligible for Minor Zoning Exceptions.

If a discrepancy or error in a ZIR involves one of the unpermitted improvements listed below, the property owner may request a Minor Zoning Exception:

1. Unpermitted Alterations to Properties with Legal Nonconforming Buildings.

The following unpermitted additions or alterations to existing structures that are legal nonconforming as to setbacks, open yard area, residential density, or distance between buildings are eligible to apply for a Minor Zoning Exception, subject to the findings specified in Subsection C:

a. Conversion of an Encroaching Garage or Carport to Other Parking.

Where a carport or garage encroaches into any setback or required open yard or does not meet the minimum separation between buildings, the conversion of the carport to a garage or the garage to a carport may be granted a Minor Zoning Exception, provided the proposed garage or carport meets minimum interior dimensions of 20 feet by 20 feet or an exception from that standard is approved by the Public Works Director or designee.

b. Conversion of an Encroaching Garage to Another Use. The conversion of a garage that encroaches into a setback to a use other than parking (such as storage, workshop, bedroom, or similar) may be granted a Minor Zoning Exception, subject to the finding specified below in Section 28.92.130.C.2.a.

c. Encroaching First Story Windows. If a building encroaches into an interior or rear setback, the addition of new windows to, or the enlargement or relocation of existing windows on, the first story of the encroaching wall may be granted a Minor Zoning Exception.

d. **Exterior Alterations in the Front Setback.** If a building encroaches into the front setback, exterior alterations (i.e., windows, doors, skylights, façade changes, etc.) to the portion of the building that encroaches within the front setback may be granted a Minor Zoning Exception.

e. **Encroaching Ground Floor Additions.** If a building encroaches into an interior setback, a ground floor addition that encroaches into the same interior setback may be granted a Minor Zoning Exception, so long as the total square footage of the addition does not exceed 250 square feet and the addition does not result in a new residential unit or an increase in residential density.

f. **Alterations to Roof Height.** If a structure encroaches into a setback, alterations to the roof height of the portion of the structure that is within a setback may be granted a Minor Zoning Exception as long as the alteration does not increase the building height of the portion of the building within the setback by more than one foot.

g. **Cantilevered Architectural Features and Chimneys.** New or altered cantilevered architectural features (such as cornices, canopies, bay windows or eaves) that are at least three feet above adjacent grade or finished floor (whichever is higher) and which do not provide additional floor area within the building) or chimneys that encroach no more than an additional two feet into a setback may be granted a Minor Zoning Exception. However, no cantilevered architectural feature or chimney shall be located closer than three feet from any property line, except roof eaves, which may be located as close as two feet from any property line.

h. **Uncovered Balcony in the Front Setback.** An uncovered balcony within the front setback that does not provide additional floor area within the building and which does not extend more than an additional two feet into the front setback may be granted a Minor Zoning Exception. However, no balcony shall be located closer than 3 feet from the front property line.

i. **Addition of an Encroaching Landing or Front Porch.** In the front setback, a covered or uncovered front porch and any associated steps, not extending above the finished floor level of the ground floor, and not exceeding six (6) feet wide by four (4) feet deep may be granted a Minor Zoning Exception, as long as it is no closer than three (3) feet from the front lot line. In the interior setback, an unenclosed, uncovered, entrance landing and outside steps not extending above the finished floor level of the ground floor may be granted a Minor Zoning Exception to encroach an additional three (3) feet into a setback. However, no entrance landing shall be closer than two (2) feet from the interior property line, and the size of the landing and steps may not exceed the minimum area required by the building code.

2. **“As-built” Addition or Expansion of Hardscape, Landscape or Site Improvements.** The “as-built” addition or expansion of the following hardscape, landscape, or site improvements that encroach into setbacks, required open yard area, or the minimum distance between buildings may be granted a Minor Zoning Exception, subject to the findings specified in Subsection C:

- a. Decks with a total area of not more than 200 square feet, attached to a main building, and not extending above the finished floor level of the ground floor;
- b. Fountains, ponds, and similar water features;
- c. Trash enclosures; and,
- d. Decorative features, mailboxes, flagpoles, sculptures. The cumulative area of such features shall not exceed 50 square feet in the front yard or cover more than 20% of open yard. However, the exceptions under this paragraph 2 are not available to allow the encroachment of BBQs, exterior fireplaces, or raised fire pits into setbacks.

3. **“As-built” Detached Accessory Buildings.** An “as-built” detached accessory building that encroaches into an interior or rear setback may be granted a Minor Zoning Exception if it satisfies all of the following criteria and subject to the findings specified in Subsection C:

- a. The floor area of the building is not more than 120 net square feet; and
- b. The accessory building is not a separate residential unit; and
- c. The building was constructed prior to August 1, 1975; and
- d. The building is not located within the front yard or required open yard or outdoor living space.

4. **Oversized Accessory Buildings.** Accessory building(s) or garage(s) which exceed the size limits established by Section 28.87.160.C of this Code by no more than 100 square feet and were built prior to August 1, 1975 may be granted a Minor Zoning Exception, provided the accessory building meets the open yard and building height standards of the Zoning Ordinance and subject to the findings specified in Subsection C.

5. **Additions Exceeding the Maximum FAR.** Additions of floor area to a residence that exceeded the maximum allowed Floor to Lot Area Ratio (FAR) in effect at the time the errant ZIR was prepared may be granted a Minor Zoning Exception, if the additional floor area is contained within the volume of the legally permitted building (i.e., a loft, cellar, etc.) and subject to the findings specified in Subsection C.

C. Findings.

1. In order to grant a Minor Zoning Exception, the Community Development Director or his or her designee must make all of the following five (5) findings:

- a. A material discrepancy or error has occurred in the preparation of a Zoning Information Report regarding the subject property and the discrepancy or error directly involves the zoning standard from which relief is sought.

b. Substantial evidence has been provided that indicates the improvement for which relief is sought existed in its current form on the site prior to January 1, 1980 or, in the case of accessory structures, August 1, 1975.

c. The Minor Zoning Exception does not involve the permanent removal of a significant component or a character defining element from a historic resource, potential historic resource, or an un-surveyed building located in a Demolition Review Study Area which is more than 50 years old.

d. Any as-built additions that are uniform extensions of the legal non-conforming portion of the building and are generally no closer to the property line in question than the legal non-conforming portions of the building.

e. The improvement is located in general compliance with the Single Family Design Board's Good Neighbor Guidelines.

2. The following additional findings shall be made, if applicable to the requested Minor Zoning Exception:

a. For improvements in the required open yard or minimum distance between buildings, the site will maintain adequate yard areas to provide light and air, separation of buildings, and privacy and enjoyment of occupants.

b. For garage conversions, the number and configuration of parking space(s) required at the time of the conversion is provided on site.

c. For improvements that increase the height of the building, the final height of the altered building complies with the maximum building height and building story limitations for the applicable zone.

d. For improvements within the front setback, the height and location shall comply with the corner lot and driveway sight line standards established by the Public Works Director.

D. Conditions.

In granting a Minor Zoning Exception, the Community Development Director, or the Director's Designee, may prescribe conditions necessary to minimize potential adverse impacts on neighboring properties that relate to the requested Minor Zoning Exception and are proportionate to the potential impacts on neighboring properties.

E. Decisions.

A decision on the Minor Zoning Exception request pursuant to this Section is final and effective when the decision is made.



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 4, 2015

CALL TO ORDER:

Chair Thompson called the meeting to order at 1:00 P.M.

I. ROLL CALL

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, June Pujo, and Deborah L. Schwartz.

STAFF PRESENT:

Renee Brooke, City Planner
Beatriz Gularte, Senior Planner
Susan Reardon, Senior Planner
N. Scott Vincent, Assistant City Attorney
Tony Boughman, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

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

None.

B. Announcements and appeals.

None.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. May 21, 2015

MOTION: Jordon/Schwartz

Approve the minutes as corrected.

This motion carried by the following vote:

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

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

Chair Thompson opened the public hearing at 1:04 P.M.

Kate Schwab, Downtown Santa Barbara Organization distributed First Thursday; brochures and encouraged the public to attend this evenings activities.

With no one else wishing to speak, Chair Thompson closed the hearing.

III. DISCUSSION ITEM

ACTUAL TIME: 1:06 P.M.

DISCUSSION OF A PROPOSED PROCESS TO ALLOW MINOR ADMINISTRATIVE ZONING EXCEPTIONS

The purpose of this meeting is for the Planning Commission to discuss a proposal that would allow the Community Development Director to grant Minor Zoning Exceptions (MZE) in the case of a discrepancy or error in Zoning Information Reports (ZIRs). This new Minor Zoning Exception process was one of the recommendations of the ZIR Working Group for ZIR process improvements. The implementation of this proposed process would require an amendment to the Santa Barbara Municipal Code.

Contact: Susan Reardon, Senior Planner
Email: SReardon@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4555

Susan Reardon, Senior Planner, gave the Staff presentation.

Chair Thompson opened the public hearing at 1:58 P.M.

The following people commented on the project:

1. Adrienne Schuele, Realtor, has been a part of the ZIR working group and supports the Grand Jury Report and recommends that the ZIR reports be voluntary as the intent was in 1974. Having Staff approve Minor Exemptions would be helpful, however 75-80% of alleged violations are building and safety issues. It would be good if the new ordinance also encompasses something that the building department can do. The date of January 1, 1980 is used because that is when zoning reports began more accurate, but she thinks that it should be January 1, 1996. There is no appeal process proposed for the Minor Zoning Exceptions and a clear appeal process should be included.
2. Reyne Stapelmann, SBAOR, stated that we are treating the symptoms rather than the cause and gave an example of a ZIR done in 2012 and again recently by the same inspector that differed. The burden of proof still remains on homeowner and should be on the City. 75% of ZIR findings are building violations, not zoning violations. She echoed the request that ZIR reports be voluntary and not mandatory,
3. Bob Hart, SBAOR, stated that the focus of the reports should be on more accuracy, not correction of reports. Building issues need to be addressed, not just zoning

issues. A formal appeal process for the Minor Zoning Exceptions needs to be included. He said to look at root causes, not just symptoms and agrees with the Grand Jury Report that reports should be voluntary and not mandatory.

With no one else wishing to speak, the public hearing was closed at 2:07 P.M.

Commissioner's comments to City Ordinance Committee:

Commissioner Pujo:

- Commissioner Pujo is not necessarily supportive of an appeal process. We need to keep the administrative cost down and the timeframe short.
- Commissioner Pujo stated that the language needs to be made very clear that these are errors, discrepancies, omissions, and need language to what a ZIR might have meant, and not make it as narrow as possible, but broader on what circumstances comply with an administrative approval.
- She would like to see item No.1 looked at, item-by-item, for any possibility that could be moved down to the broader list that does not require establishing legal non-conforming status of the existing structure. Item No. 1 as written means that you have demonstrated that the structure or the use was conforming at the time that it was built and was not in violation at the time it was built. That is a higher test than saying there was a discrepancy in an older Zoning Information Report, but before a certain date.
- She stated that it was helpful to get clarification that the process would be open to anyone who had a prior zoning information report with discrepancies or omissions and could be applied for at any point prior to the date the ZIR was produced. This needs to be made clear in helping understand who can apply and when.
- This is one piece of the improvements recommended by the ZIR Working Group.

Commissioner Schwartz

- Commissioner Schwartz is interested in hearing from the Council on their thoughts of the Grand Jury report and comments they receive from the Board of Realtors. If ZIR's continue in some form, she would like the working group be reconvened to look over details rather than spending the Planning Commission and public's time to delve down into specifics as is being done today.
- Commissioner Schwartz still has some concerns on some of the language on Page 1 that is still too narrow, versus broad. The list should be comprehensive and as complete as possible. She referenced page 3, under Decisions and the notion of an appeal process, stating she is supportive of an appeal process. The public should always have the opportunity of an appeal process with their government.
- Commissioner Schwartz does not think she is a sufficient expert on determining whether 1980 or 1996 is the better period of accuracy and suggested Staff work with the Realtors to determine what date is a reasonable compromise.

Commissioner Jordan

- Commissioner Jordan gets the reasoning, but has difficulty with the date. Would prefer that this addresses the process going forward rather than using an arbitrary date that stacks in the city's favor. He prefers that we use a date starting from today and going forward, that if anything was on the ground before that date and qualified for something that is categorized as minor, and meets the list of findings, and is conditioned to give the Community Development Director latitude on adjusting to more neighborhood friendly, then that should be our focus, rather than when is the line in the sand going backward.
- Commissioner Jordan is in support of mandatory ZIR's and the protection it gives neighborhoods. The city has a responsibility to play fairly and accurately. This does not yet take responsibility of anything pre-1980 that is the city's mistake. The city or realtor industry need education or a structured handout for potential buyers on the ZIR process as it exists today.
- He believes that an appeal process is counterintuitive to minor and administrative. He supports only if an appeal process took place in-house so that the administrative decision was made at a lower level than the Community Development Director and the appeal would then go to the Community Development Director.
- He would like to see finding No. 5 on Page 3, reworded to remove the word setbacks.

Commissioner Schwartz left the dais at 2:35 and returned at 2:40 p.m.

Commissioner Lodge

- Commissioner Lodge thinks that as a mechanism to provide relief or the city has made an error, the city has done a good job and the work is appreciated.
- She agrees with Commissioner Jordan that someone should have the ability to condition an exception when there may be some impact. She agrees with Commissioner Jordan that it should not be appealable beyond the Community Development Department.

Commissioner Higgins

- Commissioner Higgins looks forward to the outreach work to be done by Staff.
- He would like to see the Planning Department's scope of work narrowed to what is not allowable. Things like windows that have been changed or moved in a front yard setback, elevation, etc., are ordinarily allowable. We need to lower the scope of building permit related exertions that are more painful than the zoning scope of work. He believes he can have a fountain or a pond without a zoning violation, so would like to see this come back before a working group and would like to participate.
- He sees an appeal process not to resolve disputes, but to encourage Staff to get to a decision point. A ZIR conflict may continue on beyond 60-90 days and having

some sort of administrative relief in the way of an appeals decision might add a little to the time process that gives some certainty to the homeowner and buyer.

- He supports a date that is a little bit closer to today's date.

Commissioner Lodge left the dais at 2:42 p.m. and returned at 2:47 p.m.

Commissioner Campanella

- Commissioner Campanella agreed with Commissioners Jordan and Lodge on appeal being done by the Community Development Director. He would like to see consistency which had been a problem in the past with interpretation.
- He would like the Community Development Director involved, either directly or by appeal, in this component of ZIR.
- He appreciates the comments made by the Realtors and the involvement of the Real Estate Community.
- Whether the ZIR becomes permanent, mandatory or voluntary, there needs to be some modifications to the process. Issues need to be addressed after City Council has reviewed the Grand Jury report.

Commissioner Thompson thanked the members of the Board of Realtors for their involvement.

IV. **NEW ITEM:**

ACTUAL TIME: 2:46 P.M.

APPLICATION OF JOSEPH ALLEN, 3617 STATE STREET, APN: 051-051-005, C-P/SD-2 RESTRICTED COMMERCIAL/ SPECIAL DISTRICT 2 "UPPER STATE STREET AREA" ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2014-00438)

Proposal for a Medical Marijuana Storefront Collective Dispensary Permit. The dispensary would be located in an existing tenant space in Ontare Plaza. Interior improvements are proposed.

The discretionary application required for this project is a Storefront Collective Dispensary Permit (SBMC § 28.80.030).

The Environmental Analyst has determined that the project is categorically exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a).

Contact: Tony Boughman, Assistant Planner
Email: TBoughman@SantaBarbaraCA.gov

Phone: (805) 564-5470, ext. 4539

Commissioner Jordan, Planning Commission Liaison to the Staff Hearing Officer (SHO), explained his reasons for suspending the SHO approval of April 15, 2015 for review of the

application by the Planning Commission. During the course of the SHO review meeting there were significant changes to the operations and security plans, and the original operations plan did not adequately address potential impacts to neighboring businesses and the neighborhood, particularly impacts that may occur outside of the dispensary operation rather than inside.

Tony Boughman, Assistant Planner, gave the Staff presentation.

Joe Allen, Applicant, addressed the Planning Commission and was available to answer any questions.

Chair Thompson opened the public hearing at 2:58 P.M.

The following people spoke in objection of the project or with concerns:

1. Sarah Griffin, San Roque Gardens resident, expressed concerns about existing traffic and parking impacts to the single family residential neighborhood behind Ontare Plaza. If the project is approved, the patient agreement form, sections #6 and #8 that address loitering and medicating within 400 feet of the premises should include a 400 foot radius map included for patients since they would otherwise not know the prohibited area.
2. Gordon Hardy, Jeanine's Bakery Owner, submitted written comments and expressed concerns about the proximity to schools, and the extremely limited parking available. He referenced a former dispensary nearby that had a large group of smoking loiterers causing safety concerns to the adjacent business. He also expressed concerns with the restricted visibility of the dispensary, and with crime in the area.
3. William Schaal, San Roque Gardens resident, is opposed to this location and requests a location away from residential areas.

With no one else wishing to speak, the public hearing was closed at 3:11 P.M.

Commissioner Higgins left the dais at 3:47 p.m. and returned at 3:50 p.m.

Commissioner Schwartz left the dais at 4:07 p.m. and returned at 4:10 p.m.

MOTION: Pujo/Campanella

Assigned Resolution No. 009-15

Modify the SHO decision and approve the Storefront Collective Dispensary Permit, making the findings as outlined in the Staff Report dated April 8, 2015, subject to the Conditions of Approval in the Staff Hearing Officer Resolution 023-15 with the following revisions to the Conditions of Approval:

- A sign shall be displayed on the storefront that states the dispensary does not allow members under the age of 21.
- The exterior glass shall not be tinted because this may impede visibility into the dispensary.

- A minimum of two security guards shall be on duty to provide security during entirety of the dispensary's open hours. Security shall patrol the exterior of the property a minimum of once an hour.
- Staff shall review and correct any inconsistencies in the applicant's operations plan.
- The trash receptacle used by the dispensary shall be locked at all times.
- Caregivers for collective patients shall undergo the same background checks as collective members.
- The rear door shall be controlled for emergency egress only, but may be used for trash disposal as needed.
- In addition to the sign posted in the dispensary indicating that no patient, qualified caregiver or staff may consume, eat, or smoke cannabis on the premises, a map shall be provided for members to define the premises to consist of a 400 foot radius around the dispensary, as well as the neighborhood immediately to the south of Ontare Plaza. This map shall be attached to the Patient's Agreement Form and acknowledged in members' records. The restriction on use of cannabis would not apply to collective members who live within this mapped area to consume their cannabis in their own homes.
- The Applicant will amend their operations plan item related to SBMC §28.90.090.F.1, on page 19 of the Operations Plan from "The SBPCHC has no plans to sell specific products..." to "The SBPCHC will not sell specific products..."
- The Applicant will amend their operations plan item related to SBMC§28.90.080.G.3 on page 21 of the Operations Plan to strike the phrasing "unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry.", leaving only "No cultivation shall occur at the Property of the Collective."

This motion carried by the following vote:

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

Commissioner Pujo would also like to have the Commission review the status of the dispensary during a future lunch meeting in the next 6-12 months for the purpose of lessons learned during the course of its operations.

Commissioner Jordan wished the Applicant responsible success, but found his concerns about the location and operations are still not met.

Chair Thompson announced the ten calendar day appeal period.

V. ADMINISTRATIVE AGENDA

ACTUAL TIME: 4:42 P.M.

E. Committee and Liaison Reports

1. Staff Hearing Officer Liaison Report
 - a. Commissioner Jordan reported on the Staff Hearing Officer meeting of May 27, 2015.
2. Other Committee and Liaison Reports
 - a. Commissioner Higgins reported on the Parks and Recreation Commission meeting May 27, 2015.
 - b. Commissioner Lodge reported on the Historic Landmarks Commission meeting of June 3, 2015.
 - c. Commissioner Thompson reported on the Single Family Design Board's meeting of June 1, 2015.

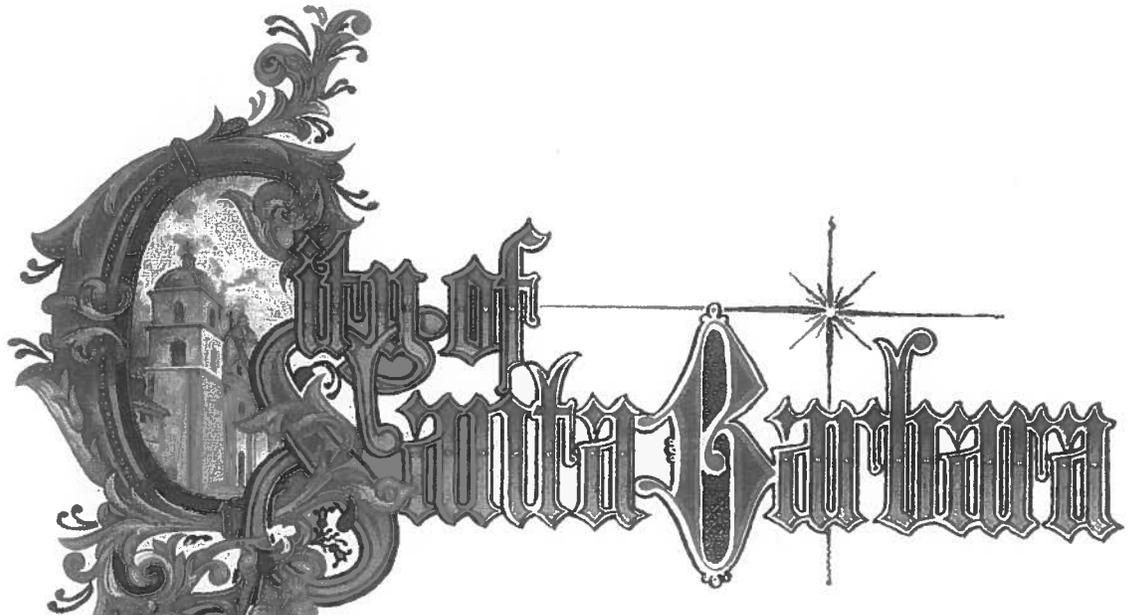
VI. ADJOURNMENT

Chair Thompson adjourned the meeting at 4:45 P.M.

Submitted by,



Julie Rodriguez, Planning Commission Secretary



PROCLAMATION

BREAST CANCER AWARENESS MONTH

"Color-Me-Pink"

October 2015

WHEREAS, October is Breast Cancer Awareness Month; and

WHEREAS, In the United States, one out of eight women will be diagnosed with breast cancer and an estimated 211,240 new cases of female breast cancer were diagnosed in 2009. Mammography can detect cancer, long before physical symptoms can be seen or felt. It is the most effective method of detecting breast changes that may be cancer; and

WHEREAS, Soroptimist are in a position worldwide to educate everyone, especially women, that they have the right to feel safe and to live free from violence at home and in the work place and that they have access to breast cancer prevention information and services; and

WHEREAS, the Soroptimist Workplace Campaign to promote Breast Cancer Awareness is an ongoing Soroptimist effort to promote awareness, advocacy and action; and

WHEREAS, Soroptimist is an international volunteer organization for business and professional women who work to improve the lives of women and girls, in local communities and throughout the world has launched a region-wide campaign called "COLOR ME PINK" for Breast Cancer.

NOW, THEREFORE, I HELENE SCHNEIDER, by virtue of the authority vested in me as, Mayor of the City of Santa Barbara, do hereby proclaim the month of October as "Breast Cancer Awareness Month."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 13th day of October 2015.

HELENE SCHNEIDER

Mayor



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 29, 2015 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee and Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Dale Francisco.

Staff present: City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

- 1. Subject: Proclamation Declaring September 27 - October 3, 2015, As American Institute of Architects Architecture Appreciation Week (120.04)**

Action: Proclamation presented to Michael Holliday.

Councilmember Francisco arrived at the meeting at 2:07 p.m.

PUBLIC COMMENT

Speakers: Robert Burke; Richard Robinson; Phil Walker; Jose Arturo Gallegos; Tom Widroe, City Watch; Missy Zeitsoff.

ITEM REMOVED FROM CONSENT CALENDAR

4. Subject: Adoption Of Ordinance Amending The Management Performance And Compensation Plan To Provide For Relocation Assistance Benefits As A Recruitment Tool (450.01)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Management Performance and Compensation Plan to Provide for Relocation Assistance Benefits as a Recruitment Tool.

The title of the ordinance was read.

Motion:

Councilmembers Rowse/White to approve the recommendation;
Ordinance No. 5723.

Vote:

Majority roll call vote (Noes: Councilmember Hart).

CONSENT CALENDAR (Item Nos. 2, 3, and 5 – 12)

The title of the ordinance related to Item No. 5 was read.

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

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

Action: Approved the recommendation.

3. Subject: Approval Of Employee Benefit Plans Effective January 1, 2016 (430.06)

Recommendation: That Council:

- A. Approve the Blue Shield medical plans as replacement plans to the Aetna medical plans;
- B. Approve renewal of the Kaiser Permanente medical plan, Delta Dental Plans, Vision Service Plan, Employee Assistance Program, Flexible Spending Accounts, and Hartford Life and Disability Insurance Plans; and

(Cont'd)

3. (Cont'd)

- C. Authorize the City Administrator to execute any necessary contracts or amendments to contracts for the 2016 plan year, which begins January 1, 2016.

Speakers:

- Staff: Administrative Services Director Kristy Schmidt.
- Members of the Public: Jason Colbert.

Action: Approved the recommendations; Contract Nos. 25,324 – 25,334 (September 29, 2015, report from the Administrative Services Director).

5. Subject: Adoption of Recodification Ordinance Authorizing Design-Build-Operate Public Works Contracts (540.10)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code By Adding Section 4.52.165 Pertaining to Public Works Contracts.

Action: Approved the recommendation; Ordinance No. 5724.

6. Subject: August 2015 Investment Report (260.02)

Recommendation: That Council accept the August 2015 Investment Report.

Action: Approved the recommendation (September 29, 2015, report from the Finance Director).

7. Subject: Fiscal Year 2016 Interim Financial Statements For The One Month Ended July 31, 2015 (250.02)

Recommendation: That Council accept the Fiscal Year 2016 Interim Financial Statements for the One Month Ended July 31, 2015.

Action: Approved the recommendation (September 29, 2015, report from the Finance Director).

8. Subject: State Grant For Disposal Of Surrendered Or Abandoned Recreational Vessels (570.03)

Recommendation: That Council:

- A. Authorize the Waterfront Director to execute an agreement with the California Department of Parks and Recreation, Division of Boating and Waterways, accepting a \$30,200 grant for the removal of abandoned or voluntarily surrendered recreational boats and associated hazards to navigation; and

(Cont'd)

8. (Cont'd)

- B. Authorize an increase in estimated revenues and appropriations in the amount of \$30,200 in the Waterfront Department's Fiscal Year 2016 Capital Budget.

Action: Approved the recommendations; Agreement No. 25,335 (September 29, 2015, report from the Waterfront Director).

9. Subject: Mills Act Historic Property Contract For 2012 Anacapa Street, The Pearl Chase House, Assessor's Parcel No. 025-321-012 (640.06)

Recommendation: That Council grant an exception to the Mills Act contract limits outlined in Santa Barbara Municipal Code Section 22.22.160.C.4(m) for a designated City Landmark property at 2012 Anacapa Street, and authorize the Community Development Director to execute a historic property contract.

Action: Approved the recommendation; Contract No. 25,336 (September 29, 2015, report from the Community Development Director).

10. Subject: Contract Amendment And Increase In Purchase Order For Contract Plan Review Services (640.04)

Recommendation: That Council approve a Second Amendment to Service Agreement No. 21500032 with California Code Check and the associated Purchase Order for plan check services in order to increase the total compensation by \$37,500, for a total of \$150,000.

Action: Approved the recommendation (September 29, 2015, report from the Community Development Director).

11. Subject: Set A Date For Public Hearing Regarding Appeal Of Parks And Recreation Commission Approval For 1187 Coast Village Road (570.08)

Recommendation: That Council:

- A. Set the date of October 20, 2015, at 2:00 p.m. for hearing the appeal filed by the Montecito Association of the Parks and Recreation Commission approval of an application for removal of two Canary Island Pine trees situated within the setback at 1187 Coast Village Road; and
- B. Set the date of October 19, 2015, at 1:30 p.m. for a site visit to the property located at 1187 Coast Village Road.

Action: Approved the recommendations (September 4, 2015, letter of appeal).

NOTICES

12. The City Clerk has on Thursday, September 24, 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.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Member Bendy White reported that the Committee met to review a Staff recommendation to approve a federal rental assistance grant to Transition House. The Committee approved the recommendation, which will be submitted to the full Council for its consideration next week.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Randy Rowse reported that the Committee met to consider a proposed ordinance to permit carshare operations on city-owned properties and within the right-of-way; this ordinance is a traffic mitigation measure related to General Plan implementation. The Committee approved and forwarded the ordinance to the Council for introduction and subsequent adoption.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

LIBRARY DEPARTMENT

13. Subject: Construction Documentation And Administration Contract for Library Plaza Renovation Phase I (570.04)

Recommendation: That Council:

- A. Authorize the Library Director to execute a professional design services agreement with Campbell & Campbell for construction documentation and administration services for Phase I, Library Plaza Renovation, in the amount of \$57,765, and authorize the Director to approve expenditures of up to \$5,776 for extra services; and
- B. Authorize a transfer of \$63,541 from the Fenton Davison Trust to the Capital Outlay Fund and appropriate such funds in the Capital Outlay Fund for the cost of the contract and additional services that may result from necessary changes in the scope of work.

Documents:

- September 29, 2015, report from the Library Director.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

13. (Cont'd)

Speakers:

- Staff: Library Director Irene Macias, Principal Engineer Brian D'Amour.
- Members of the Public: Jason Colbert.

Motion:

Councilmembers White/Murillo to approve the recommendations;
Agreement No. 25,337.

Vote:

Unanimous voice vote.

PUBLIC HEARINGS

14. Subject: Designation Of The Peter Grant House, The Santa Barbara News-Press Building, And The San Marcos Building As City Landmarks (640.06)

Recommendation: That Council:

- Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Peter Grant House at 1804 Cleveland Avenue as a City Landmark;
- Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Santa Barbara News-Press Building at 715 Anacapa Street as a City Landmark; and
- Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the San Marcos Building at 1129 State Street (Includes Addresses 1119-1137 State Street and 9-15 Anapamu Street) as a City Landmark.

Documents:

- September 29, 2015, report from the Community Development Director.
- Proposed Resolutions.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Public Comment Opened:

2:57 p.m.

Speakers:

Staff: Urban Historian Nicole Hernandez, Senior Planner Jaime Limón.

Public Comment Closed:

3:12 p.m.

(Cont'd)

14. (Cont'd)

Motion:

Councilmembers Francisco/White to approve the recommendations;
Resolution Nos. 15-081 – 15-083.

Vote:

Unanimous roll call vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo commented on Councilmembers' attendance at the City Employee Picnic; she also reported that she had presented a proclamation to the Cottage Rehabilitation Hospital.
- Councilmember Hart reported on the most recent meeting of the Fire and Police Commission and on a meeting of the Coalition for Sustainable Transportation (COAST) at which an award was presented to Dick and Mickey Flacks.
- Councilmember White spoke about a presentation made at the last meeting of the Cachuma Operation and Maintenance Board by a regional representative of the U.S. Bureau of Reclamation.
- Councilmember Hotchkiss mentioned the visit of the U.S.S. Gridley to the Santa Barbara Harbor.
- Mayor Schneider commented on her participation as a panelist in a radio discussion about the current drought and desalination.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:18 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 13, 2015

TO: Mayor and Councilmembers

FROM: Administration, Airport Department

SUBJECT: Memorandum Of Understanding With The City Of Goleta For A Runway Protection Zone Analysis

RECOMMENDATION: That Council:

- A. Approve and authorize the City Administrator to execute a Memorandum of Understanding, in a form acceptable to the City Attorney, with the City of Goleta for selection of a consultant for a Runway Protection Zone Analysis for Goleta's Proposed Ekwil Fowler Circulation Improvement Project; and
- B. Increase estimated revenues and appropriate \$100,000 in the Airport Operating Fund to provide the initial cost for the analysis, which will be reimbursed by the City of Goleta.

DISCUSSION:

Executive Summary

The City of Goleta proposes to construct a roundabout at the intersection of James Fowler Road, Fairview Avenue, and Placencia Street and to extend James Fowler Road through Santa Barbara Airport property to the southern end of Kellogg Avenue ("Proposed Project"). The Airport property impacted by the Proposed Project is designated as a Runway Protection Zone (RPZ), the most important safety area under the approach to a runway. The purpose of the RPZ is to protect lives and property on the ground in the area where off-airfield accidents are most likely to occur.

Airport staff believes that the Proposed Project is incompatible with the use of the RPZ and the policies that govern it. The purpose of the proposed RPZ Impact Analysis is to demonstrate what safety risk the project would present to make informed future decisions about the project on Airport Property and within the RPZ.

The proposed Memorandum of Understanding is tentatively scheduled for the Goleta City Council to review and approve on October 20, 2015.

Background

The City of Santa Barbara previously supported the proposed use of Airport property to construct an extension of James Fowler Road to a new intersection on State Route 217, as this would improve Airline Terminal access and benefit Old Town Goleta. In 2003 opposition from UC Santa Barbara led to the removal of the intersection on State Route 217 in the project description.

In 2011 a Draft Environmental Impact Report (EIR) showed two proposed alignments of the roadway/roundabouts. One proposed alignment would have avoided the central portion of the RPZ, while the other alignment would require more Airport property, including property in the central portion of the RPZ, but avoided condemnation of the South Kellogg Recycling Facility by the City of Goleta. The Goleta City Council certified the EIR adopting the alternative that avoided condemnation of the South Kellogg Recycling Facility in Goleta, but required more Airport property.

In 2012 the Federal Aviation Administration (FAA) revised the Airport Design Advisory Circular (AC 150/5300-13A) to define more stringently the land uses that should be avoided in RPZs. The FAA is not a land use authority and it does not approve or deny any development. However it does require consultation for land uses proposed in the RPZ, including roadways. The Airport submitted both alternate roadway designs identified in the EIR for FAA review in August 2013. In April 2014, the FAA responded that if either alternative was to be considered, an RPZ Impact Analysis would need to be performed.

Project Purpose

While the project would improve travel between the Airline Terminal and Old Town Goleta, the principal benefit of the project is to increase development potential in the southern portion of Old Town Goleta. This area includes property in the RPZ that is not under City ownership and also includes private property below the main instrument runway approach.

Memorandum of Understanding for Risk Analysis

The purpose of the RPZ is to protect lives and property on the ground in the area nearest a runway end where accidents are most likely to occur. According to CalTrans Aeronautics Division, 60% of departure accidents and 40% of arrival accidents occur within 2000 feet of the edge of a runway.

Generally the FAA seeks to put RPZ land in Airport control as a resolution of these safety risks. An airport proposing to introduce new land uses in an RPZ of an existing runway is very rare. Additionally, the need to rezone the proposed road site from Airport Approach and Operation Zone (A-A-O), to a zone that permits public roads

would conflict with FAA Order 5190.6B, and Grant Assurance 21, which compels the City to take all appropriate actions to zone and control compatible land use.

Staff does not support the James Fowler Road Extension as currently proposed by the City of Goleta. The City of Goleta requested that the Airport conduct an RPZ Impact Analysis at Goleta's expense to quantify risks and explore safety enhancements to help the City of Santa Barbara understand potential project alternatives. Goleta has agreed to reimburse the Airport for the cost of the analysis. A Memorandum of Understanding was created between the two cities to establish the framework for this assessment. In order to proceed with a request for qualifications to identify a consultant with the requisite experience and qualifications to perform an RPZ Impact Analysis, staff requests that Council authorize the City Administrator to enter into the Memorandum of Understanding with the City of Goleta.

BUDGET/FINANCIAL INFORMATION:

Pursuant to the Memorandum of Understanding, the City of Santa Barbara will solicit proposals and negotiate an agreement with a qualified consultant for the RPZ Risk Analysis. The City of Goleta will reimburse the City in an amount not to exceed \$100,000. If the fee proposed by the selected consultant exceeds \$100,000 the City of Goleta has the right to terminate the MOU, and neither city will be bound by the terms of the MOU, nor have any obligation to perform or obtain any future analysis for the Proposed Project.

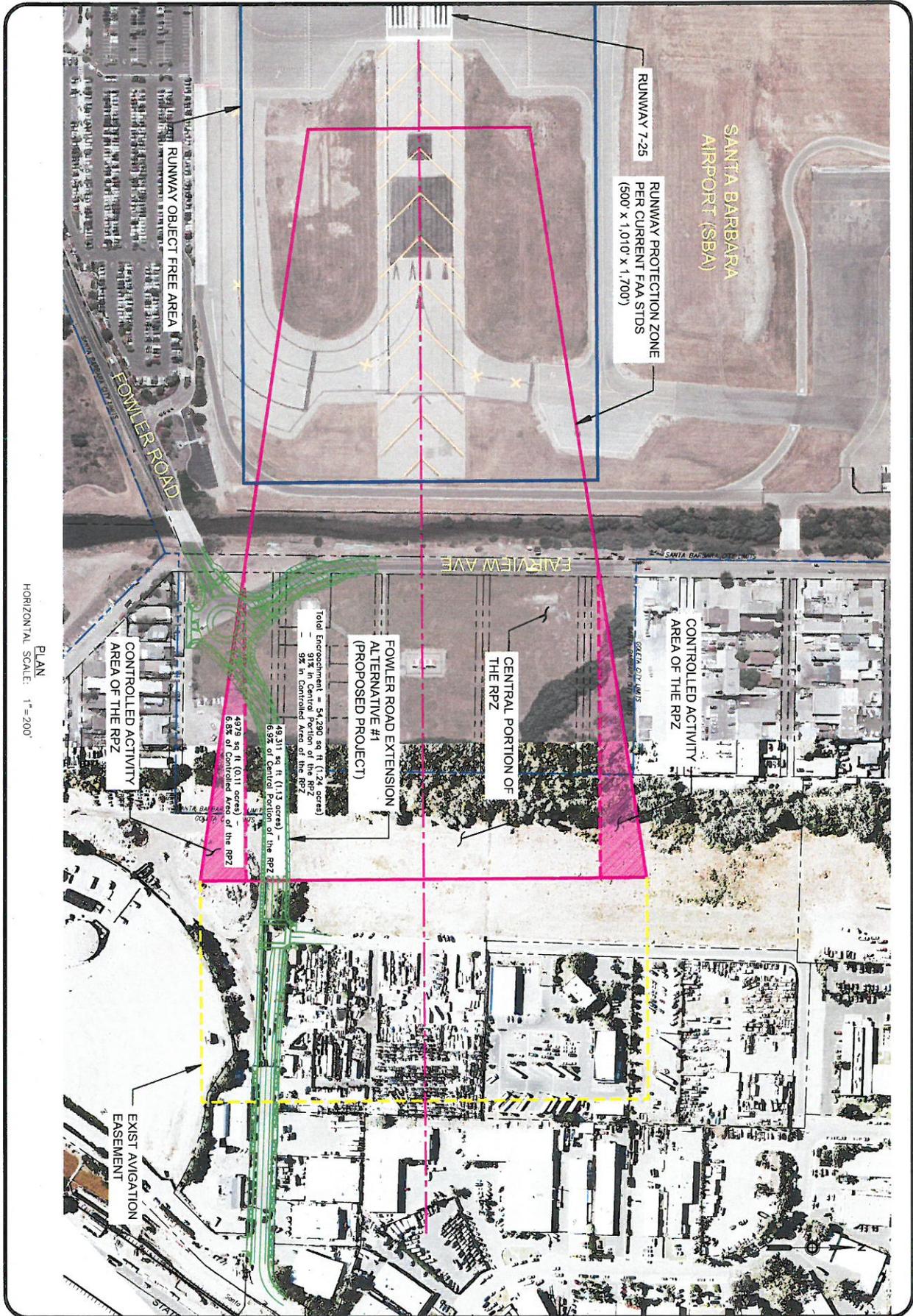
The Memorandum of Understanding is on file for review in the City Clerk's Office at City Hall, 735 Anacapa Street.

ATTACHMENT: Site Map

PREPARED BY: Andrew Bermond, Project Planner

SUBMITTED BY: Hazel Johns, Airport Director

APPROVED BY: City Administrator's Office





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 13, 2015

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Police Department Update

RECOMMENDATION:

That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

DISCUSSION:

As requested by the Mayor and City Council, Police Chief Cam Sanchez provides regular briefings on updates concerning the Police Department and its operations. This presentation is part of a series of updates and occurs on a periodic basis. The following topics will be covered:

- Compstat
- Patrol Division Update/Community Service Officer Update
- Training, Recruitment and Hiring Update
- Detective Bureau Update
- Facilities Update
- Staffing Challenges

PREPARED BY: Chief Sanchez, Police Chief

SUBMITTED BY: Cam Sanchez, Police Chief

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 13, 2015

TO: Mayor and Councilmembers

FROM: Transportation Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Permit Carshare Operations On City-Owned Properties And Within The Right Of Way

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 10.73 to the Santa Barbara Municipal Code to Establish a Carshare Vehicle Permit Program.

DISCUSSION:

The 2011 General Plan Program Environmental Impact Report (EIR), identified up to 27 intersections where significant traffic congestion either exists or is expected to occur by the year 2030, during peak travel times, due to limited intersection capacity. Carshare was identified as one of the mitigation measures that can offset this traffic impact. Accordingly, Council created Policy C1.2 of the General Plan to implement a Carshare Program. The purpose of the Carshare Ordinance is to enable the City to designate parking spaces for the sole use of Carshare Program Vehicles, consistent with Section 22507.1 of the California Vehicle Code.

In addition to traffic mitigation, Carshare is anticipated to have other benefits to the transportation infrastructure and for Santa Barbara residents, including reduced parking demand, lower automobile ownership, and reduction of personal transportation costs associated with vehicle ownership. Additionally, private companies are more likely now than in the past to implement a Carshare program at no cost to the City. Staff is therefore recommending moving forward with a Carshare Ordinance which is necessary to implement the program.

Carshare is a form of car rental where people rent cars for short periods of time, often by the hour, and typically via membership to the Carshare provider. They are attractive to customers who make only occasional use of a vehicle, as well as others who need a

car or additional household vehicle for occasional trips, but may prefer a carshare membership rather than owning a second or third vehicle.

Over the last year, staff has researched Carshare practices in other California cities (Santa Monica, Los Angeles, Pasadena, West Hollywood, Berkeley, San Francisco, and Sacramento) and has found that successful statewide Carshare programs are broadly accepted. Members of Carshare organizations are finding greater convenience, lower driving costs, and increased ease of parking. In many cases, these factors decrease the need for automobile ownership while maintaining public access to cars when needed.

Participating cities and their residents are benefiting from more transportation options, lower automobile ownership rates, and fewer vehicle miles traveled. Furthermore, because most Carshare members often sell an unneeded vehicle shortly after joining, the program has proven successful in decreasing parking demand in neighborhoods and downtowns. Zipcar, one of the leading Carshare companies, has collected data showing that each Carshare vehicle eliminates about 10-15 vehicles from City streets. Zipcar currently leases cars to members at the Santa Barbara Airport, in Isla Vista, and at both SBCC and UCSB.

Carsharing is a viable option for Santa Barbara's residents and is a critical component of the City's Traffic Congestion Mitigation Program. Instituting carsharing in downtown Santa Barbara and nearby neighborhoods would augment existing Carshare services at the Santa Barbara Airport, and promote the General Plan's Circulation Element goals and policies:

Goal – Integrated Multimodal Transportation System. Create a more integrated multimodal transportation system to connect people, places, goods, and services. Provide a choice of transportation modes and decrease vehicle traffic congestion.

Policy C1.2 – Personal Transportation. In partnership with private interests, promote and provide incentives, including the provision of funding for shared-cost personal transportation options such as carsharing and bikesharing to increase personal mobility, reduce air pollution and greenhouse gas emissions, reduce parking demand, and decrease the cost of transportation to individuals.

COMMITTEE REVIEW

Staff presented the proposed Ordinance to the Ordinance Committee on September 29th and the Committee voted unanimously to forward the item to Council for introduction. Staff previously presented the concept of the Carshare program and facilitating ordinance to the Transportation Circulation Committee (TCC), the Downtown Parking Committee (DPC), and the Sustainability Committee in 2014 and 2015. The Sustainability Committee discussed the issue on two occasions as an information item but did not take any action. The TCC unanimously found that a potential Carshare partnership between a private company and the City of Santa Barbara is consistent

with the Circulation Element. The DPC unanimously supported the concept of a Carshare program in Santa Barbara.

BUDGET/FINANCIAL INFORMATION:

Carsharing companies pay for the right to use City (or public) spaces to make vehicles available to members. Any member of the public with a valid driver's license is eligible to enroll. Staff plans to release a Request for Proposals for a qualified carshare company to meet all of the provisions of the Ordinance. As a starting point, staff will likely designate up to 10 spaces citywide in the initial phase of the Carshare program, with approximately six in the downtown core (possibly in City parking lots) and four in surrounding residential neighborhoods to allow for easy access to members.

In return for the leasing of these spaces, the City would receive a modest net gain in annual parking revenue. Maintenance costs of the parking spaces and related signage will be the responsibility of the Carshare company. The following is a list of anticipated requirements of the selected company for parking space management:

1. Maintain signage, paint, and cleanliness of the designated spaces.
2. Place on-street stalls near intersections for higher visibility and ease of street sweeping in the event a Carshare vehicle is parked during cleaning hours.
3. Reimburse the City for the cost of relocating street sweeping signs to locations outside of the designated Carshare spaces so that Carshare vehicles are not in violation of Municipal Code Chapter 7.28.

SUSTAINABILITY IMPACT:

Both nationally and internationally, carsharing has been shown to have sustainability benefits. Examples include academic and independent studies documenting reductions in automobile ownership rates, increases in transit ridership among Carshare members, decreased vehicle miles traveled within cities where carsharing is prevalent, reductions in parking demand, and lower energy consumption.

PREPARED BY: Browning Allen, Transportation Manager/PB/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADDING CHAPTER 10.73 TO THE SANTA BARBARA MUNICIPAL CODE TO ESTABLISH A CARSHARE VEHICLE PERMIT PROGRAM

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

Section 1. Findings

California Vehicle Code Section 22507.1 authorizes cities and counties, by ordinance or resolution, to designate certain streets or portions of streets for the exclusive parking privilege of motor vehicles participating in a carshare program. The City Council finds and determines that it is in the public interest to make street space available to promote sustainable transportation practices, alleviate traffic congestion, decrease automobile ownership and decrease vehicle miles of travel. Moreover, the carshare requirements established in this chapter are intended to achieve the goals of the Circulation Element of Plan Santa Barbara, the City's General Plan.

Section 2. The Santa Barbara Municipal Code is amended to add Chapter 10.73 to read as follows:

Chapter 10.73 Carshare Vehicle Permit Program

10.73.010 Definitions.

The following words or phrases as used in this chapter shall have the following meanings.

(a) Carshare Vehicle. "Carshare vehicle" shall mean a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.

(b) City Carshare Program. "City Carshare Program" shall mean a program under which the City designates on-street parking spaces or portions of streets, or publicly owned off-street parking facility spaces or portions of such facilities, for the exclusive use of vehicles displaying a Public Works Department issued Carshare Permit.

(c) Carshare Permit. "Carshare Permit" shall mean a permit issued by the City for a carshare vehicle operated by a Carshare Organization.

(d) Carshare Organization. "Carshare Organization" shall mean a public or private carsharing company or organization that is operating within the City pursuant to the authority granted by a duly authorized written agreement with the City of Santa Barbara.

10.73.020 Designation of Carshare Parking Spaces.

The City Traffic Engineer is authorized to designate, via posting of signs and/or curb markings, streets or portions of streets, or publicly owned off-street parking facilities or portions of the facilities, to be reserved for the exclusive parking of carshare vehicles.

10.73.030 Issuance of Permits.

The Public Works Director shall issue carshare permits to qualifying vehicles of a carshare organization. The number of permits issued to a carshare organization shall be made at the sole discretion of the Public Works Director.

10.73.040 Carshare Permit Required.

No person shall stop, park or leave standing any vehicle in a place designated for the exclusive parking of carshare vehicles participating in the City carshare program, unless the vehicle has a valid carshare permit displayed as directed by the City.

10.73.050 Posting of Carshare Vehicle Parking Spaces.

The City Traffic Engineer shall cause appropriate signs to be erected and/or markings in such street or publicly owned off-street parking facilities, indicating prominently thereon the parking restrictions and stating that motor vehicles with valid permit or designation shall be exempt from the restrictions. The City Traffic Engineer is further authorized to include notice on any sign installed pursuant to this section that vehicles left standing in violation of such sign may be removed and towed pursuant to California Vehicle Code section 22651. The provisions of this section shall not apply until signs or markings giving adequate notice thereof are in place.

Section 3. 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.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 13, 2015
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With City Attorney – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Debra A. Corral, et al., v. City of Santa Barbara, et al.*, SBSC Case No.1466439 and; *Monika Wikman v. City of Santa Barbara*, SBSC Case No. 1467345.

SCHEDULING: Duration, 30 minutes; anytime
REPORT: None anticipated
SUBMITTED BY: Ariel Calonne, City Attorney
APPROVED BY: City Administrator's Office