

**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>

**JANUARY 12, 2016
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.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

- 1. Subject: Comments By Outgoing Councilmember Francisco**
- 2. Subject: Recognition Of Outgoing Councilmember Francisco**
- 3. Subject: Comments By The Public**
- 4. Subject: Affirmation Of Allegiance By Councilmembers Cathy Murillo And Randy Rowse, And Councilmember-Elect Jason Dominguez**
- 5. Subject: Presentation Of Certificates Of Election**
- 6. Subject: Seating Of Newly-Installed Councilmembers**
- 7. Subject: Comments By Councilmembers Dominguez, Murillo, And Rowse**
- 8. Subject: Presentation Of Poem By City Of Santa Barbara Poet Laureate**
- 9. Subject: Comments By The Public**

RECESS

ROLL CALL OF NEW COUNCIL

CEREMONIAL ITEMS (CONT'D)

10. **Subject: Employee Recognition - Service Award Pins (410.01)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through January 31, 2016.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

11. **Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of December 15, 2015, and the cancelled regular meetings of December 22 and 29, 2015, and January 5, 2016.

12. **Subject: A Resolution Denying The Appeal And Upholding The Decision Of The Architectural Board of Review To Grant Project Design Approval For A Proposed Accessory Dwelling Unit And Two New Garages at 806 Alberta Avenue (640.07)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Architectural Board of Review to Grant Project Design Approval for a Proposed Accessory Dwelling Unit and Two New Garages at 806 Alberta Avenue, pursuant to Council's direction of November 17, 2015.

13. **Subject: Introduction Of Ordinance To Prohibit Parking Over 72 Hours In City-Owned Parking Lots (550.01)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Adding Section 10.44.153 Regarding Penalties for Vehicle Parking Over 72 Hours Upon Municipally-Owned Parking Lots, and Amending Section 10.44.152 Pertaining to Regulation of Parking Upon Municipally-Owned and/or -Operated Parking Lots.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

14. Subject: Downtown Santa Barbara Annual Assessment Report For 2016 And Intention To Levy (290.00)

Recommendation: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2016; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2016, at a Public Hearing to be Held on February 23, 2016, at 2:00 p.m.

15. Subject: Sole Source Purchase Of Public Trash And Recycling Containers (630.01)

Recommendation: That Council approve, on a sole source basis, the purchase of two styles of public trash and recycling containers for the Environmental Services Division for the next five-year period, in accordance with Section 4.52.070(K) of the Municipal Code.

16. Subject: Adoption Of Ordinance For A Lease Agreement With Breakwater Restaurant (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease Agreement with Two Five-Year Options Dated as of December 8, 2015, with Stephen and Sharon DeDecker, Doing Business As Breakwater Restaurant, at an Average Initial Base Rent of \$8,794.36 per Month, Allocated Seasonally, for the 4,053 Square-Foot Restaurant Located at 107 Harbor Way, Effective February 11, 2016.

17. Subject: Adoption Of Ordinance For Zoning Information Reports Process Improvements - Minor Zoning Exceptions (640.09)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.92 to Add Section 28.92.130 to the Municipal Code Regarding Minor Zoning Exceptions For Errors in Zoning Information Reports.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

18. Subject: Adoption Of Ordinances For Successor Agency Transfer Of Property To The City And City Acceptance Of Property And Assumption Of Obligations (620.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting All Right, Title and Interest to the Real Property Described Herein, Subject to Certain Existing Leasehold Interests, Agreements, and Other Encumbrances on the Multiple Parcels of Real Property, Which Are Together Most Commonly Known As "Paseo Nuevo Retail Center," Owned By the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Agreements and Related Documents as Necessary to Effectuate the Transfer of Real Property Interests to the City of Santa Barbara; and
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting and Assuming For Public Transportation, Public Parking, and All Related Purposes All Right, Title and Interest to the "Governmental Purpose" Real Property Described Herein, Which Are Together Most Commonly Known As "Santa Barbara Railroad Depot," Owned by the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the City of Santa Barbara.

19. Subject: Reject Bid Protest For Secondary Process Improvements Project At The Wastewater Treatment Plant (540.13)

Recommendation: That Council reject Shimmick Construction Company, Inc.'s bid protest of Stanek Constructors, Inc. apparent lowest bid for the Secondary Process Improvements Project, Bid No. 3737.

20. Subject: Central Library Renovation And Furniture Sole Source Agreements (570.04)

Recommendation: That Council:

- A. Approve, and authorize the Acting Library Director to execute, a sole source award of a purchase order in the amount of \$107,096 and \$10,710 for extra services to Yamada Enterprises for a custom furniture purchase for the main floor at 40 E. Anapamu Street;

(Cont'd)

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

20. (Cont'd)

- B. Approve, and authorize the Acting Library Director to execute, a purchase order for a sole source award in the amount of \$15,605 and \$1,560 for extra services to Architectural Millwork for custom millwork for the main floor at 40 E. Anapamu Street;
- C. Approve, and authorize the Acting Library Director to execute, a sole source award of a purchase order in the amount of \$9,866 and \$987 for extra services to Tri County Office Furniture for custom furniture purchase for the main floor at 40 E. Anapamu Street; and
- D. Increase appropriations and estimated revenues by \$250,214 in the Library's Capital Outlay Fund funded with \$97,000 from the Library Department's General Fund Professional Services budget for north wing renovation work; and \$153,214 from the Fenton Davis Trust for main floor furniture and extra services that may result from necessary changes.

21. **Subject: Short-Term Residential Rental Subpoenas (640.09)**

Recommendation: That Council receive certified copies of subpoenaed records related to unlawful vacation rentals that are subject to the City's Ordinance prohibiting their operation.

CONSENT PUBLIC HEARING

22. **Subject: Designation Of Proposed Development At 402 South Hope Avenue As A Community Benefit Project (640.09)**

Recommendation: That Council designate the proposed project at 402 South Hope Avenue as a Community Benefit Project pursuant to Santa Barbara Municipal Code Subsection 28.85.020.A.3, and allocate 4,447 square feet of nonresidential floor area to the project from the Nonresidential Growth Management Program's Community Benefit Category.

CONSENT CALENDAR (CONT'D)

SUCCESSOR AGENCY

23. Subject: Contract Amendment For The Cabrillo Pavilion And Bathhouse Renovation Project (570.07)

Recommendation: That the Successor Agency:

- A. Authorize the Executive Director to execute a contract amendment between the Successor Agency and Kruger Bensen Ziemer Architects, Inc., to amend the scope of services for the Cabrillo Pavilion and Bathhouse Renovation Project to increase Phase A of the contract amount by \$68,300; and
- B. Authorize the Executive Director to approve extra services as necessary, in an amount not to exceed \$6,830.

24. Subject: Transfer Of Calle Cesar Chavez Property To Successor Agency (620.03)

Recommendations:

- A. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Transfer of All Right, Title and Interest to the Real Property Commonly Known As the "Calle Cesar Chavez Properties," Owned by the City of Santa Barbara, a Municipal Corporation, and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara; and
- B. That the Successor Agency to the Redevelopment Agency of the City of Santa Barbara adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara Accepting and Assuming All Right, Title and Interest to the Real Property Commonly Known As the "Calle Cesar Chavez Properties," Owned by the City of Santa Barbara, a Municipal Corporation, and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, and Authorizing the Executive Director to Execute Such Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara.

NOTICES

25. The City Clerk has on Thursday, January 7, 2016, 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.

CONSENT CALENDAR (CONT'D)

NOTICES (CONT'D)

26. Cancellation of the regular City Council meeting of January 19, 2016.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

- 27. Subject: Introduction Of Ordinance Regulating Cultivation Of Marijuana (640.09)**

Recommendation: That Council:

- A. Receive a report from the City Attorney's Office outlining the Planning Commission's list of concerns regarding the proposed marijuana cultivation ordinance; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Section 28.87.300 to the Santa Barbara Municipal Code to Regulate Cannabis Cultivation.

PUBLIC WORKS DEPARTMENT

- 28. Subject: Introduction Of Ordinance To Allow Taxicab Loading And Unloading In Green, Yellow, And White Zones (530.05)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.48 of the Municipal Code by Amending Sections 10.48.110, Taxicab Stands - Curb Markings, and 10.48.130, Taxicab Parking.

- 29. Subject: Drought Update And Annual Water Supply Management Report (540.05)**

Recommendation: That Council:

- A. Receive an update on the status of the current drought, drought-response capital projects, and continuing conservation efforts; and
- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2015 water year, finding that groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

30. Subject: Increase In Construction Change Order Authority For The Charles E. Meyer Desalination Facility (540.10)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the contract for the Charles E. Meyer Desalination Facility with IDE Americas, Inc., Contract No. 25,221, in the amount of \$2,300,000, for a total Project expenditure authority of \$47,601,654;
- B. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra services for the contract for Owner Support Services for the Charles E. Meyer Desalination Facility with Carollo Engineers, Inc., Contract No. 25,222, in the amount of \$62,898, for a total Project expenditure authority of \$2,298,782; and
- C. Authorize the Public Works Director to amend and increase a City Professional Services Contract, subject to approval as to form by the City Attorney, with Patrick Tumamait, Contract No. 21600039, in an amount of \$35,100, for a total Project expenditure authority of \$70,000.

MAYOR AND COUNCIL REPORTS

31. Subject: Appointment Of Mayor Pro Tempore, Ordinance Committee, and Finance Committee (130.01)

Recommendation: That Council consider the appointment of a Mayor Pro Tempore, and Chairs and Members of the Ordinance and Finance Committees.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through January 31, 2016.

DISCUSSION:

The City appreciates the loyalty to the community and the dedication to public service that are demonstrated by City employees throughout the organization every day. Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through January 12, 2016.

ATTACHMENT: January 2016 Service Awards

PREPARED BY: Nicole Grisanti, City Administrator's Office Supervisor

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office

January 2016 SERVICE AWARDS

January 12, 2016, Council Meeting

5 YEARS

Bryn Bruce, Police Officer, Police Department

Matthew Fore, Environmental Services Manager, Finance Department

Karl Halamicek, Harbor Patrol Officer, Waterfront Department

Jennifer Hollywood, Administrative Specialist, Parks and Recreation Department

Jennifer Jennings, Administrative Analyst, Administrative Services Department

Christina Marshall, Police Officer, Police Department

Kevin Masterson, Wastewater Treatment Plant Operator III,
Public Works Department

10 YEARS

Jasper Allen, Wastewater Treatment Plant Operator III, Public Works Department

Lenori Cassidy, Building Inspection/Plan Check Supervisor,
Community Development Department

Eduardo Castillo, Water District Operator II, Public Works Department

Allan Goldman, Facilities Maintenance Superintendent, Public Works Department

Beth Lazarus, Police Officer, Police Department

Matt Sanchez, Water District Operator Technician II, Public Works Department

Tom Shapiro, Assistant City Attorney III, City Attorney's Office

Elizabeth Sorgman, Senior Plans Examiner, Community Development Department

Jace Turner, Librarian II, Library

Thomas Welche, Wastewater Treatment Plant Chief Operator,
Public Works Department

15 YEARS

Ed Cateriano, Building Inspector, Community Development Department

Alma Chaidez, Library Assistant I, Library

Michael Claytor, Police Officer, Police Department

Mark Corbett, Police Officer, Police Department

20 YEARS

Carl Kamin, Police Officer, Police Department

30 YEARS

Jaycee Hunter, Police Officer, Police Department

Janet Sackett, Administrative Specialist, Parks and Recreation Department



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING December 15, 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 met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco (2:03 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 Susan Tschech.

PUBLIC COMMENT

Speakers: Kenneth Loch; Pete Dal Bello; Karl Wagner; Richard Robinson; Lee Moldaver; Tom Widroe, City Watch.

CONSENT CALENDAR (Item Nos. 1 – 16)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of November 24, 2015.

Action: Approved the recommendation.

2. Subject: Introduction Of Ordinance For The Grant Of Easements To The Santa Barbara County Flood Control District, Cota Bridge Replacement Project (330.03)

Recommendation: That Council introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Granting of Easements on City-Owned Properties Adjacent to Mission Creek to the County of Santa Barbara Flood Control and Water Conservation District for Flood Control and All Related Purposes, and Authorizing the City Administrator to Execute as Necessary the Easement Deeds in a Form Approved by the City Attorney.

Action: Approved the recommendation (December 15, 2015, report from the Public Works Director; proposed ordinance).

3. Subject: Acceptance Of Bicycle And Pedestrian Easement Gift At 350 Hitchcock Way (330.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Use as a Public Bicycle and Pedestrian Pathway, and all Related Purposes, on the Real Property Commonly Known As 350 Hitchcock Way, and Consenting to the Recordation of the Easement Deed in the Official Records, County of Santa Barbara; and
- B. Authorize and direct the Public Works Director to execute IRS Form 8283 acknowledging the easement as a charitable donation to the City.

Action: Approved the recommendations; Resolution No. 15-096; Deed No. 61-453 (December 15, 2015, report from the Public Works Director; proposed resolution; undated letter from Barbara Van Wagner).

4. Subject: Avigation And Noise Easement For 6300 Hollister Avenue, Goleta (560.14)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to execute and record a grant deed of avigation and noise easement and agreement imposing conditions on real property by and between 6300 Hollister Associates, LP, and the City of Santa Barbara; and

(Cont'd)

4. (Cont'd)

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Avigation and Noise Easement Imposing Conditions on Real Property Known As Assessor's Parcel Number 073-050-046, and Consenting to the Recordation of the Easement Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendations; Resolution No. 15-097; Deed No. 61-454 (December 15, 2015, report from the Airport Director; proposed resolution).

5. Subject: Fiscal Year 2016 Interim Financial Statements For The Four Months Ended October 31, 2015 (250.02)

Recommendation: That Council accept the Fiscal Year 2016 Interim Financial Statements for the Four Months Ended October 31, 2015.

Action: Approved the recommendation (December 15, 2015, report from the Finance Director).

6. Subject: November 2015 Investment Report (260.02)

Recommendation: That Council accept the November 2015 Investment Report.

Action: Approved the recommendation (December 15, 2015, report from the Finance Director).

7. Subject: Self-Insured Workers' Compensation Program Annual Report (350.08)

Recommendation: That Council receive the Annual Self-Insured Workers' Compensation Program Annual Report for the year ended June 30, 2015.

Action: Approved the recommendation (December 15, 2015, report from the Finance Director).

8. Subject: Agreement For Surface Water And Groundwater Monitoring (540.10)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a joint funding agreement with United States Geological Survey for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2015, through October 31, 2016, with a City cost share not to exceed \$152,900; and

(Cont'd)

8. (Cont'd)

- B. Authorize the Public Works Director to approve expenditures up to \$20,000 for extra monitoring services.

Action: Approved the recommendations; Agreement No. 25,385 (December 15, 2015, report from the Public Works Director).

9. Subject: Agreement For Hilda McIntyre Ray Park Resident Caretaker (570.05)

Recommendation: That Council authorize the Acting Parks and Recreation Director to execute a Caretaker Rental Agreement for Hilda McIntyre Ray Park with Robert Cerda, commencing on January 1, 2016, through December 31, 2016.

Action: Approved the recommendation; Agreement No. 25,386 (December 15, 2015, report from the Acting Parks and Recreation Director).

10. Subject: Contract Building Plan Check Services (640.04)

Recommendation: That Council:

- A. Approve the execution of a \$70,000 Professional Services Agreement with Bureau Veritas North America, Inc., for contract Building & Safety plan review services; and
- B. Authorize an increase in Fiscal Year 2016 appropriations and estimated revenues in the Community Development Department, General Fund, by \$70,000 to cover the cost of the contracted services, funded from increased and unbudgeted revenues generated from greater than expected building permit activity.

Action: Approved the recommendations; Agreement No. 25,387 (December 15, 2015, report from the Community Development Director).

11. Subject: Professional Services Agreement For Utility Users Tax Management and Audit Services (270.06)

Recommendation: That Council approve and authorize the Finance Director to execute a professional services agreement with MuniServices, LLC, to provide utility users tax management and audit services for a term of three years with two optional two-year extensions.

Action: Approved the recommendation; Agreement No. 25,388 (December 15, 2015, report from the Finance Director).

12. Subject: Receipt of California Youth Gang Reduction 2016 Grant Funds (520.04)

Recommendation: That Council:

- A. Increase Fiscal Year 2016 estimated revenues and appropriations in the Miscellaneous Grants Fund by \$246,852; and
- B. Authorize the City Administrator to extend the current agreements by one year and to accept and distribute the CalGRIP calendar year 2016 grant funds.

Action: Approved the recommendations; Agreement No. 25,078.1 (December 15, 2015, report from the City Administrator).

13. Subject: Purchase Of Lockers For Police Department Men's Locker Room Project (520.04)

Recommendation: That Council:

- A. Approve a transfer of \$100,000 from the Police Department, General Fund, salary savings to the Facilities Capital Fund for the purchase of new lockers for the Men's Locker Room Project; and
- B. Increase estimated revenues and appropriations in the Facilities Capital Fund by \$100,000 to provide the budgetary authority for the purchase of the new lockers.

Action: Approved the recommendations (December 15, 2015, report from the Chief of Police).

14. Subject: Reclassification Of Two Senior Building Inspector Positions In Community Development (410.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 15-056, the Position and Salary Control Resolution for Fiscal Year 2016, Affecting the Community Development Department Effective July 4, 2015.

Action: Approved the recommendation; Resolution No. 15-098 (December 15, 2015, report from the Administrative Services Director; proposed resolution).

15. Subject: Adoption of Ordinance To Establish A Definition For "Vessel" For Craft Berthed, Moored Or Anchored In The Harbor District (570.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Amending Section 17.04.010 and Adding Section 17.12.050 to Establish a Definition of "Vessel" for Craft Berthed, Moored or Anchored in the Harbor District.

(Cont'd)

15. (Cont'd)

Action: Approved the recommendation; Ordinance No. 5728.

16. Set A Date For Public Hearing Regarding Appeal Of The Historic Landmarks Commission's Decision To Add The Structure Located At 29-37 East Victoria Street To The City's List Of Potential Historic Structures/Sites

Recommendation: That Council:

- A. Set the date of January 26, 2016, at 2:00 p.m. for hearing the appeal filed by Virginia Rehling of the Historic Landmarks Commission's ("HLC") decision to add the building located at 29-37 East Victoria Street, Assessor's Parcel No. 039-133-009, to the City's List of Potential Historic Structures/Sites. The C-2 zoned property is owned by Tioga Holdings LP and is represented by the Radius Group, Commercial Real Estate. The Historic Landmarks Commission held a Public Hearing on November 4, 2015, to consider the historic significance of the 1922 Spanish Colonial Revival commercial building and found it to be eligible as a Structure of Merit based on the recommendation of the HLC Designation Subcommittee; and
- B. Set the date of January 25, 2016, at 1:30 p.m. for a site visit to the property located at 29-37 E. Victoria Street.

Action: Approved the recommendations (November 16, 2015, letter of appeal).

NOTICES

- 17. The City Clerk has on Thursday, December 10, 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.
- 18. Cancellation of the regular City Council meetings of December 22 and December 29, 2015, and January 5, 2016.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Dale Francisco reported that the Committee met to hear a Staff report on the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015. The Committee accepted the report, which will be considered by the full Council as Agenda Item No. 19.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

19. Subject: Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2015 (250.02)

Recommendation: That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015; and
- B. Accept the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015.

Documents:

- December 15, 2015, report from the Finance Director.
- Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Finance Director Robert Samario, Accounting Manager Jennifer Tomaszewski.
- Lance, Soll & Lunghard (City's Auditor): Richard Kikuchi.

Motion:

Councilmembers Murillo/Rowse to approve recommendation B.

Vote:

Unanimous voice vote.

SUCCESSOR AGENCY REPORTS

20. Subject: Successor Agency Transfer Of Property To The City And City Acceptance Of Property And Assumption Of Obligations (620.03)

Recommendation:

- A. That the Successor Agency adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara Transferring All Right, Title and Interest to the Real Property Described Herein, Subject to Certain Existing Leasehold Interests, Agreements, and Other Encumbrances on the Multiple Parcels of Real Property, Which Are Together Most Commonly Known As "Paseo Nuevo Retail Center," Owned By the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the Executive Director to Execute Such Agreements and Related Documents as Necessary to Effectuate the Transfer of Real Property Interests to the City of Santa Barbara;

(Cont'd)

20. (Cont'd)

- B. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting All Right, Title and Interest to the Real Property Described Herein, Subject to Certain Existing Leasehold Interests, Agreements, and Other Encumbrances on the Multiple Parcels of Real Property, Which Are Together Most Commonly Known As "Paseo Nuevo Retail Center," Owned By the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Agreements and Related Documents as Necessary to Effectuate the Transfer of Real Property Interests to the City of Santa Barbara;
- C. That the Successor Agency adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara Transferring For Public Transportation, Public Parking, and All Related Purposes All Right, Title and Interest to the "Governmental Purpose" Real Property Described Herein, Which Are Together Most Commonly Known As "Santa Barbara Railroad Depot," Owned by the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the Executive Director to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfers of Real Property Interests to the City of Santa Barbara; and
- D. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting and Assuming For Public Transportation, Public Parking, and All Related Purposes All Right, Title and Interest to the "Governmental Purpose" Real Property Described Herein, Which Are Together Most Commonly Known As "Santa Barbara Railroad Depot," Owned by the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the City of Santa Barbara.

Documents:

- December 15, 2015, report from the Executive Director/City Administrator.
- Proposed resolutions and ordinances.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions and ordinances were read.

Speakers:

Staff: Waterfront Business Manager Brian Bosse.

(Cont'd)

20. (Cont'd)

Motion:

Successor Agency Members/Councilmembers Hart/White to approve the recommendations; Resolution Nos. 15-099, 15-100.

Vote:

Unanimous roll call vote.

21. Subject: Successor Agency Real Estate And Business Items (620.03)

Recommendation: That the Successor Agency:

- A. Execute a Professional Services Agreement with Radius Group, for real estate services regarding 125 Calle Cesar Chavez; and
- B. Approve a \$15,000 increase in the contract, for a total contract of \$90,000, for legal services with Price, Postel, and Parma to the Oversight Board.

Documents:

- December 15, 2015, report from the City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Waterfront Business Manager Brian Bosse, Executive Director Paul Casey.

Motion:

Successor Agency Members Francisco/White to approve the recommendations; Agreement Nos. 25,389, 24,126.1.

Vote:

Unanimous voice vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PARKS AND RECREATION DEPARTMENT

22. Subject: Contract With Santa Barbara Golf, LLC, For Management And Operation Of Santa Barbara Golf Club (570.02)

Recommendation: That Council approve, and authorize the City Administrator to enter into, a management contract with Santa Barbara Golf, LLC, a wholly-owned subsidiary of CourseCo, Inc., to manage and operate Santa Barbara Golf Club.

Documents:

- December 15, 2015, report from the Acting Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.
- December 15, 2015, letter from John Craig.

(Cont'd)

22. (Cont'd)

Speakers:

- Staff: Parks and Recreation Business Manager Mark Sewell, Acting Parks and Recreation Director Jill Zachary.
- CourseCo (golf management company): Michael Sharp, Tom Bugbee.
- Parks and Recreation Commission: Commissioner Mark Rincon-Ibarra.
- Golf Advisory Committee: Members Dominic Namnath; John Craig.
- Members of the Public: Tom Widroe, City Watch.

Motion:

Councilmembers Hotchkiss/White to approve the recommendation;
Contract No. 25,390.

Vote:

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

PUBLIC HEARINGS

23. Subject: Zoning Information Report Process Improvements - Municipal Code Amendment To Establish A Minor Zoning Exception Process (640.09)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Municipal Code Chapter 28.92 to Add Section 28.92.130 Regarding Minor Zoning Exceptions for Errors in Zoning Information Reports.

Documents:

- December 15, 2015, report from the Community Development Director.
- Proposed ordinance.
- PowerPoint presentation prepared and made by Staff.

The title of the ordinance was read.

Public Comment Opened:

4:01 p.m.

Speakers:

- Staff: Senior Planner Susan Reardon, City Planner Renee Brooke, City Attorney Ariel Calonne.
- Members of the Public: Tom Widroe, City Watch; Reyne Stapelmann, Santa Barbara Association of Realtors.

Public Comment Closed:

4:27 p.m.

(Cont'd)

23. (Cont'd)

Motion:

Councilmembers Murillo/Hart to approve the recommendation.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported on the proceedings of recent meetings of the New Zoning Ordinance Committee and the Water Commission.
- Councilmember Rowse mentioned that he would be attending a League of Cities meeting regarding rules and regulations related to medical marijuana.
- Councilmember Murillo reported that the Youth Council has requested a presentation on the City's Bicycle Master Plan Update; she also spoke about the campaign called "Wreaths Across America."
- Mayor Schneider commented on the recruitment for a new executive director for the Santa Barbara County Arts Commission; she also reported on a meeting of the Central Coast Collaborative on Homelessness to discuss countywide governance issues.

RECESS

Mayor Schneider recessed the meeting at 4:43 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 25.

CLOSED SESSIONS

25. Subject: PUBLIC EMPLOYEE APPOINTMENT (See Government Code Section 54954.5): Parks And Recreation Director (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957, to discuss the appointment for the position of Parks and Recreation Director.

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

Documents:

December 15, 2015, report from the City Administrator.

Time:

4:45 p.m. – 4:50 p.m.

Recess: 4:50 p.m. – 4:51 p.m.

25. (Cont'd)

Announcement:

City Administrator Casey reported that the Council voted unanimously to approve his appointment of Jill Zachary as the City's Parks and Recreation Director. Ms. Zachary made comments in acceptance of her appointment.

RECESS

Mayor Schneider recessed the meeting at 4:53 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 24, and she stated that no reportable action is anticipated.

CLOSED SESSIONS (CONT'D)

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (d)(1) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Daniel Corrigan v. City of Santa Barbara*; WCAB Case number ADJ10007046.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

December 15, 2015, report from the Finance Director.

Time:

4:55 p.m. – 5:00 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:00 p.m. in memory of Dennis Rickard, former Old Spanish Days El Presidente and member of a pivotal Santa Barbara family.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
December 22, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on December 22, 2015, was cancelled by the Council on November 18, 2014.

The next regular meeting of the City Council is scheduled for January 12, 2016, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
December 29, 2015
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on December 29, 2015, was cancelled by the Council on November 18, 2014.

The next regular meeting of the City Council is scheduled for January 12, 2016, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
January 5, 2016
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on January 5, 2016, was cancelled by the Council on November 24, 2015.

The next regular meeting of the City Council is scheduled for January 12, 2016, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: A Resolution Denying The Appeal And Upholding The Decision Of The Architectural Board of Review To Grant Project Design Approval For A Proposed Accessory Dwelling Unit And Two New Garages At 806 Alberta Avenue

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Architectural Board of Review to Grant Project Design Approval for a Proposed Accessory Dwelling Unit and Two New Garages at 806 Alberta Avenue, pursuant to Council's direction of November 17, 2015.

DISCUSSION:

Council denied the appeal and granted Project Design Approval for the project as presented to the City Council on November 17, 2015 subject to certain conditions.

The full conditions are in the attached Resolution.

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE ARCHITECTURAL BOARD OF REVIEW TO GRANT PROJECT DESIGN APPROVAL FOR A PROPOSED ACCESSORY DWELLING UNIT AND TWO NEW GARAGES AT 806 ALBERTA AVENUE

WHEREAS, Jyl Ratkevich, architect for Mary Martinez, applied for a new accessory dwelling unit and two new garages at 806 Alberta Avenue, a 5,061 square foot lot located within the R-2 Zone in the Westside Neighborhood of the City of Santa Barbara;

WHEREAS, the project received its initial concept review by the Architectural Board of Review (ABR) on June 22, 2015, at which time the ABR reviewed the proposal and indicated that determined that the second-floor addition was small enough to be an acceptable addition to the building. However, in response to the neighbors' concerns, the ABR asked the architect to reduce the massing and size of the second story. The Board's comments focused on reducing possible privacy-related impacts to the adjacent neighbors by adjusting the second-floor windows. The Board also requested additional landscaping be provided for the project;

WHEREAS, the project returned to the ABR on July 20, 2015, with minor design revisions, and the ABR determined the project's mass, bulk, and scale were acceptable; found the reduced size of windows facing the rear neighbor acceptable; and continued the project for further refinement of architectural details;

WHEREAS, On August 3, 2015, the project returned to the ABR with changes to the size and location of the second floor, slightly increasing the setback from one neighboring property. During this ABR hearing, other concerns were raised by neighbors involving the negative appearance of the structure, regulations that should not allow build-out of the small parcel, and the potential for future illegal uses of the property. Some Board members indicated that some of these issues were outside their purview. One Board member stated that the modest nature of the proposed project was sufficiently set back from the rear and side yards. It was also understood that the proposed project was intended for this type of small R-2 lot. The ABR granted Project Design Approval with additional comments regarding building materials. The ABR stated that the adjustments made to the second-story window locations sufficiently addressed the privacy concerns of the adjacent neighbor;

WHEREAS, on August 13, 2015, a timely appeal of the ABR decision was filed by the appellants: Catherine "Lily" Bastug Vicenti, David Hale, James and Karen Hurst, Roberta VanRossen, Susan Lafond, and Brian King. The appellants assert that the project design is not consistent with the surrounding neighborhood, the project's massing is not consistent with development patterns on the narrow street, and that the project negatively affects the appellants' property values;

WHEREAS, on November 16, 2015, the City Council conducted a duly noticed site visit during which it conducted an inquiry into the physical aspects of the issues presented on appeal;

WHEREAS, on November 17, 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 Architectural Board of Review on August 3, 2015. 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 the appellants' attorney, James Griffith, arguing the points of the appeal;
3. A presentation by architect, Jyl Ratkevich, which is part of the record in this case and was fully considered by the City Council in making its decision on this appeal.
4. Comment from Howard Wittausch of the Architectural Board of Review explaining the Board's perspective on the Project design and the appeal issues.
5. Personal comment from appellant, Susan Lafond.

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 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 Architectural Board of Review.

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 Architectural Board of Review 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 November 17, 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 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. With the revision of the open yard, the project complies with the applicable provisions of Chapter 28.18 of the Santa Barbara Municipal Code regarding the development of accessory dwelling units on R-2 lots with a lot area between 5,000 and 6,000 square feet.
- B. The application is consistent with the ABR design guideline that encourages the preservation of existing buildings because the project proposes to retain the residence at the front of the lot.
- C. The proposed location of the accessory dwelling unit to the rear of the existing residence maintains the character of the neighborhood's streetscape.
- D. The proposed two-story accessory dwelling unit will be located centrally on the lot so as to minimize its intrusion on the private enjoyment of the adjacent properties.
- E. The proposed locations of second-story decks and windows are compatible with the neighborhood and adequately address the privacy concerns of the neighbors. In addition, the applicant has raised the height of some windows and completely eliminated other proposed windows in order to address privacy concerns of the neighbors.
- F. The proposed accessory dwelling is modest in size and proposes a building height of 20 feet 6 inches when the maximum building height allowed under the zoning is 30 feet.

- G. 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.

- H. California Environmental Quality Act Determination. The project involves the construction of an accessory dwelling unit within an existing duplex zone. The development of an accessory dwelling unit on this R-2 lot is consistent with the policies of the City's 2011 General Plan Update for which an Environmental Impact Report was certified. City staff examined the proposed accessory dwelling unit and determined there are no project-specific significant effects that are peculiar to this project. Therefore, pursuant to State CEQA Guidelines section 15183, the City Council determines that no further environmental review is necessary and no unusual circumstances are presented by the location or nature of the project.

SECTION 5. The City Council hereby denies the appeal and grants Project Design Approval for the project as presented to the City Council on November 17, 2015 subject to the following conditions:

- A. Before the Architectural Board of Review may grant the project Final Approval, the design of the proposed accessory dwelling unit and site plan shall be redesigned in order to comply with the common open yard requirements of Section 28.18.060.C.3 of the Santa Barbara Municipal Code;

- B. Before the Architectural Board of Review may grant the project Final Approval, the plans shall be amended to accurately reflect the location of the hedge at the rear of the lot; and

- C. Before a building permit may be issued, the property owner shall record a Zoning Compliance Declaration, in a form acceptable to the City Attorney, providing notice of the permitted use of the real property.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Prohibit Parking Over 72 Hours In City-Owned Parking Lots

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Adding Section 10.44.153 Regarding Penalties for Vehicle Parking Over 72 Hours Upon Municipally-Owned Parking Lots, and Amending Section 10.44.152 Pertaining to Regulation of Parking Upon Municipally-Owned and/or -Operated Parking Lots.

DISCUSSION:

The City's Municipal Code addresses the regulation of parking in municipally owned and/or operated parking lots. Currently, there is no established regulation against parking within these parking lots for a period of more than 72 consecutive hours. Municipally owned parking lots are not intended for long-term storage of vehicles.

Municipally owned lots refer to parking lots managed by Downtown Parking. A similar ordinance limiting parking to 72 consecutive hours exists for Waterfront parking lots.

Therefore, staff recommends that Section 10.44.152 of the Santa Barbara Municipal Code be amended to prohibit parking for longer than 72 hours, unless a special permit is issued by the Public Works Department.

Staff also recommends that Section 10.44.153 be established to define the penalties for these new prohibitions.

The version of this proposed ordinance that was presented to the Ordinance Committee on December 8, 2015, included a time limit of two hours that inoperable vehicles could be in municipally owned parking lots. That provision was removed.

Ordinance Committee Agenda Report

Introduction Of Ordinance To Prohibit Parking Over 72 Hours In City-Owned Parking
Lots

January 12, 2016

Page 2

PREPARED BY: Derrick Bailey, Supervising Transportation Engineer/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 AMENDING THE MUNICIPAL CODE BY ADDING SECTION 10.44.153 REGARDING PENALTIES FOR VEHICLE PARKING OVER 72 HOURS UPON MUNICIPALLY-OWNED PARKING LOTS, AND AMENDING SECTION 10.44.152 PERTAINING TO REGULATION OF PARKING UPON MUNICIPALLY-OWNED AND/OR -OPERATED PARKING LOTS

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

SECTION 1. Chapter 10.44 of Title 10 of the Santa Barbara Municipal Code is amended by adding Section 10.44.153 to read as follows:

10.44.153 Penalties for Vehicle Parking Over 72 Hours in Parking Lots,

A. PENALTIES FOR VEHICLE PARKING OVER 72 HOURS, OR PARKING OF INOPERABLE VEHICLES, UPON MUNICIPALLY OWNED PARKING LOTS. In

the event a vehicle is parked, stopped or left standing in any of the municipally owned parking lots, except as permitted per Section 10.44.152 (h), in excess of a period of seventy-two (72) consecutive hours, the vehicle may be cited and the vehicle may be removed from the municipally owned parking lots by any member of the Police Department authorized by the Chief of Police in the manner and consistent with the requirements of the California Vehicle Code.

SECTION 2. Section 10.44.152 of Chapter 10.44 of Title 10 of the Santa Barbara Municipal Code is amended to read as follows:

10.44.152 Regulation of Parking Upon Municipally Owned and/or Operated Parking Lots.

(a) No person shall park a motor vehicle in a municipally owned and/or operated parking lot and fail to pay the parking fee established by resolution and posted for the use of said lot. Said fee shall be paid no later than time of departure from the lot, except that a person departing a lot with no parking attendant present shall deposit said fee or mail said fee in accordance with the instructions on the envelope securely attached to the vehicle by the parking attendant before his departure from the lot; said fee to be mailed or delivered within three (3) days.

(b) It shall be unlawful for any person to use or permit or cause to be used a monthly parking permit by a person not authorized in the permit agreement.

(c) Any person removing a vehicle from the lot and re-entering a lot for the sole purpose of avoiding payment of parking fees shall pay a parking fee as if said vehicle had not departed the lot.

(d) It shall be unlawful to present a subsequent, counterfeit, or other substitute evidence of entry into any municipally owned and/or operated parking lot for the purpose of reducing or avoiding the parking fee established for the use of said lot.

(e) In an action for violation of this section, proof that a person was the registered owner of a motor vehicle at the time the vehicle was parked unattended in a municipally owned and/or operated lot is prima facie evidence that the registered owner was the person who parked the vehicle. The registered owner shall be given written notice of the violation and an opportunity to respond as provided in Section

40202 of the Vehicle Code of the State of California as it exists today and may be amended in the future.

(f) In addition to the penalties provided for violation of this code, the use of a municipally owned and/or operated parking lot in violation of this Municipal Code, the regulations established by the Transportation Engineer, or the applicable fee requirements, shall be subject to use fees that are twice the fees for proper use.

(g) The Transportation Engineer shall make provision to mark, chalk, photograph, record or otherwise identify such use of municipally owned and/or operated parking lots as may be required for the reasonable enforcement of this Chapter. (Ord. 5061, 1998; Ord. 4760, 1992; Ord. 3864, 1976.)

(h) No person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in excess of a period of seventy-two (72) consecutive hours in a municipally owned parking lot.(i) Notwithstanding (h), the Public Works Director may issue a permit allowing for parking in excess of seventy-two (72) consecutive hours in a municipally owned parking lot.



Agenda Item No. 14

File Code No. 290.00

CITY OF SANTA BARBARA COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016
TO: Mayor and Councilmembers
FROM: City Administrator's Office
SUBJECT: Downtown Santa Barbara Annual Assessment Report For 2016 And Intention To Levy

RECOMMENDATION: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2016; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2016, at a Public Hearing to be Held on February 23, 2016, at 2:00 p.m.

DISCUSSION:

The Downtown and Old Town Business Improvement Districts have provided marketing and promotional services for downtown businesses for over forty years. The merchants in both business improvement districts pay for these services through an assessment based on their business license fee, location, and type of business. The assessment revenue is collected each year by the City and then remitted to Downtown Santa Barbara, a 501 (c) 3 organization that operates both improvement districts after merging with the Old Town Merchants Association in 2005.

The Downtown Business Improvement District serves businesses between Chapala and Anacapa Streets, from Ortega Street north to Micheltorena Street, as authorized under Municipal Code Section 4.39. The Old Town Improvement District serves businesses between Chapala and Anacapa Streets, from Gutierrez Street north to Ortega Street, as authorized under Municipal Code Section 4.43 (Map provided in Attachment).

The City Council, as the governing body of both improvement districts, requires the preparation and adoption of an annual assessment report pursuant to the California Streets and Highways Code, Parking and Business Improvement Area Law of 1989. In accordance with state law, the City Council must approve the assessment report and adopt a resolution of intention to levy an annual assessment for the fiscal year. The report outlines the assessment to be levied and collected from January 1, 2016 to

December 31, 2016 to pay for activities planned for the upcoming year with the estimated cost. The report provides the method and basis of the assessment for business owners to estimate the assessment amount for their business.

For the calendar year of 2016, there are no proposed changes to the boundaries or assessment rates in the Downtown and Old Town Improvement Districts. On December 22, 2015, the Downtown Santa Barbara Executive Committee recommended approval of the 2016 Annual Report, attached as an Exhibit to the Resolution. The Downtown and Old Town Business Improvement District revenues are projected to be approximately \$282,000 to fund marketing and promotional activities for downtown businesses.

Formatted: Not Highlight

Generally, the Parking and Business Improvement Area Law of 1989 allows the Downtown Organization to provide the following activities through the Business Improvement Districts:

- Promotion of public events which benefit businesses in the area,
- Furnishing of music in any public place in the area,
- Promotion of tourism within the area, and
- Activities which benefit businesses located and operating in the area.

Marketing and promotional activities of the Downtown and Old Town Improvement Districts include the Downtown Host program, First Thursday monthly event, Holiday Parade, State Street holiday décor, Musical Wine Tour, and promotion of the Downtown area by website and social media. This longstanding partnership between the City and downtown business community has helped promote the downtown area as a vital retail corridor and cultural arts destination for residents and visitors.

With Council approval of the annual report, notices to levy and collect the assessment will be mailed to all affected businesses in the districts. The notices will inform businesses of a public hearing on February 23, 2016 where written or oral protests may be presented. At the public hearing, the City Council would consider all protests, confirm whether there is a lack of majority protest (protests received from business owners who pay 50% or more of the total assessments to be levied), and adopt a resolution to assess the rates in accordance with the annual report.

NOTE: Audited financial statements for Downtown Santa Barbara for the year ended December 31, 2014 are on file in the City Clerk's Office at City Hall, 735 Anacapa Street.

Council Agenda Report
Downtown Santa Barbara Annual Assessment Report For 2016 And Intention To Levy
January 12, 2016
Page 3

ATTACHMENT: Map of Downtown and Old Town Business Improvement District Boundaries

PREPARED BY: Nina Johnson, Assistant to the City Administrator

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

ATTACHMENT

DOWNTOWN SANTA BARBARA



- Public Restrooms
- Public Parking
- Downtown-Waterfront Electric Shuttle Bus Route
- Freeway On/Off Ramps

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING COUNCIL'S INTENTION TO LEVY DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND OLD TOWN BUSINESS IMPROVEMENT DISTRICT ASSESSMENT RATES FOR 2016, AT A PUBLIC HEARING TO BE HELD ON FEBRUARY 23, 2016, AT 2:00 P.M.

WHEREAS, pursuant to Section 36534 of the California Streets and Highways Code, it is the intention of the Council of the City of Santa Barbara, to conduct a public hearing to determine whether to fix and assess a 2016 Downtown Business Improvement District assessment (hereinafter referred to as Downtown BID), as established by Chapter 4.39 of the Santa Barbara Municipal Code, adopted on May 7, 1985;

WHEREAS, pursuant to Section 36534 of the California Streets and Highways Code, it is the intention of the Council of the City of Santa Barbara, to conduct a public hearing to determine whether to fix and assess a 2016 Old Town Business Improvement District assessment (hereinafter referred to as Old Town BID), as established by Chapter 4.43 of the Santa Barbara Municipal Code, adopted on June 3, 1986;

WHEREAS, upon the completion of a public hearing, it shall be the intention of the City Council to levy and collect a benefit assessment within Downtown BID and Old Town BID as described in the Fiscal Year 2016 Annual Report, Exhibit A; and

WHEREAS, for Fiscal Year 2016, the improvements and activities to be provided shall consist of marketing and promotional activities for the businesses in the Downtown area.

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

SECTION 1. It is the intention of the City Council to levy and collect assessments within the Downtown Business Improvement District for the Fiscal Year of 2016 from January 1 to December 31, 2016, within boundaries established upon the enactment of Chapter 4.39 of the Santa Barbara Municipal Code on May 7, 1985. It is also the City Council's intention to confirm the method and basis of assessment as established by the City Council upon the enactment of Santa Barbara Municipal Code Chapter 4.39, and as described in the Report.

SECTION 2. It is the intention of the City Council to levy and collect assessments within the Old Town Business Improvement District for the Fiscal Year of 2016 from January 1 to December 31, 2016, within boundaries established upon the enactment of Chapter 4.43 of the Santa Barbara Municipal Code on June 3, 1986. It is also the City Council's intention to confirm the method and basis of assessment as established by the City Council upon the enactment of Santa Barbara Municipal Code Chapter 4.43, and as described in the Report.

SECTION 3. The time and place for the public hearing to consider the intention of the City Council shall be during the 2:00 p.m. session of the Council's regularly scheduled meeting of February 23, 2016, in the City Council Chambers, located at the Santa Barbara City Hall, or as soon after that time as it may be held.

SECTION 4. Written and oral protests to the proposed 2016 Downtown BID and Old Town BID Assessments, as described in the Report, may be mailed to the City Clerk or made at the above-described public hearing provided that such protests are in the form and manner required by Sections 36524 and 36525 of the California Streets and Highways Code.

SECTION 5. The City Clerk shall give notice of the above-described public hearing by causing a copy of this resolution of intention to be published in a newspaper or general circulation in the City no less than seven (7) days prior to February 23, 2016 and mailing a copy of this resolution of intention to affected business owners within seven (7) days of the City Council's adoption of the resolution of intention to levy businesses in the area.

Downtown Organization of Santa Barbara, Inc.

Fiscal Year 2016 Annual Report for the Downtown Business Improvement District and the Old Town Business Improvement District

This Annual Report from the Downtown Organization of Santa Barbara, Inc. was prepared for City Council to review for the annual reauthorization of both the Downtown Santa Barbara Business Improvement District (Downtown BID) and the Old Town Business Improvement District (OTBID). This is the forty-eighth year of operations for the two BIDs, managed under contract by the Downtown Organization of Santa Barbara, a private, non-profit membership organization incorporated in 1966 whose purpose is to promote and protect the vitality of Downtown Santa Barbara. This report is required by Section 36533 of the California Streets and Highways Code. This report is for the proposed calendar year for both BIDs, commencing January 1, 2016 and ending December 31, 2016.

BACKGROUND: These two Downtown BIDs were established separately by ordinance, at different times and for different purposes, and therefore have slightly different formulas for their respective assessments.

MANAGEMENT SERVICES: Once the BIDs were established, the City of Santa Barbara contracted for their management and the provision of services with the Downtown Organization of Santa Barbara, Inc. The Downtown Organization then merged with the Old Town Business Association in 1995. The two BIDs have continued to operate separately in compliance with their respective ordinances. Their combined revenues support the operations and programs managed by the Downtown Santa Barbara organization, under the contract for BID services with the City of Santa Barbara.

DOWNTOWN BID BOUNDARIES: The Improvement Area is defined as follows in the original ordinance establishing the district: *The business improvement area is the area within the areas bounded by Anacapa, Chapala, Micheltorena, and Cota Streets.* (See attached map).

OLD TOWN BID BOUNDARIES: The Improvement Area is defined as follows in the original ordinance establishing the district: *The Business Improvement Area is the area within the area bounded by Anacapa, Chapala, Gutierrez and Ortega streets and businesses fronting on the area bounded by said streets and businesses fronting the intersections of said streets, except that the area north of the centerline of Ortega Street is not included.* (See attached map.)

As required by California law, this combined Annual BID Report for the Downtown BID and the Old Town BID contains the following information:

1. Proposed Changes to the District Boundary:

There are no changes proposed to either the Downtown BID or the Old Town BID boundaries.

2. Planned Improvements and Activities for the 2016 Fiscal Year:

The following are Downtown Santa Barbara projects and programs that are planned for 2016. These activities are consistent with both BIDs' enabling legislation and the Board-approved 2015-2016 Budget and Work Plan priorities.

MARKETING, COMMUNICATIONS, AND ADVERTISING

2.1 Website and Communications – promote the launch of the redesigned website, with new content, with new member features and more membership engagement and involvement.

2.2 Marketing/Media Campaigns – Provide year-round leadership and management services for advertising partnerships and trades with partner organizations, media outlets and community service venues to leverage year-round promotions and retail activities. Strong social media campaign planned to compliment newly launched website.

2.3 BID Map – expanded visibility for more than 200,000 full color brochures, delivered year-round to hotels, destinations, cruise ship patrons, California Visitor Center locations, and other visitor-oriented outlets.

2.4 District and Community Promotion - Year-round flag display program with 36 different non-profit community partners, introducing new system for prioritization and rotation among participants. Plan to introduce new district holiday flags in 2016.

2.5 Host and Cruise Volunteer Program – continued staffing/training for community-based volunteer program providing hospitality services for all cruise ship visits, summer weekend visitors in Downtown Santa Barbara, in partnership with the Waterfront, Visit Santa Barbara, and the Greater Santa Barbara Chamber of Commerce. Exploring feasibility and costs to introduce new mobile bike host program in 2016.

2.6 1st Thursdays, Art and Wine Tour events – year round monthly program showcasing culture, vitality of State Street, providing participation opportunities for retailers, galleries, wineries, and restaurants. Planning on bringing back the Art and Wine Tour in May 2016, reinforcing arts and culture as part of our brand experience for Downtown Santa Barbara.

2.7 Marketing/Advertising for Major Festivals/Events – provide marketing/social media support for other signature events, ie. Solstice, Fiesta. Staging and production services on State Street in support of all community parade operations.

2.8 Retail Promotions – Continuing to expand Small Business Saturday, strategic retail oriented events to drive sales and attendance at key times. Explore feasibility and develop pro forma for new fundraising event designed to showcase food and beverage offerings.

2.9 Safety Committee Initiatives – continue engagement and support with C3H, on State Street initiative for chronically homeless. Continued collaboration with businesses/police/support from CSO program, including education/awareness efforts.

2.10 Holiday Parade, Community Christmas Tree and Seasonal Programming – secure sponsorship support to retain Christmas Tree tradition, expanded retail programming on Thursday evenings throughout December, explore feasibility of additional continued improvements to Parade operations

2.11 Business District Holiday Décor Program – décor program to include lighting on all palm and street trees, seasonal décor, window display contests. Plan to update/change the seasonal holiday art sculptures that are installed every other year. Incorporate Christmas Tree production into Licensing Agreement with the City of Santa Barbara, along with the kinetic art installation.

OUTREACH AND INVOLVEMENT

2.12 Annual Meeting – meeting for all members, associate members, partners, community recognition for volunteers, Citizen of the Year.

2.13 Outreach Materials and Mailings – monthly e-newsletter to all downtown ratepayers, annual mailing to all members for nominations/elections/awareness.

2.14 Community Involvement and Engagement – active participation in community, civic boards, City Parking Committee, partnerships with other community and civic groups year-round. Provide strong representation and active involvement on other Boards and civic organizations from both staff and other board members.

ADMINISTRATION

2.15 Administrative Services – continuing to provide administrative services for all programs, services, events, rentals, and marketing services provided to members.

2.16 Accounting Services– continuing to staff and administer all accounting, finance responsibilities for accounts payable, receivable, reports, etc.

3. Estimated Costs of BID-Related Improvements and Activities Proposed for FY 2016:

Expenses	Downtown and Old Town BID	Other	Total
Program Expenses	\$265,450		\$265,450
Personnel and Benefits		\$392,000	\$392,000
General and Admin	\$67,350	\$18,500	\$85,850
Professional Services		\$45,605	\$45,605
<u>Total Expenses</u>	<u>\$332,800</u>	<u>\$456,105</u>	<u>\$788,905</u>

PROJECTED DOWNTOWN ORGANIZATION EARNED NON-ASSESSMENT REVENUES DERIVED:

Revenues:	Management Fee for Plaza	\$78,576
	Admin support from contract services	\$20,000
	Associate Membership Dues	\$34,000
	Advertising revenues	\$8,400
	Annual Lunch Ticket Sales	\$6,000
	Director Breakfast Reimbursements.....	\$8,000
	Flag Admin fees	\$28,200
	Promotions Income (events, sponsorships, activities).....	\$235,050
	1 st Thursday Income.....	\$47,500
	Interest Income.....	\$960
	Subtotal.....	\$466,686

***Downtown Combined BIDs ASSESSMENT (Anticipated 2015-2016 collections)..... \$ 282,000**

Total Revenues..... \$ 748,686

3. **NOTE:** These financial summaries are limited to the operations and overhead of the Downtown Organization. In addition to these sources of revenues and their related expenses, the Downtown Organization also has a Contract for Services with the City of Santa Barbara Department of Parks and Recreation to provide certain maintenance, landscaping and operational services related to State Street. Payment for these services, and all related expenses, are approved and paid annually by the City of Santa Barbara, separate from the BIDs administration. In addition to being directly reimbursed for all direct costs associated with the annual Contract for Services, the Downtown Organization earns an annual fee which is represented in the above table as an additional source of earned revenue which is used by the organization to cover the indirect costs to administer the contract for services.

All other income generated by the Plaza Contract is offset by the expenses associated with performing the services. The annual budget for the Plaza contract in FY 2015-2016 is \$636,798; as of October 31, 2015, a total of \$224,194 has been spent fulfilling this contract. A total of \$599,303 was spent in FY 2014-2015 on fulfilling the Plaza contract services, against an approved budget of \$618,212.

4. **Method and Basis of Levying the Assessment Shall Continue as Follows:**

The benefit assessments will be collected by the City in one installment. There are no proposed changes to the formulas or rates for the two Downtown BIDs as outlined in the original establishment of the BIDs.

Old Town BID assessment formula:

Category	Charge
Businesses located on State Street	Equal to 100% of business license. Minimum of \$100.00
Businesses not located on State Street	Equal to 75% of business license. Minimum of \$100.00
Automobile Sales and Service Businesses	Businesses in Classification "B" of Section 5.04.390 shall pay a maximum charge of \$600.00 per year
Other Businesses: Wholesale, Professional, and Real Estate business as shown in Category 5.04.400	\$100.00

Downtown BID assessment formula:

Category	Charge
Professionals	Equal to 15% of business tax paid. Minimum of \$50.00
All Others	Equal to 100% of business license.

5. Surplus Carryover from FY 2015:

There is not a surplus of assessment dollar funds being carried over from the 2015 budget; assessment dollars are spent first on services and program before non-assessment dollars are spent, to benefit the ratepayers for the BIDs.

6. Sources of Contributions From Other than Levied Assessments:

Downtown Santa Barbara generates other sources of funds and earned revenues through a variety of programs and third-party contracts for services. These include earned revenues from maintenance contract services, ticket sales for events, sponsorships, admin fees, associate membership dues, advertising sales, host and cruise ship volunteer contracts, and donations.

7. Prior Year Expenditures 2015:

The total assessed for the Old Town BID was \$56,383, and the total assessed for the Downtown BID was \$220,948, for a total billing in 2015 of \$277,331. A total of \$270,499 had been collected and remitted to the Downtown Organization as of October 31, 2015.

The following programs, services and events were also provided, or are scheduled to be provided, as benefits to the ratepayers from January 2015 – December 2015.

MARKETING & OUTREACH:

- Social media: Facebook followers went up 20%
- Newsletter to members – provided monthly, with enhanced content
- Press releases – at least 3 per month
- E-blasts to members, as needed, regarding: traffic closures, marketing opportunities, promotions and events, etc.
- Epicure.sb co-op Independent ad for participating members
- State Street Flag Program

EVENTS:

- Annual Retreat
- Annual Luncheon
- Film Feast
- Spring and Fall Members Mixers
- Blues Cruise BBQ and Car Show
- Epicure.sb
- Downtown Holiday Parade
- Hometown Holiday NITES
- Small Business Saturday

COMMUNITY:

- Convener for: Monthly Board and Committee meetings, Marketing “Brainstorming” meetings, Safety Committee, Development Task Force, Events and Festivals Committee, Volunteer Program for Hosts and Cruise Ship Hospitality
- Active Participants: Partner with VSB – I AM Santa Barbara program, Downtown Parking Committee, Santa Barbara Chamber of Commerce, Government Relations Committee, Solstice Board of Directors, Performing Arts League Board, Santa Barbara Trust for Historic Preservation, Restoration Committee; Santa Barbara Beautiful, Community Arts Workshop, Fiesta, Greater Santa Barbara Restaurant and Lodging Association, Friends of the Santa Barbara Zoo, Santa Barbara YMCA, Girls Inc., People’s Self-Help Housing, .
- Professional Memberships:
 - Member, Board of Directors, California Downtown Association
 - Member, Urban Land Institute
 - Member, International Downtown Association



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Environmental Services Division, Finance Department

SUBJECT: Sole Source Purchase of Public Trash and Recycling Containers

RECOMMENDATION:

That Council approve, on a sole source basis, the purchase of two styles of public trash and recycling containers for the Environmental Services Division for the next five-year period, in accordance with Section 4.52.070 (K) of the Municipal Code.

DISCUSSION:

On July 15, 2015, both the Architectural Board of Review (ABR) and Historical Landmarks Commission (HLC) approved a Citywide Public Container Master Plan to guide the repair and replacement of the City's approximately 1,350 public trash and recycling containers located on City rights-of-way. The Master Plan gradually streamlines the City's container inventory from the current twenty-six different styles to only six styles.

Two of the approved styles, the Wausau MF3295 (manufactured by Wausau Tile) and the Urban Renaissance (manufactured by Forms & Surfaces), feature design specifications that are exclusive to one vendor. The approved styles utilize stainless steel instead of a lesser grade carbon steel, making them a custom product. For these reasons, staff requests Council approval to procure these two specific containers from two specific vendors on a sole-source basis.

Section 4.52.070 (K) of the Municipal Code authorizes Council to authorize an exception to the formal bid procedure to purchase supplies, equipment and services, when the goods or services are only available from one source.

With the approval of the Public Container Master Plan, indicating specific design specifications and materials, staff is recommending approval of standardization of two containers, the MF3295 (manufactured by Wausau Tile) and the Urban Renaissance (manufactured by Forms & Surfaces) for the Environmental Services Division for the next five years. As outlined in the Public Container Repair and

Replacement Schedule, Environmental Services is scheduled to purchase 43 of the Wausau and 40 of the Forms and Surfaces containers over the next five year period.

BUDGET/FINANCIAL INFORMATION:

The cost to maintain the City's public container inventory is included in the Solid Waste Fund adopted budget for Fiscal Year 2016. No additional appropriations are requested in relation to this Council action.

ATTACHMENT: Public Container Master Plan – List of Approved Containers

PREPARED BY: Matthew R. Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

Public Container Master Plan - List of Approved Public Containers

TYPE OF CONTAINER	ABR	HLC	LOCATIONS	EXCEPTIONS
	X	X	<ul style="list-style-type: none"> • Low Foot Traffic Streets Citywide (EPV and non-EVP) 	
	X	X	<ul style="list-style-type: none"> • El Pueblo Viejo Landmark District <ul style="list-style-type: none"> ○ East Beach ○ Cabrillo Blvd - Beachway 	
	X	X	<ul style="list-style-type: none"> • El Pueblo Viejo Landmark District <ul style="list-style-type: none"> ○ Chase Palm Park Expansion 	
	X	X	<ul style="list-style-type: none"> • All City Parks • El Pueblo Viejo Landmark District <ul style="list-style-type: none"> ○ Pershing Park ○ Cabrillo Ball Field ○ Plaza del Mar ○ Andre Clark Bird Refuge ○ Chase Palm Parking Lot ○ Cabrillo East/West Parking Lots • Waterfront <ul style="list-style-type: none"> ○ Harbor • Municipal Golf Course 	Parks in Landmark Districts (De la Guerra Plaza, Mission Rose Garden and Alameda Park will have Wausau container)
	X		<ul style="list-style-type: none"> • Airport 	
	X	X	<ul style="list-style-type: none"> • El Pueblo Viejo Landmark District <ul style="list-style-type: none"> ○ High Foot Traffic Streets (Cabrillo Blvd, State St) ○ Premier Parks <ul style="list-style-type: none"> ▪ Alice Keck Park ▪ De la Guerra Plaza ▪ Alameda Park ▪ Mission Rose Garden • High Foot Traffic Streets (non-EPV): <ul style="list-style-type: none"> ○ Coast Village Road ○ Milpas Street 	

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A FIVE-YEAR LEASE AGREEMENT WITH TWO FIVE-YEAR OPTIONS DATED AS OF DECEMBER 8, 2015, WITH STEPHEN AND SHARON DEDECKER, DOING BUSINESS AS BREAKWATER RESTAURANT, AT AN AVERAGE INITIAL BASE RENT OF \$8,794.36 PER MONTH, ALLOCATED SEASONALLY, FOR THE 4,053 SQUARE-FOOT RESTAURANT LOCATED AT 107 HARBOR WAY, EFFECTIVE FEBRUARY 11, 2016.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara Approving a Lease With Stephen and Sharon DeDecker, doing business as Breakwater Restaurant, Effective February 11, 2016, is hereby approved.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.92 TO ADD SECTION 28.92.130 TO THE MUNICIPAL CODE REGARDING MINOR ZONING EXCEPTIONS FOR ERRORS IN ZONING INFORMATION REPORTS.

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

SECTION 1. Chapter 28.92 of Title 28 of the Santa Barbara Municipal Code is amended to add Section 28.92.130 to read as follows:

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 Staff Hearing Officer, without public notice or hearing. In order to grant a Minor Zoning Exception, the Staff Hearing Officer must make the findings specified in Subsection C.

The actions of the Staff Hearing Officer pursuant to this Section 28.92.130 are not subject to the provisions of Chapter 28.05 of this Code.

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 number of parking spaces provided in the garage or carport is not increased and the proposed garage or carport meets required minimum interior dimensions or an exception from that standard is approved by the Public Works Director or his or her 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.b.

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. **Façade Alterations in the Interior Setback.** If a building encroaches into the interior setback, façade alterations, excluding new doors and second floor windows, to the portion of the building that encroaches within the interior setback may be granted a Minor Zoning Exception.

f. **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.

g. **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.

h. **Cantilevered Architectural Features and Chimneys.** New or altered cantilevered architectural features (such as awnings, cornices, canopies, or eaves) that are unsupported from the ground below and 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 interior

lot line or five feet from any front lot line, except roof eaves, which may be located as close as two feet from any lot line.

i. **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 five feet from the front lot line.

j. **Bay Window in the Front Setback.** A bay window within the front setback, that is at least three feet above adjacent grade or finished floor (whichever is higher), does not provide additional floor area within the building, and does not extend more than an additional three feet into the front setback may be granted a Minor Zoning Exception. However, no bay window shall be located closer than five feet to the front lot line.

k. **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 feet wide by four feet deep may be granted a Minor Zoning Exception, as long as it is no closer than five 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 feet into a setback. However, no entrance landing shall be closer than two feet from the interior lot 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, not extending above the finished floor level of the ground floor, and no closer than two feet to an interior lot line;

b. Fountains, ponds, and similar water features;

c. Trash enclosures that are no closer than ten feet from a front lot line and two feet from an interior lot line; and,

d. Decorative features, mailboxes, flagpoles, sculptures. The cumulative area of all such features shall not exceed 50 square feet in the front yard or cover more than 20% of the required 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:

- and
- a. The floor area of the building is not more than 120 net square feet;
 - 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 Staff Hearing Officer must make all of the following five 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 lot 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 Staff Hearing Officer 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.

The Staff Hearing Officer shall issue a written decision on the Minor Zoning Exception request pursuant to this Section. The decision of the Staff Hearing Officer is final and effective when the decision is made, subject to appeal to the Community Development Director.

F. Appeals.

The decision of the Staff Hearing Officer regarding a Minor Zoning Exception may be appealed to the Community Development Director by the applicant. The appeal must be filed in writing with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision. The appellant shall state specifically in the appeal how the decision of the Staff Hearing Officer is not in accord with the provisions of this Title or how it is claimed that there was an error or an abuse of discretion by the Staff Hearing Officer. The Community Development Director shall review the appellant's written appeal letter and the Staff Hearing Officer's written decision and shall affirm, reverse, or modify the decision of the Staff Hearing Officer. No hearing shall be conducted on the appeal. When granting a Minor Zoning Exception, the Community Development Director must make all applicable findings

specified in Section 28.92.130.C. The Community Development Director shall issue a written decision on the appeal within ten (10) calendar days of receipt of the appeal. The decision of the Community Development Director is final without any right of further appeal.

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING ALL RIGHT, TITLE AND INTEREST TO THE REAL PROPERTY DESCRIBED HEREIN, SUBJECT TO CERTAIN EXISTING LEASEHOLD INTERESTS, AGREEMENTS, AND OTHER ENCUMBRANCES ON THE MULTIPLE PARCELS OF REAL PROPERTY, WHICH ARE TOGETHER MOST COMMONLY KNOWN AS "PASEO NUEVO RETAIL CENTER," OWNED BY THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE SUCH AGREEMENTS AND RELATED DOCUMENTS AS NECESSARY TO EFFECTUATE THE TRANSFER OF REAL PROPERTY INTERESTS TO THE CITY OF SANTA BARBARA

WHEREAS, in accordance with Assembly Bill No. 1X 26, as amended by Assembly Bill No. 1484 ("Dissolution Act"), the Redevelopment Agency of the City of Santa Barbara ("RDA") dissolved on February 1, 2012 and the Successor Agency to the former RDA assumed all of the authority, rights, powers, duties, and obligations previously vested in the RDA;

WHEREAS, an Oversight Board to the Successor Agency to the former RDA has been duly formed as required by the Dissolution Act;

WHEREAS, in accordance with California Health & Safety Code Section 34191.5, the Successor Agency prepared, approved and submitted a Long Range Property Management Plan along with two amendments thereto ("LRPMP") to the Oversight Board for review and approval;

WHEREAS, the Oversight Board adopted Resolution Nos. 013, 020, 022 and 023 approving the Second Amended LRPMP for the Paseo Nuevo Retail Center and directed the Successor Agency to submit the Second Amended LRPMP to the California Department of Finance ("DOF") for approval;

WHEREAS, on May 15, 2015, DOF found that the Second Amended LRPMP submitted by the Successor Agency for the Paseo Nuevo Retail Center contained all of the elements required by Health and Safety Code section 34191.5 and approved the Plan;

WHEREAS, upon approval of the Second Amended LRPMP by DOF, the Paseo Nuevo Retail Center real property is transferred to the Community Redevelopment Property Trust Fund of the Successor Agency and, thereafter, the approved Second Amended LRPMP governs the use and disposition of the Paseo Nuevo Retail Center real property;

WHEREAS, the approved Second Amended LRPMP provides that the Paseo Nuevo Retail Center real property shall be transferred from the Community Redevelopment Property Trust Fund of the Successor Agency to the City of Santa Barbara and used by the City to fulfill the on-going enforceable obligations created by the Paseo Nuevo Agreements which Agreements include three 75-year ground leases, parking agreements, reciprocal easement agreements and others; provided, however, the City, in accepting ownership of the Paseo Nuevo Parcels, must expressly agree to assume the leases and all other monetary and non-monetary obligations;

WHEREAS, at a public meeting on September 18, 2015, the Oversight Board directed the Successor Agency to implement the approved Second Amended LRPMP and to transfer the Paseo Nuevo Retail Center real property to the City of Santa Barbara subject to the conditions contained therein;

WHEREAS, the Successor Agency has adopted a resolution conveying all of the right, title and interest in the property described below owned by the Successor Agency to the former RDA to the City of Santa Barbara and authorizing the Executive Director of the Successor Agency to execute, subject to approval as to form by Agency Counsel, all documents necessary to effectuate such conveyance;

WHEREAS, Government Code Section 27281 requires that deeds conveying an interest in real property to a governmental agency for public purposes shall only be accepted for recordation with the consent of the agency evidenced by a certificate or resolution of acceptance;

WHEREAS, The City of Santa Barbara hereby authorizes the City Administrator, or designee, to execute, subject to approval as to form by the City Attorney, all documents necessary to effectuate such transfer and acceptance of said real property interests by the City of Santa Barbara and consents to the recordation by the City Clerk in the Official Records of all deeds and other documents; and

WHEREAS, this Ordinance will demonstrate intent by the Council of the City of Santa Barbara to accept title to the real property described in the respective documents delivered for such purpose, without further action or subsequent resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. In accordance with Health and Safety Code section 34191.5, Oversight Board Resolution No. 27, and as approved by the California Department of Finance on May 15, 2015, the Successor Agency has been directed to convey all right, title and interest to the real property described herein to the City of Santa Barbara.

SECTION 3. The Successor Agency adopted a resolution to convey all right, title and interest to the property described herein to the City of Santa Barbara and to authorize Paul Casey as the Executive Director of the Successor Agency to take all action necessary to effectuate such conveyance.

SECTION 4. The City of Santa Barbara hereby accepts and assumes all right, title and interest to that certain real property described in the Grant Deed from The Successor Agency to the Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara, described below for reference purposes only, which Grant Deed has been executed and delivered hereunder:

The Paseo Nuevo Retail Center properties, encompassing together approximately 6.86 acres and including:

Those certain portions of Block 175 and Block 193, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, and that portion of De La Guerra Street lying between said Blocks 175 and 193 vacated and described in Resolution of the City Council of the City of Santa Barbara recorded on December 15, 1988, as Instrument No. 88-080924 of Official Records of said County, *excepting* that portion of De La Guerra Street described in deed recorded as Instrument No. 89-12331 of Official Records of said County, said lands being more particularly described as follows:

Parcels 1 through 14 of Parcel Map No. 20,504, according to the map thereof recorded on February 24, 1989, filed in Book 42 of Parcel Maps, at Pages 86 through 98, inclusive, records of said County;

And, referred to herein for convenience only as APNs: 037-400-001, 037-400-002, 037-400-003, 037-400-004, 037-400-005, 037-400-006, and 037-400-019.

SECTION 5. The City hereby agrees that transfer of the Paseo Nuevo Retail Center real property to the City of Santa Barbara is subject to the City's agreement to fulfill the on-going enforceable obligations created by the Paseo Nuevo Agreements and the City expressly agrees to assume the leases and all other monetary and non-monetary obligations created under such Agreements.

SECTION 6. At the termination of the leases, the City of Santa Barbara, as property owner, shall evaluate the needs of the property and assess its condition as a South Coast retail shopping center.

SECTION 7. If the City of Santa Barbara determines to dispose of its ownership interest the Paseo Nuevo Retail Center Real Property, the City shall enter into a compensation agreement pursuant to California Health & Safety Code 34180(f)(1) with the appropriate taxing entities.

SECTION 8. In accordance with the provision of Section 521 of the Charter of the City of Santa Barbara, the City Council of the City of Santa Barbara does hereby agree to be bound to the below described Leases and other agreements for their remaining terms.

SECTION 9. Certain portions of the property comprising Paseo Nuevo Retail Center are subject to certain existing leasehold interests and other agreements and encumbrances as described in the various agreements listed below to which the City hereby agrees to be bound as applicable:

1. Ground Lease, dated February 24, 1989, between the Redevelopment Agency of the City of Santa Barbara, as landlord ("**Original Landlord**"), and Santa Barbara Associates, as tenant ("**Original Tenant**");
2. First Amendment to Ground Lease, dated February 24, 1989, between Original Landlord and Original Tenant;
3. Second Amendment to Ground Lease, dated as of February 24, 1989, between Original Landlord and Original Tenant;
4. Third Amendment to Ground Lease, dated as of September 18, 1990, between Original Landlord and Original Tenant;
5. Confirmatory Assignment and Assumption Agreement, dated June 7, 1991 between Original Tenant and PNSC, L.P. ("**PNSC**");
6. Supplement to Lease, dated as of June 26, 1996, between Original Landlord and PNSC;
7. Assignment and Assumption of Ground Lease, dated June 26, 1996 between PNSC and Paseo Nuevo Associates ("**Paseo**");
8. Assignment and Assumption of Ground Leases, dated as of May 30, 2002, between Paseo and I&G Direct Real Estate 3 ("**I&G**");
9. Assignment and Assumption of Ground Lease, dated July 15, 2015 between I&G and Paseo Nuevo Owner LLC.
10. Construction, Operation and Reciprocal Easement Agreement, dated February 24, 1989, by and among the Redevelopment Agency of the City of Santa Barbara, Santa Barbara Associates, Carter Hawley Hale Stores and Nordstrom, Inc., and recorded February 24, 1989 as Instrument 89-012333 in Official Records of Santa Barbara County.
11. Confirmatory Assignment and Assumption of Construction, Operation, and Reciprocal Easement Agreement, dated February 24, 1989, between Santa Barbara Associates and PNSC, L.P. and recorded as Instrument No. 91-037605 in Official Records of Santa Barbara County.

12. Assignment and Assumption of Reciprocal Easement Agreement, dated June 27, 1996, between PNSC, L.P. and Paseo Nuevo Associates, and recorded June 28, 1996 as Instrument No. 96-039824 in Official Records of Santa Barbara County.
13. Assignment and Assumption of Parking Agreements, dated May 30, 2002, between Paseo Nuevo Associates and I&G Direct Real Estate 3, LP, and recorded May 30, 2002 as Instrument No. 2002-0052392 in Official Records of Santa Barbara County.
14. Assignment and Assumption of Recorded Agreements, dated as of July 15, 2015, between I&G Direct Real Estate 3, LP and Paseo Nuevo Owner LLC, and recorded August 17, 2015 as Instrument No. 2015-0043756 in Official Records of Santa Barbara County.
15. Paseo Nuevo Parking Agreement, dated as of November 1, 1987, by and among the Redevelopment Agency of the City of Santa Barbara, City of Santa Barbara, Santa Barbara Associates, Carter Hawley Hale Stores, Inc., and Nordstrom, Inc., as amended by the Amendment to Parking Covenants and Parking Agreement, dated as of February 24, 1989 and recorded February 24, 1989 as Instrument No. 89-012341 in Official Records of Santa Barbara County.
16. Paseo Nuevo Lot 1 Parking Covenants, Conditions and Restrictions Agreement, dated February 24, 1989, by and among the Redevelopment Agency of the City of Santa Barbara, Santa Barbara Associates, Carter Hawley Hale Stores, Inc. and Nordstrom, Inc. as amended by the Amendment to Parking Covenants and Parking Agreement, dated as of February 24, 1989, and recorded February 24, 1989 as Instrument No. 89-012341 in Official Records of Santa Barbara County.
17. Paseo Nuevo Lot 2 Public Parking Covenants, Conditions and Restrictions Agreement, dated February 24, 1989, by and among the Redevelopment Agency of the City of Santa Barbara, the City of Santa Barbara, Santa Barbara Associates, Carter Hawley Hale Stores, Inc. and Nordstrom, Inc., as amended by the Amendment to Parking Covenants and Parking Agreement, dated as of February 24, 1989, and recorded February 24, 1989 as Instrument No. 89-012341 in Official Records of Santa Barbara County.
18. Paseo Nuevo Lot 10 Public Parking Covenants, Conditions and Restrictions Agreement, dated February 24, 1989, by and among the Redevelopment Agency of the City of Santa Barbara, the City of Santa Barbara, Santa Barbara Associates, Carter Hawley Hale Stores, Inc. and Nordstrom, Inc., as amended by the Amendment to Parking Covenants and Parking Agreement, dated as of February 24, 1989, and recorded February 24, 1989 as Instrument No. 89-012341 in Official Records of Santa Barbara County.
19. Confirmatory Assignment and Assumption of Parking Agreements, dated as of June 7, 1991, between Santa Barbara Associates and PNSC, L.P., and recorded

June 14, 1991 as Instrument No. 91-037606 in Official Records of Santa Barbara County.

20. Confirmatory Assignment and Assumption of Recorded Agreements, dated as of June 7, 1991, between Santa Barbara Associates and PNSC, L.P., and recorded June 14, 1991 as Instrument No. 91-037607 in Official Records of Santa Barbara County.
21. Assignment and Assumption of Parking Agreements, dated as of June 27, 1996, between PNSC, L.P. and Paseo Nuevo Associates, and recorded July 10, 1996 as Instrument No. 96-041655 in Official Records of Santa Barbara County.
22. Assignment and Assumption of Parking Agreements, dated May 30, 2002, between Paseo Nuevo Associates and I&G Direct Real Estate 3, LP, and recorded May 30, 2002 as Instrument No. 2002-0052392 in Official Records of Santa Barbara County.
23. Assignment and Assumption of Parking Agreements, dated as of July 15, 2015, between I&G Direct Real Estate 3, LP and Paseo Nuevo Owner LLC, and recorded August 17, 2015 as Instrument No. 2015-0043757 in Official Records of Santa Barbara County.

SECTION 10. The City of Santa Barbara hereby consents to the recordation of the Grant Deed in the Official Records, County of Santa Barbara.

RECORDING REQUESTED BY
AND FOR THE BENEFIT OF

CITY OF SANTA BARBARA

NO FEE DOCUMENT
Gov't Code 27383

WHEN RECORDED MAIL TO

CITY OF SANTA BARBARA
Real Property Section/Public Works Dept.
P.O. Box 1990
Santa Barbara, California 93102-1990

NO TRANSFER TAX DUE per R&T Code 11922
Grantee is a Government Agency

SPACE ABOVE THIS LINE FOR RECORDER'S USE

037-400-001, 037-400-002, 037-400-003, 037-400-004, 037-400-005, 037-400-006, and 037-400-019

APNs

City Resolution #

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, a public entity and successor in interest to the Redevelopment Agency of the City of Santa Barbara, does hereby grant to the **CITY OF SANTA BARBARA**, a municipal corporation, that certain real property in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Those certain portions of Block 175 and Block 193, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, and that portion of De La Guerra Street lying between said Blocks 175 and 193 vacated and described in Resolution of the City Council of the City of Santa Barbara recorded on December 15, 1988, as Instrument No. 88-080924 of Official Records of said County, *excepting* that portion of De La Guerra Street described in deed recorded as Instrument No. 89-12331 of Official Records of said County, said lands being more particularly described as follows:

Parcels 1 through 14 of Parcel Map No. 20,504, according to the map thereof recorded on February 24, 1989, filed in Book 42 of Parcel Maps, at Pages 86 through 98, inclusive, records of said County.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Numbers: APNs: 037-400-001, 037-400-002, 037-400-003, 037-400-004, 037-400-005, 037-400-006, and 037-400-019.

The Grantee herein covenants by and for itself, its heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of sex, marital status, race, color, religion, creed, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall grantee itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the land herein conveyed. The forgoing covenants shall run with the land.

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING AND ASSUMING FOR PUBLIC TRANSPORTATION, PUBLIC PARKING, AND ALL RELATED PURPOSES ALL RIGHT, TITLE AND INTEREST TO THE "GOVERNMENTAL PURPOSE" REAL PROPERTY DESCRIBED HEREIN, WHICH ARE TOGETHER MOST COMMONLY KNOWN AS "SANTA BARBARA RAILROAD DEPOT," OWNED BY THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE SUCH AGREEMENTS AND RELATED DOCUMENTS AS NECESSARY TO EFFECTUATE SUCH TRANSFER OF REAL PROPERTY INTERESTS TO THE CITY OF SANTA BARBARA

WHEREAS, in accordance with Assembly Bill No. 1X 26, as amended by Assembly Bill No. 1484 ("Dissolution Act"), the Redevelopment Agency of the City of Santa Barbara ("RDA") dissolved on February 1, 2012 and the Successor Agency to the former RDA assumed all of the authority, rights, powers, duties, and obligations previously vested in the RDA;

WHEREAS, an Oversight Board to the Successor Agency to the former RDA has been duly formed as required by the Dissolution Act;

WHEREAS, the Successor Agency was issued a Finding of Completion on April 26, 2013;

WHEREAS, in accordance with Health & Safety Code Section 34191.5, the Successor Agency prepared, approved and submitted a Long Range Property Management Plan ("LRPMP") for the Railroad Depot Regional Transportation Center to the Oversight Board for review and approval;

WHEREAS, on May 9, 2013, the Oversight Board adopted Resolution No. 012 approving the LRPMP for the Railroad Depot Regional Transportation Center and directed the Successor Agency to submit the LRPMP to the California Department of Finance ("DOF") for approval;

WHEREAS, on May 15, 2015, DOF found that the LRPMP submitted by the Successor Agency for the Railroad Depot Regional Transportation Center contained all of the elements required by Health and Safety Code section 34191.5 and approved the Plan;

WHEREAS, upon approval of the LRPMP by DOF, the real property comprising the Railroad Depot Regional Transportation Center transfers to the Community Redevelopment Property Trust Fund of the Successor Agency and, thereafter, the approved LRPMP governs the use and disposition of the property;

WHEREAS, the approved LRPMP provides that the Railroad Depot Regional Transportation Center shall be transferred from the Successor Agency to the City of Santa Barbara and retained as “Governmental Purpose” property;

WHEREAS, at a public meeting on September 18, 2015, the Oversight Board adopted Resolution No. 28 directing the Successor Agency to implement the approved LRPMP and to transfer the Railroad Depot Regional Transportation Center real property to the City of Santa Barbara and that such real property shall thereafter be retained by the City as “Governmental Purpose” property;

WHEREAS, the Successor Agency has adopted a resolution conveying all of the right, title and interest in the “governmental purpose” property described below owned by the Successor Agency to the former RDA to the City of Santa Barbara and authorizing the Executive Director of the Successor Agency to execute, subject to approval as to form by Agency Counsel, all documents necessary to effectuate such conveyance;

WHEREAS, Government Code Section 27281 requires that deeds conveying an interest in real property to a governmental agency for public purposes shall only be accepted for recordation with the consent of the agency evidenced by a certificate or resolution of acceptance;

WHEREAS, The City of Santa Barbara hereby authorizes the City Administrator, or designee, to execute, subject to approval as to form by the City Attorney, all documents necessary to effectuate such transfer and acceptance of said real property interests by the City of Santa Barbara and consents to the recordation by the City Clerk in the Official Records of all deeds and other documents; and

WHEREAS, this Ordinance will demonstrate intent by the Council of the City of Santa Barbara to accept title to the real property described in the respective documents delivered for such purpose, without further action or subsequent resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. In accordance with Health and Safety Code section 34191.5, Oversight Board Resolution No. 28, and as approved by the California Department of Finance on May 15, 2015, the Successor Agency has been directed to convey all right, title and interest to the real property described herein to the City of Santa Barbara.

SECTION 3. The Successor Agency adopted a resolution to convey all right, title and interest to the “governmental purpose” property described herein to the City of Santa Barbara and to authorize Paul Casey as the Executive Director of the Successor Agency to take all action necessary to effectuate such conveyance.

SECTION 4. The City of Santa Barbara hereby accepts and assumes all right, title and interest to that certain real property described in the Grant Deed from The Successor Agency to the Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara, described below for reference purposes only, which Grant Deed has been executed and delivered hereunder:

The Santa Barbara Railroad Depot properties, encompassing together approximately 6.86 acres and including:

- Parcel One (APN 033-010-011, APN 033-041-013, and APN 033-042-012), formerly having an address of 220 Chapala Street; subject to a portion of the exclusive easement now reserved by Union Pacific Railroad Company, as successor of Southern Pacific Transportation Company; and located southwesterly and along State Street;
- Parcel Two (APN 033-010-013 and APN 033-042-017), formerly having an address of 225 Chapala Street; subject to the exclusive easement reserved now by Union Pacific Railroad Company, as successor of Southern Pacific Transportation Company; and including a portion of Mission Creek;
- Parcel Three (APN 033-042-014), being a vacated portion of Chapala Street, and located southeasterly of Montecito Street;
- Parcel Four (APN 033-010-014), being a vacated portion of Chapala Street, and subject to the exclusive easement now reserved by Union Pacific Railroad Company, as successor of Southern Pacific Transportation Company;
- Parcel Five (APN 033-041-012), being a vacated portion of Chapala Street, and located northwesterly of Yanonali Street;
- Parcel Six (APN 033-010-015 and APN 033-042-015), being vacated portions of Yanonali Street; subject to the exclusive easement now reserved by Union Pacific Railroad Company, as successor of Southern Pacific Transportation Company; and located southwesterly of State Street;
- Parcel Seven (APN 033-042-001), formerly having an address of 35 West Montecito Street, and located southeasterly and along Montecito Street;
- Parcel Eight (APN 033-042-002), formerly having an address of 29 West Montecito Street, and located southeasterly and along Montecito Street;
- Parcel Nine (APN 033-042-003), formerly having an address of 25 West Montecito Street, and located southeasterly and along Montecito Street;
- Parcel Ten (APN 033-042-004), formerly having an address of 23 West Montecito Street, and located southeasterly and along Montecito Street; and
- Parcel Eleven (APN 033-042-019), formerly having an address of 235 State Street, and located southeasterly of Montecito Street.

SECTION 5. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, the real property is conveyed to the City of Santa Barbara subject to the following described agreements to which the City agrees to be bound: (i) Lease Agreement No. 23,910 by and between the City of Santa Barbara and Greyhound Lines, Inc. approved by Ordinance No. 5569 effective November 17, 2011, and (ii) Lease Agreement by and between the Redevelopment Agency of the City of Santa Barbara and National Railroad Passenger Corporation, dated April 21 1998, expired by its own terms on April 21, 2008 and continued on month-to-month hold-over status by mutual agreement of the parties.

SECTION 6. The City of Santa Barbara hereby consents to the recordation of the Grant Deed in the Official Records, County of Santa Barbara.

RECORDING REQUESTED BY
AND FOR THE BENEFIT OF

CITY OF SANTA BARBARA

**NO FEE DOCUMENT
Gov't Code 27383**

WHEN RECORDED MAIL TO

CITY OF SANTA BARBARA
Real Property Section/Public Works Dept.
P.O. Box 1990
Santa Barbara, California 93102-1990

NO TRANSFER TAX DUE per R&T Code 11922
Grantee is a Government Agency

SPACE ABOVE THIS LINE FOR RECORDER'S USE

033-010-011; 033-010-013; 033-010-014; 033-010-015; 033-041-012; 033-041-013; 033-042-001; 033-042-002;
033-042-003; 033-042-004; 033-042-012; 033-042-014; 033-042-015; 033-042-017; and 033-042-019
APNs

City Resolution #

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, a public entity and successor in interest to the Redevelopment Agency of the City of Santa Barbara, does hereby grant to the **CITY OF SANTA BARBARA,** a municipal corporation, that certain real property in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Those certain tracts of real property located in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Parcel One: 220 Chapala Street at State Street Frontage

That portion of Block 288 of the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map of said City, being that tract of real property described as Parcel One in the Grant Deed to the Redevelopment Agency of the City of Santa Barbara recorded on June 21, 1995, as Instrument No. 95-033463, of Official Records of said County of Santa Barbara, more particularly described as follows:

Beginning at the point of intersection of the Northwesterly line of Yanonali Street with the Southwesterly line of State Street, said point being the most Easterly corner of said Block 288; thence Northwesterly along said Southwesterly line of State Street, 210 feet, more or less, to the most Northerly corner of the parcel of land described secondly in deed dated June 19, 1903, from William Oothout, Jr., to Southern Pacific Company recorded September 16, 1903, in Book 92 of Deeds, Page 391, records of said County; thence Southwesterly at right angles to said line of State Street and along the Northwesterly line of said Parcel described secondly in said deed, a distance of 130.00 feet; thence Northwesterly parallel with said line of State Street being also along the Northeasterly line of a vacated alley, a distance of 90.00 feet; thence Southwesterly parallel with the Northwesterly line of Yanonali Street and along the Northwesterly line of said vacated alley, 170.00 more or less, to a point in the northeasterly line of the 0.207 acre parcel of land described in deed dated March 23,

1904, from Nicolía Bocarich to the Southern Pacific Company, recorded March 24, 1904, in Book 95 of Deeds, Page 226, records of said County; thence Northwesterly along last said Northeasterly line, 10.00 feet, more or less, to the most Northerly corner of said 0.207 acre parcel; thence Southwesterly along the Northwesterly line of last said parcel, 150.00 feet to the Northeasterly line of Chapala Street; thence Southeasterly along last said street line 310 feet, more or less, to its intersection with the Northwesterly line of Yanonali Street, above referred to, said point being the most Southerly corner of said Block 288; thence Northeasterly along last said Street line, 450 feet, more or less, to the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Numbers: APN 033-010-011, APN 033-041-013, and APN 033-042-012; and

Parcel Two: 225 Chapala Street at Mission Creek

Those portions of Blocks 289 and 290 of the City of Santa Barbara, in the City of Santa Barbara, County of Santa Barbara, State of California, and of De La Vina Street (closed up and abandoned), lying between said Blocks 289 and 290 of said City, according to the Official Map, being that tract of real property described in whole as Parcel Three in the Grant Deed to the Redevelopment Agency of the City of Santa Barbara recorded on June 21, 1995, as Instrument No. 95-033463, of Official Records of said County of Santa Barbara, more particularly described as follows:

Beginning at the point of intersection of the Southeasterly line of Montecito Street (60 feet wide) with the Southwesterly line of Chapala Street (60 feet wide), being the most Northerly corner of said Block 289; thence Southeasterly along said Southwesterly line of Chapala Street 336.68 feet, more or less, to an iron pipe set in said line of Chapala Street at the most Easterly corner of the tract of land described in deed to Southern Pacific Company, a Kentucky corporation, recorded September 10, 1904, in Book 99, Page 363 of Deeds, records of said County; thence Southwesterly along the Southeasterly line of said last mentioned tract of land 679.35 feet, more or less, to the most Westerly corner of said last mentioned tract of land and a point in said Southeasterly line of Montecito Street, hereinbefore referred to; thence Northeasterly along said last mentioned street line, 589.96 feet, more or less, to the point of beginning; EXCEPTING THEREFROM that portion of land described in deed to the City of Santa Barbara recorded January 11, 1977, as Reel No. 77-1512 of Official Records of said County.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Numbers: APN 033-010-013 and APN 033-042-017; and

Parcel Three: Vacated Chapala Street at Montecito Street

That certain portion of Chapala Street, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, vacated by Resolution No. 96-136 of the Council of the City of Santa Barbara, a copy of which was recorded on December 4, 1996, as Instrument No. 96-072319, of Official Records of said County, said vacated portion of Chapala Street being that tract of land described as Parcel One in the Grant Deed

from the City of Santa Barbara to the Redevelopment Agency of the City of Santa Barbara recorded on January 17, 1997, as Instrument No. 97-002986, of Official Records of said County, more particularly described as follows:

Beginning at the most northerly corner of Block 289 of the City of Santa Barbara, according to the Official Map thereof, being the intersection of the southeasterly line of Montecito Street and the southwesterly line of Chapala Street as shown on the Official Map; thence northeasterly along said southeasterly line of Montecito Street 60.0 feet to its point of intersection with the northeasterly line of Chapala Street, said point also being the most westerly corner of Block 288; thence southeasterly along said northeasterly line of Chapala Street 245 feet, more or less, to the northwesterly corner of the railroad right of way in Block 288 as reserved in the Corporation Grant Deed by Southern Pacific Transportation Company to Martin V. Smith, recorded March 26, 1993, as Instrument No. 93-022717 of Official Records, records of said County, said northwesterly corner of railroad right of way being also referred to for reference purposes only as "Point X"; thence leaving said northeasterly line of Chapala Street, northwesterly along the northwesterly prolongation of the northerly line of said railroad right of way a distance of 69 feet, more or less, to its intersection with the southwesterly line of Chapala Street, said point being the northeasterly corner of the railroad right of way in Block 289 reserved in said Corporation Grant Deed, and said northeasterly corner being also referred to for reference purposes herein as "Point Y"; thence northwesterly along said southwesterly line of Chapala Street 210 feet, more or less, to its point of intersection with the southeasterly line of Montecito Street, said point being also the most northerly corner of said Block 289 and the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-042-014; and

Parcel Four: Vacated Chapala Street at Railroad Tracks

That certain portion of Chapala Street, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, vacated by Resolution No. 96-136 of the Council of the City of Santa Barbara, a copy of which was recorded on December 4, 1996, as Instrument No. 96-072319, of Official Records of said County, said vacated portion of Chapala Street being that tract of land described as Parcel Two in the Grant Deed from the City of Santa Barbara to the Redevelopment Agency of the City of Santa Barbara recorded on January 17, 1997, as Instrument No. 97-002986, of Official Records of said County, more particularly described as follows:

Beginning at a point on the northeasterly line of Chapala Street, distant thereon 245 feet, more or less, southeasterly from the most westerly corner of Block 288 of the City of Santa Barbara, according to the Official Map thereof, said point being the northwesterly corner of the railroad right of way in Block 288 reserved in the Corporation Grant Deed by Southern Pacific Transportation Company to Martin V. Smith, recorded March 26, 1993, as Instrument No. 93-022717 of Official Records, records of said County, said northwesterly corner being also referred to for reference purposes hereinabove as "Point X"; thence continuing southeasterly along said northeasterly line of Chapala Street 105 feet, more or less, to the southwesterly corner of said railroad right of way in Block 288 reserved in said Corporation Grant Deed, said southwesterly corner being also referred to for reference purposes only as "Point Z"; thence leaving said northeasterly line of said Chapala

Street, northwesterly along the northwesterly prolongation of the southerly line of said railroad right of way reserved in said Corporation Grant Deed a distance of 69 feet, more or less, to its intersection with the southwesterly line of Chapala Street, said point being the southeasterly corner of the railroad right of way in Block 289 reserved in the above mentioned Corporation Grant Deed, and said point being also referred to for reference purposes only herein as "Point ZZ"; thence northwesterly along said southwesterly line of Chapala Street 105 feet, more or less, to the northeasterly corner of said railroad right of way in Block 289 reserved in said Corporation Grant Deed, said point being also referred to for reference purposes hereinabove described as "Point Y"; thence leaving said southwesterly line of Chapala Street, southeasterly along the southeasterly prolongation of said northerly line of said railroad right of way a distance of 69 feet, more or less, to "Point X" on the northeasterly line of Chapala Street and the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-010-014; and

Parcel Five: Vacated Chapala Street at Yanonali Street

That certain tract portion of Chapala Street, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, vacated by Resolution No. 96-136 of the Council of the City of Santa Barbara, a copy of which was recorded on December 4, 1996, as Instrument No. 96-072319, of Official Records of said County, said vacated portion of Chapala Street being that tract of land described as Parcel Three in the Grant Deed from the City of Santa Barbara to the Redevelopment Agency of the City of Santa Barbara recorded on January 17, 1997, as Instrument No. 97-002986, of Official Records of said County, more particularly described as follows:

Beginning at the most southerly corner of Block 288 of the City of Santa Barbara, as shown on the Official Map thereof, being the intersection of the northeasterly line of Chapala Street and the northwesterly line of Yanonali Street; thence southwesterly along the northwesterly line of Yanonali Street a distance of 60.0 feet to its point of intersection with the southwesterly line of Chapala Street; thence northwesterly along said southwesterly line of Chapala Street a distance of 140 feet, more or less, to the southeasterly corner of the railroad right of way in Block 289 reserved in the Corporation Grant Deed by Southern Pacific Transportation Company to Martin V. Smith, recorded March 26, 1993, as Instrument No. 93-022717 of Official Records, records of said County, and said point being also referred to for reference purposes hereinabove as "Point ZZ"; thence leaving said southwesterly line of Chapala Street, southeasterly along the southeasterly prolongation of the southerly line of said railroad right of way a distance of 69 feet, more or less, to its intersection with the northeasterly line of Chapala Street, said point being the southwesterly corner of the railroad right of way in Block 288 reserved in the above mentioned Corporation Grant Deed by Southern Pacific Transportation Company, and said point being also referred to for reference purposes hereinabove as "Point Z"; thence southeasterly along said northeasterly line of Chapala Street a distance of 105 feet, more or less, to its point of intersection with the northwesterly line of Yanonali Street, said point being also the most southerly corner of Block 288 and the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-041-012; and

Parcel Six: Vacated Yanonali Street at State Street

That certain portion of Yanonali Street, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, vacated by Resolution No. 96-136 of the Council of the City of Santa Barbara, a copy of which was recorded on December 4, 1996, as Instrument No. 96-072319, of Official Records of said County, said vacated portion of Yanonali Street being that tract of land described as Parcel Four in the Grant Deed from the City of Santa Barbara to the Redevelopment Agency of the City of Santa Barbara recorded on January 17, 1997, as Instrument No. 97-002986, of Official Records of said County, more particularly described as follows:

Beginning at the most easterly corner of Block 288 in the City of Santa Barbara, according to the Official Map thereof, being the intersection of the southwesterly line of State Street and the northwesterly line of Yanonali Street; thence southeasterly along said southwesterly line of State Street 60.0 feet to its point of intersection with the southeasterly line of Yanonali Street, said point of intersection also being the most northerly corner of Block 306; thence southwesterly along said southeasterly line of Yanonali Street a distance of 23 feet, more or less, to the northwesterly corner of the railroad right of way in Block 306 reserved in the Corporation Grant Deed by Southern Pacific Transportation Company to Martin V. Smith, recorded March 26, 1993, as Instrument No. 93-022717 of Official Records, records of said County; thence continuing southwesterly along said southeasterly line of Yanonali Street a distance of 140 feet, more or less, to the southwesterly corner of the railroad right of way in Block 306 reserved in said Corporation Grant Deed by Southern Pacific Transportation Company; thence continuing southwesterly along said southeasterly line of Yanonali Street a distance of 38 feet, more or less, to the most northerly corner of the street easement for Kimberly Avenue, as shown on the map of City Block No. 306 and described in City Ordinance No. 826; thence leaving said southeasterly line of Yanonali Street, northwesterly along the northwesterly prolongation of the northeasterly line of said Kimberly Avenue a distance of 22 Feet, more or less, to its intersection with the southwesterly prolongation of the southerly line of the said railroad right of way in Block 306 reserved in said Corporation Grant Deed; thence southwesterly along the northwesterly prolongation of said southerly line of said railroad right of way a distance of 77 feet, more or less, to its intersection with the northwesterly line of Yanonali Street, said point of intersection being the southeasterly corner of said railroad right of way in Block 288 reserved in said Corporation Grant Deed; thence northeasterly along said northwesterly line of Yanonali Street a distance of 141 feet, more or less, to the northeasterly corner of the railroad right of way in Block 288 reserved in said Corporation Grant Deed; thence northeasterly continuing along said northwesterly line of Yanonali Street a distance of 128 feet, more or less, to its point of intersection with the southwesterly line of State Street, said point also being the most easterly corner of Block 288 and the point of beginning;

EXCEPTING THEREFROM, that portion of Yanonali Street, in the City of Santa Barbara, County of Santa Barbara, vacated by Resolution No. 96-136 of the Council of the City of Santa Barbara, a copy of which was recorded on December 4, 1996, as Instrument No. 96-072319, of Official Records of said County, said portion being described as Parcel Two in that certain Grant Deed from The Successor Agency to the Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara, a municipal corporation, recorded on

August 14, 2013, as Instrument No. 2013-0055131 of Official Records of said County, said vacated portion of Yanonali Street being more particularly described as follows:

Beginning at a point on the Southeasterly line of Yanonali Street, said point being the most Northerly corner of Kimberly Avenue, as described in City Ordinance No. 826, and said point being the most Southerly corner of the portion of Yanonali Street vacated by said Resolution No. 96-136, recorded as Instrument No. 96-072319, of Official Records, and said point being the Westerly corner of the real property described as Parcel Two in the Grant Deed to the Redevelopment Agency of the City of Santa Barbara recorded on June 21, 1995, as Instrument No. 95-033463, of Official Records, and said point also being the most Westerly corner of Parcel 2 as shown on that certain map filed on June 14, 2010, in Book 176 of Record of Surveys at Pages 88-89, in the Office of the County Recorder of said County; Thence as follows:

1st, Northwesterly, along a line parallel with the Southwesterly line of State Street, as shown on the Official Map, projected from the said most Northerly corner of said Kimberly Avenue, a distance of 21.15 feet, more or less, to a point on a line parallel with and distant Southerly 25.00 feet, measured at right angles, from the center line of the Eastbound Main Track formerly owned by Southern Pacific Transportation Company (now owned by Union Pacific Railroad Company);

2nd, Northeasterly, along a line parallel with and distant Southerly 25.00 feet, measured at right angles, from the center line of the Eastbound Main Track formerly owned by Southern Pacific Transportation Company, a distance of 42.68 feet, more or less, to its intersection with the said Southeasterly line of vacated Yanonali Street, said point being the most Westerly corner of the exclusive railroad easement within said Block 306 reserved by Southern Pacific Transportation Company, described as Parcel Two in Exhibit A-1 attached to the Corporation Grant Deed recorded on March 26, 1993, as Instrument No. 93-022717, of Official Records;

3rd, Southwesterly along the Southeasterly line of said Yanonali Street vacated and described as Parcel Five in said Resolution No. 96-136 recorded as Instrument No. 96-072319, of Official Records, a distance of 37.07 feet to the most Northerly corner of Kimberly Avenue, as shown on said map filed in Book 176 of Record of Surveys at Pages 88-89, said point being the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Numbers: APN 033-010-015 and APN 033-042-015; and

Parcel Seven: 35 West Montecito Street

That certain tract of real property located within Block 288, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, being that tract of land described as Parcel One in that certain Grant Deed to the Redevelopment Agency of the City of Santa Barbara recorded on May 9, 1994, as Instrument No. 94-038853, of Official Records, records of said County, more particularly described as follows:

Beginning at the most westerly corner of said Block 288, being the intersection of the southeasterly line of Montecito Street with the northeasterly line of Chapala Street; thence northeasterly along said line of Montecito Street 60 feet; thence at right angles southeasterly 140 feet; thence at right angles southwesterly 60 feet to the

northeasterly line of Chapala Street; thence northwesterly along said line of Chapala Street 140 feet to the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-042-001; and

Parcel Eight: 29 West Montecito Street

That certain tract of real property located within Block 288, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, being that tract of land described as Parcel Two in that certain Grant Deed to the Redevelopment Agency of the City of Santa Barbara recorded on May 9, 1994, as Instrument No. 94-038853, of Official Records, records of said County, more particularly described as follows:

Beginning at a point on the southeasterly line of Montecito Street, distant thereon 60 feet northeasterly from the most westerly corner of said Block; thence northeasterly along said line of Montecito Street 30 feet; thence at right angles southeasterly 140 feet; thence at right angles southwesterly 30 feet; thence at right angles northwesterly 140 feet to the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-042-002; and

Parcel Nine: 25 West Montecito Street

That certain tract of real property located within Block 288, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, being that tract of land described as Parcel One in that certain Grant Deed to the Redevelopment Agency of the City of Santa Barbara recorded on May 9, 1994, as Instrument No. 94-038852, of Official Records, records of said County, more particularly described as follows:

Beginning on the southeasterly line of Montecito Street 90 feet northeasterly from the northeasterly line of Chapala Street; thence northeasterly along said line of Montecito Street 40 feet; thence at right angles southeasterly 140 feet; thence at right angles southwesterly 40 feet; thence at right angles northwesterly 140 feet to the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-042-003; and

Parcel Ten: 23 West Montecito Street

That certain tract of real property located within Block 288, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, being that tract of land described as Parcel Three in that certain Grant Deed to the Redevelopment Agency of the City of Santa Barbara recorded on May 9, 1994, as Instrument No. 94-038852, of Official Records, records of said County, more particularly described as follows:

Beginning at a point on the southeasterly line of Montecito Street distant thereon 130 feet northeasterly from the most westerly corner of said Block; thence northeasterly along said line of Montecito Street 40 feet; thence

at a right angle southeasterly 150 feet; thence at a right angle southwesterly 20 feet; thence at a right angle northwesterly 10 feet; thence at a right angle southwesterly 20 feet; thence at a right angle northwesterly 140 feet to the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-042-004; and

Parcel Eleven: 235 State Street

That portion of Block 288, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the Official Map thereof, referred to for convenience as Parcel DD4334-01-01 (05-SB-101 Post Mile 13.8) in the Director's Deed by the State of California, acting by and through its Director of Transportation (Caltrans), to the Redevelopment Agency of the City of Santa Barbara recorded on January 29, 2001, as Instrument No. 2001-0006319, of Official Records of said County of Santa Barbara, more particularly described as follows:

Beginning at a point on the southwesterly side line of State Street distant S 47°35'42" E, 117.05 feet along said line from the most northerly corner of said Block on the southeasterly line of Montecito Street; thence (1), along said side line S 47°35'42" E, 13.60 feet to the point of intersection with that southeasterly 180 foot boundary course of the land in said Block described in Section B of the Decree of Final Distribution filed with said County as Document 83-3336; thence (2), along said record course common to that Enterprise Laundry Co. tract referred to in said Decree S 42°24'18" W, 167.98 feet; thence (3), N 47°36'08" W, 121.44 feet; thence (4), N 44°48'46" E, 141.40 feet; thence (5), S 67°40'13" E, 71.49 feet; thence (6), S 51°11'34" E, 34.83 feet to the point of beginning.

And, referred to herein for convenience only as Santa Barbara County Assessor's Parcel Number: APN 033-042-019.

The Grantee herein covenants by and for itself, its heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of sex, marital status, race, color, religion, creed, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall grantee itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the land herein conveyed. The forgoing covenants shall run with the land.

That certain Grant recorded June 17, 2011, Instrument No. 2011-0034845 of Official Records in the County Recorder's Office by the County of Santa Barbara, as it pertains to the real property described herein, is hereby rescinded and deemed null and void for all purposes, and replaced with this Grant Deed herein.

IN WITNESS WHEREOF, the parties have executed this Grant Deed as of the date set forth herein.

THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA

Date _____

By _____
Paul Casey
Executive Director

APPROVED AS TO FORM:
Ariel Pierre Calonne
Agency Counsel

By _____
Sarah J. Knecht
Assistant Agency Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

Witness my hand and official seal.

Signature _____

[Place Notary Seal Above]



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Reject Bid Protest For Secondary Process Improvements Project At The Wastewater Treatment Plant

RECOMMENDATION:

That Council reject Shimmick Construction Company, Inc.'s bid protest of Stanek Constructors, Inc. apparent lowest bid for the Secondary Process Improvements Project, Bid No. 3737.

DISCUSSION:

The El Estero Wastewater Treatment Plant (El Estero) processes approximately six 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 1972 Clean Water Act requirements.

Although capital improvements have been made consistently in the past years to maintain treatment quality, El Estero has had longstanding issues with highly variable secondary effluent quality, operational inflexibility, and energy inefficiency. El Estero was originally designed to provide a high-rate activated sludge treatment system. While this system provides suitable secondary effluent quality to meet all regulatory requirements, this final effluent still has a higher level of turbidity than is desired for subsequent use in tertiary treatment or future advanced water treatment projects.

The Secondary Process Improvements Project (Project) will modify El Estero's secondary treatment processes and provide a better quality to final effluent prior to ocean discharge or usage in subsequent recycled water treatment. Final design is complete and the project was competitively bid in fall 2015.

This Project is funded by the State Revolving Fund (SRF) loan program. The SRF loan process requires completion and submittal of a Final Budget Approval (FBA) after contractor bids are received. The FBA provides the required information to finalize our SRF loan amount based on actual expected costs, rather than budgetary costs that the

City provided during the initial loan process. Once the State approves the FBA, the SRF loan will be updated to reflect actual expected costs and executed by all parties. The FBA require that all bid protests be resolved prior to its approval. The City may then award a contract to the lowest responsible bidder for the Project.

BID PROTEST

On November 18, 2015, five bids were received for the Project ranging from approximately \$21.7 million to nearly \$27.5 million. Stanek Constructors, Inc. (Stanek) submitted the lowest bid of \$21,710,000, and Shimmick Construction Company, Inc. (Shimmick) submitted the second lowest bid of \$23,885,000.

On November 24, 2015, the City received a letter from Shimmick protesting the award of the Project to the apparent lowest bidder, Stanek. Shimmick's protest letter alleged that Stanek's bid was non-responsive because Stanek failed to submit a completed Bidder's List in its initial bid package, and incorrectly listed non-DBE (Disadvantaged Business Enterprise) subcontractors on Environmental Protection Agency (EPA) Forms 6100-3 and 6100-4. Stanek responded to the protest in writing on December 2, 2015, arguing that the omissions were inconsequential and should be waived by the City.

Staff has reviewed the items set forth in Shimmick's bid protest and finds that the deviations contained in Stanek's bid are minor irregularities that may be waived by the City. Specifically, staff has determined that the submission of the Bidder's List was intended as evidence of good faith compliance with the EPA's DBE program, and could be properly submitted within ten (10) days of bid opening, pursuant to the contract specifications. Similarly, the errors and/or unnecessary information contain in Stanek's EPA Forms 6100-3 and 6100-4 were also related to Stanek's good faith compliance efforts, and were not the type of errors that would allow Stanek to withdraw its bid without forfeiture of its bid bond. Since these minor irregularities do not create a material advantage over other bidders, they may be waived by the City in the best interest of the rate payers. Please reference the indexed Reading File located in the City Clerk's Office to review the documents pertaining to the bid protest.

Staff finds Stanek's bid proposal to be responsive to the request for bids and recommends that Council reject the bid protest filed by Shimmick. Staff will return to Council to recommend award of the construction contract to Stanek after the FBA is accepted by the State and the revised SRF loan document is executed. This is expected within the next two months. A detailed project presentation will be made to Council at that time.

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Administration, Library Department

SUBJECT: Central Library Renovation And Furniture Sole Source Agreements

RECOMMENDATION: That Council:

- A. Approve, and authorize the Acting Library Director to execute, a sole source award of a purchase order in the amount of \$107,096 and \$10,710 for extra services to Yamada Enterprises for a custom furniture purchase for the main floor at 40 E. Anapamu Street;
- B. Approve, and authorize the Acting Library Director to execute, a purchase order for a sole source award in the amount of \$15,605 and \$1,560 for extra services to Architectural Millwork for custom millwork for the main floor at 40 E. Anapamu Street;
- C. Approve, and authorize the Acting Library Director to execute, a sole source award of a purchase order in the amount of \$9,866 and \$987 for extra services to Tri County Office Furniture for custom furniture purchase for the main floor at 40 E. Anapamu Street; and
- D. Increase appropriations and estimated revenues by \$250,214 in the Library's Capital Outlay Fund funded with \$97,000 from the Library Department's General Fund Professional Services budget for north wing renovation work; and \$153,214 from the Fenton Davis Trust for main floor furniture and extra services that may result from necessary changes.

DISCUSSION:

The completion of the Children's Library presented an opportunity to reconfigure the vacated space on the south side of the main floor of the Central Library. This reconfiguration was a success and met the goals of enhancing the patron experience and creating a more efficient service model. The north side of the Library has remained untouched. Continued renovation will complete the transformation of the main floor. New lighting, carpet, paint and display slat walls will be installed by the City Facilities Division. The purchase of new furniture will complete the main floor renovation.

Library Department staff has been working with three furniture manufacturers: Yamada Enterprises, Tri County Office Furniture, and Architectural Millwork to continue the design established on the south side of the main floor and also coordinate with the Children’s Library design. These companies all provided quotes based on the California Multiple Award Schedule (CMAS) & U.S. Communities Contract Pricing, which is a service that offers a wide variety of commodities at prices that have been assessed to be fair, reasonable, and competitive.

BUDGET/FINANCIAL INFORMATION:

The Fenton Davison Trust, a bequest to the Central Library, will provide \$153,214 towards the funding. The balance will be funded from a transfer of \$97,000 from available appropriations in the Library Department (General Fund), professional services account, which was created from additional funding provided from the County’s per capita allocation to the City for Fiscal Year 2016.

ESTIMATED TOTAL COST

<u>Costs</u>	
<u>Main Floor Improvements by City Facilities Division</u>	\$94,900
Additional 10% for extra services	\$9,490
Sub-Total	\$104,390
<u>Library Main Level Furniture</u>	
Yamada – Palmeri/The Worden Company/Peter Danko, Inc (CMAS Quoted Pricing)	\$107,096
Architectural Millwork	\$15,605
Tri County Office Furniture (U.S. Communities Contract Pricing)	\$9,866
Additional 10% for extra services	\$13,257
Sub-Total	\$145,824
TOTAL COST	\$250,214

PREPARED BY: Jessica Cadiente, Acting Library Director

SUBMITTED BY: Jessica Cadiente, Acting Library Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Short-Term Residential Rental Subpoenas

RECOMMENDATION:

That Council receive certified copies of subpoenaed records related to unlawful vacation rentals that are subject to the City's Ordinance prohibiting their operation.

DISCUSSION:

On August 11, 2015, the City Council authorized the Mayor to sign, and the City Clerk's Office to serve, subpoenas on websites that have listings for vacation rentals in the City of Santa Barbara. Pursuant to this authorization, the Mayor signed subpoenas which the City served on the websites.

These subpoenas required the websites to appear and/or produce certified copies of certain records related to the operation of vacation rentals in the City. If the subpoenaed parties fail to appear or produce the requested records by January 12, 2016 at 4:00 pm, the Mayor is authorized to submit a report of noncompliance to the Santa Barbara Superior Court.

Superior Court review is necessary before remedies can be sought for failure to comply with the legislative subpoena. Upon an order from the court, a writ of attachment may be issued directing the Santa Barbara County Sheriff to bring the individual before the court. Upon appearance before the court, a judge has jurisdiction to issue a contempt order. The punishment for disobedience of a legislative subpoena is the same as if contempt has been committed in a civil trial in superior court.

PREPARED BY: John Steve Doimas, Deputy City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Designation Of Proposed Development At 402 South Hope Avenue
As A Community Benefit Project

RECOMMENDATION:

That Council designate the proposed project at 402 South Hope Avenue as a Community Benefit Project pursuant to Santa Barbara Municipal Code Subsection 28.85.020.A.3, and allocate 4,447 square feet of nonresidential floor area to the project from the Nonresidential Growth Management Program's Community Benefit Category.

DISCUSSION:

The City's Nonresidential Growth Management Program, adopted in 2013, limits certain new nonresidential growth to a total of 1.35 million net new square feet until December 31, 2033. This floor area limitation is divided among three development categories: Community Benefit Projects, Small Additions, and Vacant Property. The initial allocations by City Council were 600,000 square feet for Community Benefit Projects; 400,000 square feet for Small Additions; and 350,000 square feet for Vacant Property.

Community Benefit Projects include three subcategories: Community Priority Projects, Economic Development Projects, and Planned Development – New Automobile Sales Projects. The applicant requests designation of this proposed project as a Planned Development – New Automobile Sales Project, which is defined in the SBMC Subsection 28.85.020.A.3 as a project that proposes new automobile sales, rentals, or leasing. The applicant is requesting an allocation of 4,447 square feet from the Community Benefit Category.

Proposed Project

The project site is on a 4.37 acre parcel at 402 South Hope Avenue, zoned P-D (Planned Development Zone), E-3 (One-Family Residence Zone), and SD-2 (Upper State Street Area Special District Zone). The site is currently operated by Santa Barbara Auto Group as a 46,155 square foot Mercedes/BMW/Audi automobile dealership, including a showroom, uncovered car storage, and a service building.

The proposed project consists of adding 3,683 square feet to the east (BMW) side of the showroom and 764 square feet to the west (Audi) side for a total of 4,447 new

square feet. The purpose of these additions is to comply with new corporate specifications from the respective automobile manufacturers. The addition would increase parking demand from 173 parking spaces to 191 spaces. This would not exceed the 255 spaces available.

Community Benefit Project Designation

The requested Community Benefit Project floor area for 402 South Hope Avenue of 4,447 square feet represents 0.74% of the original 600,000 square feet allocated to Community Benefit Projects in the Nonresidential Growth Management Program until 2033. To date, City Council has allocated a total of 167,690 square feet from the Community Benefit Category to four projects: Santa Barbara Museum of Art (8,990 square feet); Tesla, Inc. (9,700 square feet); Direct Relief (110,000 square feet); and Maserati (39,000 square feet). Additionally, 33,426 square feet of expired Small Addition floor area was reallocated to Community Benefit by Planning Commission on July 23, 2015. A total of 465,736 square feet, or 73.5%, of the floor area remains available for Community Benefit Projects.

Allocations	Amount
Originally Allocated	600,000 sf
1130 State St.	(8,990)
400 Hitchcock Way	(9,700)
6100 Hollister Ave.	(110,000)
350 Hitchcock Way	(39,000)
Subtotal after allocated cases	432,310
Expired Small Reallocated in 2015	33,426
Total available	465,736
402 S. Hope Ave.	(4,447)
Total that will remain	461,289 sf

The designation of a project as a Community Benefit Project and reservation of floor area enables the City to accept the development application for processing, but it does not commit City Council, the Planning Commission, or the Architectural Board of Review to a definite course of action (CEQA Guidelines §15352(a)). Therefore, the Community Benefit designation and allocation of floor area are not subject to environmental review pursuant to the California Environmental Quality Act. If the requested Community Benefit floor area is allocated for the project, an application may be submitted and reviewed through the City's standard process. Environmental review would be completed as part of the development application review.

ATTACHMENT: Letter from Mike Ramsey, dated December 7, 2015

PREPARED BY: Andrew Bermond, AICP, Project Planner
SUBMITTED BY: George Buell, Community Development Director
APPROVED BY: City Administrator's Office

December 7, 2015

RECEIVED
ATTACHMENT
DEC 08 2015

Applicant:
SB Automotive LLLP - Santa Barbara Auto Group
402 S. Hope Ave. Santa Barbara, Ca
Contact: Mike Ramsey - 760-744-3133 x1310

CITY OF SANTA BARBARA
PLANNING DIVISION

City of Santa Barbara
630 Garden Street
P.O. Box 1990
Santa Barbara, CA 93102

Re: A request for an allocation from Council for Community Benefit the additional square footage for new auto sales businesses.

The existing BMW and Audi dealerships located at 402 S. Hope have a requirement from their corporate offices to update their locations to the new standards and specifications. In order to conform to the new requirements more square footage is necessary, the current building square footage conditions do not allow for the accommodation of said requirements due to the limited space.

The proposed Showroom additions for BMW and Audi will allow for added interior Vehicle Display, Sales areas, revised Reception areas for each, New Car Delivery, Customer Lounge/Waiting Areas and other details to enhance the customers experience at the dealerships.

BMW is proposing to add approx. 3,683 sf gross/3,584 sf net. The proposed expansion to the showroom will be built out over existing auto display areas outside the existing showroom. The proposed architectural exterior design will be done to match existing construction as much as possible. Audi is proposing approx. 764 sf gross/673 sf net. The proposed expansion to the showroom will be moving the existing glass line out to the limits of the existing soffit and enclosing the existing roofed entry soffit. Total area of requested additional square footages is approximately 4,447sf gross/4,257sf net (See attached Project Data).

The building and property use will remain the same (Auto Dealerships) as they are right now and we are asking only for the increase in building square footage. There are no major impacts to the site and landscape. No grading is required for the expansion. The areas of expansion are over existing hardscaped areas.

Parking on the project will remain the same as 173 spaces plus 18 for the new sf equals 191 spaces required and 255 spaces are provided. There will be no added exterior lighting, no creation of smoke or odors, no creation of new noise, no geotechnical studies are required for the existing developed site, resource or constraint studies are not needed (see exist. property profile on file at City of Santa Barbara), sidewalks and improvements are existing around existing improved site, site is not located around creek or water course.

The proposed length of construction activity for the new addition is estimated that exterior demo will take approximately 2 weeks. No grading will be required and the estimated duration of construction activity will be approximately 4-5 months. Equipment and materials will be staged out of public view when not in use.

Sincerely,


Mike Ramsey

PROJECT DATA

Site Address: 402 SOUTH HOPE AVENUE
Santa Barbara, CA 93105

PROJECT SCOPE

APPLICATION FOR A LAND USE PERMIT FOR A NONRESIDENTIAL CONSTRUCTION PROJECT PROPOSED AS A COMMUNITY BENEFIT PROJECT, THE ADDED SHOWROOM SQUARE FOOTAGE ADDS TO THE BUILDINGS ABILITY TO HOUSE THE DEALERSHIP REQUIRED TENANT IMPROVEMENTS FOR THE SPECIFIC AUTO BRANDS.

1) OWNER/APPLICANT:

Santa Barbara Auto Group/SB Automotive LLLP
402 South Hope Avenue
Santa Barbara, CA
Contact: Duane Sanders/ Todd Mesnick
Phone: 805-682-2000

2) Representative/Designer:

Lusardi Construction Co.
1570 Linda Vista Dr.
San Marcos, CA 92078
Contact: Mike Ramsey
Phone: 760-744-3133 x 1310
email: mramsey@lusardi.com

3) APN: 051-240-17

4) Zoning Designation: (Existing) E-3/PD/SD-2

5) General Plan Designation: (Existing) Commercial/Medium High Residential (15-27 du/acre)

6) Construction type: VB

7) Occupancy Group: B, S-1

8) Building Code: California Building Code 2013

9) Gross & Net Lot Size: 4.37 Acres/ 190,357 s.f.

10) Average slope % of property: Existing Development site varies on finished surface grades approx. 1% to 2%. Site is fully developed and landscaped per approved plans.

11) No new Grading

12) Maximum Building Height (Existing): 44'

13) Non residential Floor Area (Measure E): Proposed Area 4,447s.f. Gross, 4,257s.f. Net

14) Lot Coverage Data: (Obtained from Record Docs. from City of Santa Barbara and City Property Profile)

BUILDING FOOTPRINTS:

	GROSS	NET
MERCEDES	34,377 SF	33,674 SF
BMW/AUDI	8,095 SF	7,933 SF
BMW PROPOSED EXPANSION	3,683 SF	3,584 SF
AUDI PROPOSED EXPANSION	764 SF	673 SF
TOTAL BUILDING FOOTPRINT	46,919 SF	45,864 SF
TOTAL BUILDING COVERAGE	24.65 %	24.09 %
PAVING: 95,392 SF	50.11 %	
LANDSCAPE: 48,046 SF	25.24 %	

TOTAL LOT AREA: 190,357 SF = 100 %

Floor Area of all Buildings on Property per Property Profile and Plans:

Existing Mercedes Benz: 1st & 2nd Floor = 34,377 sf + 8,722 sf = 43,099 sf Gross
33,674 sf + 8,547 sf = 42,221 sf Net

Existing BMW/AUDI: 1st & 2nd Floor = 8,095 sf + 2,475 sf = 10,570 sf Gross
7,933.1 sf + 2,222.5 sf = 10,155.6 sf Net

Proposed BMW/AUDI: 1st & 2nd Floor = 12,542+2,475 sf = 15,017 sf Gross
= 12,190+2,22.5 sf = 14,412.5 sf Net

Existing underground Parking Garage, Net & Gross = 34,396 sf.

15) Parking:

Before Addition: Required Parking: 173 Spaces Provided: 255 Spaces

With Addition: Required Parking: 173+4,257/250 = 191 Spaces Provided: 255 Spaces



CITY OF SANTA BARBARA

JOINT COUNCIL AND SUCCESSOR AGENCY AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers
Chair and Board members

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Contract Amendment For The Cabrillo Pavilion And Bathhouse Renovation Project

RECOMMENDATION: That the Successor Agency:

- A. Authorize the Executive Director to execute a contract amendment between the Successor Agency and Kruger Bensen Ziemer Architects, Inc., to amend the scope of services for the Cabrillo Pavilion and Bathhouse Renovation Project to increase Phase A of the contract amount by \$68,300; and
- B. Authorize the Executive Director to approve extra services as necessary, in an amount not to exceed \$6,830.

DISCUSSION:

The primary objectives of the Cabrillo Pavilion and Bathhouse Renovation Project (Project) are to achieve a viable community recreation center, and return the building to its original status as the "crown jewel of East Cabrillo Boulevard." Located on East Beach, the building was constructed in 1926 and has served as a key coastal recreation facility in Santa Barbara for 90 years. The building's outdated interiors, failing building systems, and poor site accessibility significantly limit its potential to serve Santa Barbara residents and visitors. A City-designated Structure of Merit and significant public asset, renovation of the building will ensure its role as a prime recreational facility well into the future.

On February 4, 2014, the Successor Agency authorized the Executive Director to execute a contract for professional services with Kruger Bensen Ziemer Architects, Inc. (KBZ) in the amount of \$921,500. Under this contract, KBZ is providing architectural and engineering design services (Phase A) for \$691,125, and construction documents, bidding, and construction administration (Phase B) for \$230,375. Additional contingency funds were not previously authorized to pay for extra services. Contracts

typically include a contingency of 10 percent to address issues not anticipated in the initial scope of work.

During the past several months, KBZ and City staff identified additional work needed to complete Phase A of the Project. This includes a comprehensive interior and exterior lighting design, acoustical design, interior finishes and furniture selection, a tree survey and relocation study, and additional architectural services beyond the original scope. The additional work is needed to address specific design issues highlighted by the Historic Landmarks Commission (HLC), and required for the Coastal Development Permit and building permits. Staff recommends increasing Phase A of the contract by \$68,300 and providing extra services authorization up to \$6,830. The contract amendment will bring the total contract amount with KBZ to \$996,630.

Project Status

The Successor Agency was last updated on June 30, 2015. Since that time, the Parks and Recreation Department has completed several important milestones. A community open house was held on August 4, 2015, to discuss future programming for the renovated facility. The Planning Commission approved the project on August 20, 2015. Parks and Recreation staff met with the Access Advisory Committee on October 30, 2015, to review the project and tour the facility. Currently, the plans are being refined in anticipation of HLC review for project design approval in February 2016. Final plans and construction drawings are expected to be complete in August 2016.

BUDGET/FINANCIAL INFORMATION:

On December 17, 2013, the Successor Agency approved \$9,117,026 from the 2001 and 2003 Redevelopment Agency Bond Funds to pay for design and construction of the Project. To date, the Successor Agency has approved \$1,199,891 in contract services for the project. In addition to the contract with KBZ, the Successor Agency has entered into contracts totaling \$217,593 to do land surveying, coastal hazards analysis, archeological and biological resources reporting, LEED commissioning assistance, and project management and permitting.

SUSTAINABILITY IMPACT:

The Project will further the City's Sustainability Program goals through LEED Certification. The Project goal is to attain a LEED Silver certification rating.

The City Environmental Analyst has determined that this project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301.

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

PREPARED BY: Justin Van Mullem, Associate Planner

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

JOINT COUNCIL AND SUCCESSOR AGENCY AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: City Administrator's Office

SUBJECT: Transfer Of Calle Cesar Chavez Property To Successor Agency

RECOMMENDATION:

- A. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Transfer of All Right, Title and Interest to the Real Property Commonly Known As the "Calle Cesar Chavez Properties," Owned by the City of Santa Barbara, a Municipal Corporation, and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, and Authorizing the City Administrator to Execute Such Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara; and
- B. That the Successor Agency to the Redevelopment Agency of the City of Santa Barbara adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara Accepting and Assuming All Right, Title and Interest to the Real Property Commonly Known As the "Calle Cesar Chavez Properties," Owned by the City of Santa Barbara, a Municipal Corporation, and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, and Authorizing the Executive Director to Execute Such Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara.

DISCUSSION:

On June 7, 2011, the Redevelopment Agency of the City of Santa Barbara ("Agency") adopted Resolution No. 1026 to transfer all its right, title and interest in real property, including leaseholds and easements, to the City of Santa Barbara. The City of Santa Barbara, in turn, accepted title to all interests in real property, including leaseholds and easements, from the Redevelopment Agency of the City of Santa Barbara at that same

meeting. Grant Deed No. 61-363 was recorded on June 17, 2011 transferring the real property.

Subsequently, on February 1, 2012, the Agency was dissolved through the enactment of AB1X 26 ("Dissolution Act") which legislation was upheld by the State Supreme Court. Certain provisions of the Dissolution Act reached back to January 1, 2011, which had the effect of invalidating the real property transfer. All assets were subsequently transferred back to the Successor Agency, including the real property. The California State Controller confirmed that all asset transfers made by the Agency to the City of Santa Barbara after January 1, 2011, had been effectively returned to the Successor Agency.

As part of the unwinding of the Agency, the Successor Agency is disposing of all property formerly owned by the Agency in accordance with the Long Range Property Management Plan. All real property has been approved for transfer to the City except the Calle Cesar Chavez property, which is to be sold at auction to the highest bidder. In order to provide a clean, insurable, title to the property for the future owner of the property, it is necessary to remove the June 2011 Grant Deed from the chain of title. This administrative item will benefit both the Successor Agency and the future owner and provide for a clean title transfer as part of the upcoming sale of the Calle Cesar Chavez property.

ATTACHMENT: Aerial View of Calle Cesar Chavez Properties

PREPARED BY: Brian J. Bosse, Waterfront Business Manager

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office



Calle Cesar Chavez/Cacique Street Properties

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE TRANSFER OF ALL RIGHT, TITLE AND INTEREST TO THE REAL PROPERTY COMMONLY KNOWN AS THE "CALLE CESAR CHAVEZ PROPERTIES," OWNED BY THE CITY OF SANTA BARBARA, A MUNICIPAL CORPORATION, AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE SUCH TRANSFER OF REAL PROPERTY INTERESTS TO THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA.

WHEREAS, in accordance with Assembly Bill No. 1X 26, as amended by Assembly Bill No. 1484 ("Dissolution Act"), the Redevelopment Agency of the City of Santa Barbara ("RDA") dissolved on February 1, 2012 and the Successor Agency to the former RDA assumed all of the authority, rights, powers, duties, and obligations previously vested in the RDA;

WHEREAS, prior to the dissolution of the RDA, the RDA transferred all right, title and interest in all RDA-owned property to the City of Santa Barbara which transfer was subsequently invalidated pursuant to the Dissolution Act and all assets were returned to the Successor Agency;

WHEREAS, in order to remove the Grant Deed recorded on the Calle Cesar Chavez Property when the property was transferred by the RDA to the City, it is necessary to record a quitclaim deed transferring title from the City of Santa Barbara and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara to the Successor Agency and to revoke the Grant Deed No. 61-363; and

WHEREAS, City of Santa Barbara Charter Section 520 requires the transfer of real property owned by the City to be approved by ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. The City Council of the City of Santa Barbara does hereby approve the transfer of all right, title and interest in the Calle Cesar Chavez Property described generally as Assessor's Parcel Nos. 017-113-029, 017-113-030, 017-113-034 and 017-113-023 to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara.

SECTION 3. The City Council hereby authorizes the City Administrator, or designee, to execute, subject to approval as to form by the City Attorney, all documents necessary to effectuate such transfer of said real property interests by the City.

SECTION 4. The City Council of the City of Santa Barbara hereby consents to the recordation of the Quitclaim Deed in the Official Records, County of Santa Barbara.

RESOLUTION OF ACCEPTANCE NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA ACCEPTING AND ASSUMING ALL RIGHT, TITLE AND INTEREST TO THE REAL PROPERTY COMMONLY KNOWN AS THE "CALLE CESAR CHAVEZ PROPERTIES," OWNED BY THE CITY OF SANTA BARBARA, A MUNICIPAL CORPORATION, AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE SUCH TRANSFER OF REAL PROPERTY INTERESTS TO THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA.

WHEREAS, in accordance with Assembly Bill No. 1X 26, as amended by Assembly Bill No. 1484 ("Dissolution Act"), the Redevelopment Agency of the City of Santa Barbara ("RDA") dissolved on February 1, 2012 and the Successor Agency to the former RDA assumed all of the authority, rights, powers, duties, and obligations previously vested in the RDA;

WHEREAS, prior to the dissolution of the RDA, the RDA transferred all right, title and interest in all RDA-owned property to the City of Santa Barbara which transfer was invalidated pursuant to the Dissolution Act and all assets were returned to the Successor Agency;

WHEREAS, in order to remove the Grant Deed recorded on the Calle Cesar Chavez Property when the property was transferred by the RDA to the City, it is necessary to record a quitclaim deed transferring title from the City of Santa Barbara and the Successor Agency to the Redevelopment Agency of the City of Santa Barbara to the Successor Agency and to revoke the Grant Deed No. 61-363;

WHEREAS, Government Code Section 27281 requires that deeds conveying an interest in real property to a governmental agency for public purposes shall only be accepted for recordation with the consent of the agency evidenced by a certificate or resolution of acceptance;

WHEREAS, The Successor Agency hereby authorizes the Executive Director, or designee, to execute, subject to approval as to form by the Agency Counsel, all documents necessary to effectuate such transfer and acceptance of said real property interests by the Successor Agency and consents to the recordation by the City Clerk in the Official Records of all deeds and other documents; and

WHEREAS, this Resolution shall demonstrate intent by the Successor Agency to accept title to the real property described in the respective documents delivered for such purpose, without further action or subsequent resolution.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. The City Council of the City of Santa Barbara adopted an Ordinance approving the transfer of all right, title and interest in the Calle Real Property described generally as Assessor's Parcel Nos. 017-113-029, 017-113-030, 017-113-034 and 017-113-023 to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara.

SECTION 3. The Successor Agency hereby authorizes the Executive Director, or designee, to execute, subject to approval as to form by the Agency Counsel, all documents necessary to effectuate such transfer and acceptance of said real property interests by the Successor Agency.

SECTION 4. This Resolution will demonstrate intent by the Successor Agency to accept title to the real property described in the respective documents delivered for such purpose, without further action or subsequent resolution.

SECTION 5. This Resolution shall take effect on the date when the Ordinance adopted by the City Council of the City of Santa Barbara approving the transfer of the real property to the Successor Agency takes effect.

SECTION 6. At such time as this Resolution becomes effective, the Successor Agency to the Redevelopment Agency of the City of Santa Barbara consents to the recordation of the Quitclaim Deed in the Official Records, County of Santa Barbara.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Introduction Of Ordinance Regulating Cultivation Of Marijuana

RECOMMENDATION:

That Council:

- A. Receive a report from the City Attorney's Office outlining the Planning Commission's list of concerns regarding the proposed marijuana cultivation ordinance; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Section 28.87.300 to the Santa Barbara Municipal Code to Regulate Cannabis Cultivation.

Executive Summary:

On October 9, 2015, Governor Jerry Brown signed legislation implementing the Medical Marijuana Regulation and Safety Act (MMRSA) creating a dual licensing system for the cultivation, transportation, and sale of medical marijuana between the state and local governments. Under this new legislation, if the City does not have an ordinance in place on March 1, 2016 prohibiting or regulating cultivation of marijuana, it will lose the authority to regulate or ban cultivation within the City limits, and the State will become the sole licensing authority.

On November 10, 2015, at a duly noticed council meeting, the City Council expressed its desire to retain local control, and voted (7-0) to direct the City Attorney to draft a zoning ordinance regulating the type and scope of marijuana cultivation within the City of Santa Barbara. Specifically, Council directed the City Attorney to draft an ordinance prohibiting the commercial cultivation of marijuana and allowing limited cultivation of marijuana for personal use (otherwise referred to as cannabis) within the City.

Pursuant to the direction given by Council at the November 10th meeting, the proposed ordinance would allow a qualified patient to cultivate one hundred (100) square feet of marijuana either outdoors or indoors, on a single horizontal plane, for personal medical use, so long as the marijuana is cultivated on his or her lawfully permitted residence.

A “qualified patient” is defined as a person that has the protections granted under section Health and Safety Code 11362.5, or otherwise more generally stated, as a person who has a physician’s recommendation to use medical marijuana. Commercial cultivation, or cultivation for other than personal use, is strictly prohibited anywhere in the City. Recognizing, however, that even marijuana which is being grown by a qualified patient in his or her legal residence could have a detrimental impact on neighbors, there is a provision in the ordinance that would allow the City to attempt to enjoin the cultivation at a location if it became a public nuisance.

On December 3, 2015, the City Attorney’s Office presented the proposed marijuana cultivation ordinance to the Planning Commission. The Planning Commission moved (6-1) to recommend that City Council introduce and adopt the proposed ordinance to add section 28.87.300 to the Santa Barbara Municipal Code to regulate cultivation of marijuana, subject to inclusion of language clarifying that the cultivation sites were limited to a single “contiguous” horizontal plane of 100 square feet. The Planning Commission also resolved that the City Attorney’s Office should present the Planning Commission’s list of concerns regarding the proposed ordinance at the council meeting introducing the ordinance. Specifically, the Planning Commission was concerned with the impact the proposed ordinance could have on individuals who were physically unable to cultivate their own marijuana, and the impact the ordinance would have on marijuana dispensaries lawfully permitted under the City’s Storefront Dispensary Ordinance (SBMC Chap. 28.80).

Impact to Qualified Patients Physically Unable to Cultivate

Because the ordinance limits cultivation only to qualified patients, and does not allow cultivation by primary caregivers, the Planning Commission expressed concern that individuals who are too ill or disabled to cultivate for themselves, or too ill to travel to a storefront dispensary, would be unable to obtain marijuana. The Planning Commission discussed the option of a hardship exception that would allow cultivation by someone other than a qualified patient if the qualified patient was too ill to cultivate for him or herself. The regulation and permitting of which persons might qualify for a hardship exception would be difficult to administer and enforce by City staff. An alternative, to address the ability of qualified patients who are too disabled to cultivate for themselves, or unable to travel to a dispensary, could be addressed through an ordinance permitting mobile delivery of marijuana by dispensaries at a later and less time critical date.

Impact to City Permitted Storefront Dispensaries

Additionally, the Planning Commission was concerned about the impact that the proposed cultivation ordinance may have on City permitted storefront dispensaries. Under the proposed ordinance, since marijuana may only be cultivated for “personal use,” and may not be traded, bartered, or sold, a dispensary member may not cultivate marijuana for the dispensary within City limits because the cultivation would not be solely for his or her personal use.

Members of a dispensary will need to cultivate the dispensary’s marijuana outside City limits, but within the Tri-County area, as required by the City’s dispensary ordinance. The Planning Commission was concerned with the potential hometown impacts that transporting marijuana from other jurisdictions may have.

Size of Cultivation Site and Impact to Neighboring Properties

In an attempt provide Council with a general idea of how many marijuana plants could be cultivated within a single contiguous horizontal plane of 100 square feet, and how much marijuana could potentially be harvested from a cultivation site of that size, the City Attorney’s Office consulted with local law enforcement. Based on the information provided, it is estimated that 90 to 100 marijuana plants could conceivably be grown indoors within 100 square feet. Fewer plants could be grown outdoors within 100 square feet. Indoor marijuana plants do not need the amount of canopy space to produce the same harvest as outdoor plants because of the controlled indoor environment. Many indoor growers run their plants on a 90 day harvest cycle. The average harvest, per plant on a 90 day cycle for an experienced cultivator would be approximately $\frac{1}{4}$ to $\frac{1}{2}$ pound per plant. For reference, the average price per pound of marijuana is \$3,000 to \$5,000.

When broken down per year, estimating 100 plants growing on a 90 day cycle within a 100 square foot indoor space, it is possible for a single person to produce 140 pounds of marijuana. If this marijuana was commercially sold (at \$4,000 per pound), in violation of the municipal code, it could yield a street value of approximately \$560,000.

Because the ordinance as presently drafted allows for cultivation to occur in any legally permitted residence, it is possible that marijuana cultivation, on the scale described in the paragraphs above, could occur in multifamily dwelling units and next to schools, parks, and religious institutions. The actual impact to these locations, and whether the impact would rise to the legal level of creating a “public nuisance,” is unknown and would need to be investigated and addressed on an individual basis by City enforcement staff and the City Attorney’s Office. Additionally, there is no provision that restricts cultivation to those areas on private property not visible to the public.

BUDGET/FINANCIAL INFORMATION:

There may be potential staff code compliance costs that would need to be budgeted upon implementation.

SUMMARY:

In order to retain local control over the cultivation of marijuana, the City Council must have a zoning ordinance regulating cultivation in place on or before March 1, 2016. The City Attorney's Office recommends that the Council introduce and adopt an ordinance adding Santa Barbara Municipal Code section 28.87.300, Cultivation of Cannabis.

ATTACHMENT: Draft Planning Commission Resolution No. 019-15

PREPARED BY: Tava Ostrenger, Assistant City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 019-15 CITY WIDE RECOMMENDATION TO CITY COUNCIL DECEMBER 3, 2015

AMENDMENT TO ADD SANTA BARBARA MUNICIPAL CODE SECTION 28.87.300 TO REGULATE CANNABIS CULTIVATION.

The City Council has initiated a zoning ordinance amendment to permit the cultivation of cannabis for personal medical use in the City.

The purpose of this hearing was for the Planning Commission, at the recommendation of the City Council, to review the parameters for permitting the cultivation of cannabis for personal medical use and prohibiting commercial cannabis cultivation in all zones, and to forward their recommendations to the City Council. Subsequently, the Council would introduce and adopt the ordinance to add section 28.87.300 to the Santa Barbara Municipal Code to regulate cannabis cultivation. The Planning Commission recommendations will be forwarded to the City Council for adoption in early 2016.

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

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 25, 2015.

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

- I. City Council introduce and adopt the ordinance to add section 28.87.300 to the Santa Barbara Municipal Code to regulate cannabis cultivation, subject to the inclusion of clearer and consistent language throughout the ordinance when referencing 100 horizontal square feet to reflect 100 "contiguous" square feet for both indoor or outdoor cultivation.

This motion was passed and adopted on the 3rd day of December, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 (Jordan) ABSTAIN: 0 ABSENT: 0

- II. The City Attorney forward to City Council the Planning Commission's following list of concerns regarding the proposed ordinance:
 - A. Absence of a hardship clause for people that are unable to physically cultivate their own.
 - B. Jurisdictional issues in future deliveries, truck trips, etc. outside the boundaries of the City.
 - C. Impact the proposed cultivation ordinance will have upon current Dispensary Ordinance.

This motion carried by the following vote:

PLANNING COMMISSION RESOLUTION No.019-15
RECOMMENDATION TO CITY COUNCIL – AMENDMENT TO REGULATE CANNABIS CULTIVATION
DECEMBER 3, 2015
PAGE 2

AYES: 6 NOES: 0 ABSTAIN: 1 (Jordan) 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

Date _____

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADDING SECTION 28.87.300 TO THE
SANTA BARBARA MUNICIPAL CODE TO REGULATE
CANNABIS CULTIVATION

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

SECTION 1. Findings.

A. The Medical Marijuana Regulation and Safety Act (MMRSA) comprising Assembly Bill 243, Assembly Bill 266, and Senate Bill 643 was enacted on October 9, 2015 and will become effective on January 1, 2016. MMRSA establishes a state licensing program for commercial medical cannabis related activities, including the dispensing and cultivation of cannabis. AB 266, through the addition of Chapter 3.5, Division 8 (Commencing with section 19300) of the Business and Professions Code, allows local jurisdiction to adopt and enforce local regulations and permitting requirements relating to commercial medical cannabis activities so long as they meet the minimum state licensing standards and regulations;

B. Assembly Bill 243 adds Article 6 (commencing with section 19331) to Chapter 3.5 of Division 8 of the Business and Professions Code, which requires the Department of Food and Agriculture to promulgate regulations and standards for the cultivation of cannabis to address the associated environmental impacts. The bill further adds section 11362.777 to the Health and Safety Code, which provides that the Department of Food and Agriculture shall establish the Medical Cannabis Cultivation Program to license commercial cultivation of cannabis and that unless a local jurisdiction has a land

COUNCIL INTRODUCTION DRAFT 1/12/16
SHOWING CHANGES FROM CURRENT CODE

use regulation or ordinance regulating or prohibiting the cultivation of cannabis before March 1, 2016, then the State shall be the sole licensing authority for medical marijuana cultivation applicants in that jurisdiction; and

C. Pursuant to Santa Barbara Municipal Code section 28.87.030 C., and due to the environmental impacts and negative health and safety impacts associated with commercial cultivation and personal cultivation of more than one hundred square feet of cannabis, the City Council finds that such uses are obnoxious and detrimental to the welfare of the community and that it is in the best interest of the public to retain local control over cultivation of cannabis by permitting small-scale cultivation for personal medical use and prohibiting any commercial cultivation with the City of Santa Barbara.

SECTION 2. The Santa Barbara Municipal Code is amended to add section 28.87.300 to read as follows:

28.87.300 Cannabis Cultivation

A. Definitions.

For the purposes of this section, the following word and phrases shall be defined as set forth below:

1. "Cannabis" shall have the meaning set forth in California Business and Professions Code section 19300.5(f), the Medical Marijuana Regulation and Safety Act, as it was enrolled in 2015 in A.B. 266.
2. "Commercial" shall have the meaning set forth in section 28.04.180 of the Zoning Ordinance.

COUNCIL INTRODUCTION DRAFT 1/12/16
SHOWING CHANGES FROM CURRENT CODE

3. "Cultivation" shall have the meaning set forth in California Business and Professions Code section 19300.5(l) of the Medical Marijuana Regulation and Safety Act, as it was enrolled in 2015 in A.B. 266.
4. "Cultivation site" means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities.
5. "Parcel" shall have the meaning set forth in section 28.04.515 of the Zoning Ordinance.
6. "Personal Medical Use" shall mean non-commercial cannabis cultivation by a qualified patient for their personal use.
7. "Qualified Patient" shall have the meaning set forth in California Health and Safety Code section 11362.7, and shall not include primary caregivers.
8. "Residential unit" shall have the meaning set forth in section 28.04.590 of the Zoning Ordinance.

B. Cannabis Cultivation for Personal Medical Use. A qualified patient is permitted to engage in indoor or outdoor cannabis cultivation for personal medical use on a single contiguous cultivation site, existing in a horizontal plane not exceeding a footprint of one hundred (100) square feet in area, in any zone, provided that the parcel is occupied by the qualified patient living in a lawful residential unit, but in no event may more than one cultivation site be permitted at any single lawful residential unit.

C. Commercial Cannabis Cultivation Prohibited. Commercial cannabis cultivation for any purpose or use is prohibited in all zones.

COUNCIL INTRODUCTION DRAFT 1/12/16
SHOWING CHANGES FROM CURRENT CODE

D. All Other Cannabis Cultivation Prohibited. Except to the extent expressly permitted by this section, cannabis cultivation of any kind and for any purpose shall not be construed as a permitted agricultural or other use in any zone under the Zoning Ordinance.

E. Permissive Zoning. For the purposes of California Health and Safety Code section 11362.777(b)(3), the Zoning Ordinance shall be construed as establishing permissive zoning so that cannabis cultivation is permitted only where expressly allowed by this section.

F. Nuisance. Nothing in this section shall be construed to permit the establishment or maintenance of any use which constitutes a public nuisance.

SECTION 3. Coastal Zone. This ordinance enacts a citywide policy that does not affect, burden, or otherwise conflict with the goals of the California Coastal Act, as set forth in Public Resources Code section 30001.5, and is not subject to Public Resources Code section 30514. Further, this ordinance limits marijuana cultivation activity that would otherwise be more broadly permitted under State law, including within the Coastal Zone, and is intended to regulate nuisance activity within the City of Santa Barbara. This ordinance is exempt from certification or review by the Coastal Commission under Public Resources Code section 30005.

SECTION 4. CEQA Findings. This ordinance is exempt from CEQA pursuant to State CEQA Guidelines section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density, and section 15061(b)(3) which is the general rule that CEQA applies only to

COUNCIL INTRODUCTION DRAFT 1/12/16
SHOWING CHANGES FROM CURRENT CODE

projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance To Allow Taxicab Loading And Unloading In Green, Yellow, And White Zones

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 10.48 of the Municipal Code by Amending Sections 10.48.110, Taxicab Stands – Curb Markings, and 10.48.130, Taxicab Parking.

DISCUSSION:

The City's Municipal Code addresses taxicab stands and taxicab parking. Currently, taxicabs are prohibited from picking up or dropping off passengers in any marked green zone (15-minute parking zone), yellow zone (loading zone), white zone (passenger loading zone), or red zone in the City. This prohibition limits the available loading and unloading areas to taxicab stands and regular on-street parking spaces. There are few established taxicab stands in Santa Barbara, and regular on-street parking spaces are typically fully occupied in the downtown area, resulting in limited loading and unloading opportunities for taxicabs.

Staff recommends that Section 10.48.130 of the Municipal Code be amended to allow active loading and unloading of passengers from taxicabs in green, yellow, and white zones while maintaining the prohibition for taxicabs to stop, stand, or park in a red zone. The Public Works Department consulted with the Police Department, who concur with this recommendation.

Section 10.48.110 defines the curb and pavement markings for established taxicab zones. Currently, white curb with blue "taxicabs only" stencils are required, plus a white outline painted on the street. Staff recommends that Section 10.48.110 of the Municipal Code be amended to remove the requirement for a white outline painted on the street.

On December 8, 2015, the Ordinance Committee recommended that Council introduce and subsequently adopt the proposed ordinance amendments.

Ordinance Committee Agenda Report

Introduction Of Ordinance To Allow Taxicab Loading And Unloading In Green, Yellow,
And White Zones

January 12, 2016

Page 2

PREPARED BY: Derrick Bailey, Supervising Transportation Engineer/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

COUNCIL INTRODUCTION DRAFT 1/12/16
SHOWING CHANGES FROM CURRENT CODE

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING
CHAPTER 10.48 OF THE MUNICIPAL CODE BY
AMENDING SECTIONS 10.48.110, TAXICAB
STANDS – CURB MARKINGS, AND 10.48.130,
TAXICAB PARKING

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

SECTION 1. Section 10.48.110 of Chapter 10.48 of Title 10 of the Santa Barbara
Municipal Code is amended to read as follows:

10.48.110 Taxicab Stands - Curb Markings.

Taxi stands as designated by the City Council in the Central Traffic District shall be designated by white paint upon the surface of the street curb with the letters "taxicabs only." ~~in blue letters thereon, and a white line four inches (4") wide to be painted on the surface of the streets; such line to extend seven feet (7') out from the curb and to run the length of the cab stand. The words "taxicabs only" shall be painted on the surface of the street.~~ (Ord. 3913 §2,1977; Ord. 2713 §1(part), 1959; prior Code §31.90.)

10.48.120 Taxicabs' Use of Stands.

No owner or driver of any taxicab shall park, stop, or stand upon any street in the City for any period of time longer than is necessary to discharge or receive passengers then occupying or then waiting for such taxicab; provided, that the owner or driver of a taxicab may park in the taxicab stand authorized by the City Council. (Ord. 2713 §1(part), 1959; prior Code §31.90(part).)

SECTION 2. Section 10.48.130 of Chapter 10.48 of Title 10 of the Santa Barbara Municipal Code is amended to read as follows:

10.48.130 Taxicab Parking.

Notwithstanding any other provision in Section 10.48.100 - 10.48.120 to the contrary, one (1) taxicab of each taxi company may park in each block of the City for the solicitation of business, subject to the following conditions:

A. No taxicab shall be ~~parked~~stopped in excess of the time designated by the zone in which such taxicab is ~~parked~~stopped.

B. In any block in which taxi stands are designated on the curb, no taxicab shall be parked in such block other than in such designated taxi stand.

C. No taxicab shall be ~~parked~~stopped within a green or yellow zone in any block between the hours of nine a.m. (9:00) and six p.m. (6:00) of any day, Sundays and holidays excepted, except as ~~otherwise provided in this title~~ while actively loading or unloading passengers.

D. No taxicab shall be parked within a white zone in any block during such time as any parking limitation is in effect therein, except while actively loading or unloading passengers.

E. For the purpose of this section, a "taxi company" shall be defined as a corporation organized for the purpose of operating a taxi business, regardless of the various names under which such taxicabs operate, ~~and~~ the word "block" includes both sides of the street, and "active loading and unloading" shall mean passengers entering or exiting the taxicab with the doors to the taxicab open.

F. No taxicab shall stop, stand, or park in a red zone.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Drought Update And Annual Water Supply Management Report

RECOMMENDATION: That Council:

- A. Receive an update on the status of the current drought, drought-response capital projects, and continuing conservation efforts; and
- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2015 water year, finding that groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

EXECUTIVE SUMMARY:

Since January 2014, staff has been providing monthly drought updates on water supply status, drought-response capital projects, community conservation, and other drought related issues. Staff will provide this monthly update for January 2016.

In addition, staff will present the 2015 Annual Water Supply Management Report (WSMR). The 2015 WSMR is a document that summarizes water supplies and issues for the water year that occurred from October 2014 - September 2015. The report fulfills a mitigation requirement of the Coastal Branch of the State Water Project to manage water supplies to prevent long-term overdraft of local groundwater.

DISCUSSION:

Drought Update

Council declared a Stage One, and subsequently a Stage Two, drought condition on February 11, 2014 and May 20, 2014, respectively, as a result of unprecedented drought conditions. On May 5, 2015, in response to the driest consecutive four-year period on record, Council declared a Stage Three Drought Emergency, increasing the community's water conservation target to 25 percent and adopting additional water use regulations by Resolution on May 12, 2015.

This drought update will cover the following items:

- Water Supply Outlook/Weather Forecast
- Drought Response Capital Projects
- Conservation Efforts

Water Supply Outlook

Rainfall for the last four years has averaged less than half of the long-term average. In accordance with the City's Long Term Water Supply Plan (LTWSP), depleted surface water supplies have been replaced with increased groundwater production and purchases of supplemental water. This strategy has been successful in securing supplies sufficient to meet demand through 2016, assuming there is a continued 25 percent reduction in customer water use. In order to ensure adequate supplies to meet the demand, supply projections must recognize the potential for a continuation of the current dry weather pattern. Accordingly, staff's supply projections through 2016 assume no significant deliveries from Gibraltar Reservoir, no additional Cachuma entitlement, and insufficient rainfall in Northern California to allow for dependable supplemental water purchases or state water deliveries. By 2017, the primary remaining potable supply would be groundwater, which has a limited production capacity, and the City's Charles E. Meyer Desalination Plant (Desalination Plant), which is scheduled to be reactivated by fall 2016.

Recent National Oceanic and Atmospheric Administration (NOAA) weather forecasts support a strong El Niño condition for January through March 2016. Such conditions are often associated with increased rainfall for Southern California. There have only been six strong El Niño events in recorded history. Four of those events have yielded rainfall that was average or above, and two have yielded rainfall below average. Given the unpredictable nature of El Niño events and the unprecedented nature of the current drought situation, this phenomenon cannot be counted on to improve or end the current drought; therefore, the City is planning for continued drought conditions.

Drought Response Capital Projects

Work continues to move forward on the reactivation of the Desalination Plant. Concerning the recent issue pertaining to the contaminated soils at the site, staff has received an approved work plan from the County Environmental Health Department which requires that all soils which are disturbed during construction be removed and disposed of appropriately. All remaining contaminated soil which is not disturbed shall remain on site. Left untouched, contaminated soils pose no threat to human health and safety. At the time this report was drafted, the costs and schedule impacts are still unknown. A separate item with more information and further direction will be presented to Council at a later date.

As a recap, the current Desalination Plant reactivation will produce 3,125 acre feet (AF) annually for City water customers, and startup is scheduled for late September 2016, with a contract completion date of October 7, 2016.

Negotiations continue with Montecito Water District on an arrangement to assist them with their current and long-term water needs. It is the goal of both agencies to finalize a draft agreement in January 2016.

Conservation Efforts

The City's water conservation numbers for November 2015 show a reduction of 30 percent compared to 2013 water demands.

With the Stage Three Drought declaration and the call for a 25 percent reduction, the Water Conservation Program has continued its enhanced public information campaign of targeted outreach to specific user types, including:

- increased weekly messaging through social media, online news outlets, and industry contacts;
- presentations to community and industry groups;
- additional printed materials with drought messaging;
- targeted utility bill messaging;
- drought signage throughout the City; and
- additional training and workshops.

Revenues and Reserves

In Fiscal Year 2015, total Water Fund revenues were \$4 million below budget. As a result of the increased conservation and the related impact on revenues, as well as the planned use of reserves for drought related capital costs and supplemental water purchases, operating reserves are well below policy levels as of June 30, 2015. Water revenues for Fiscal Year 2016 through November are 8 percent, or \$1.3 million, below projections. Staff will continue to monitor revenues and update Council on changes. However, water rates for Fiscal Year 2017 will have to factor in the need to replenish reserves at some level near or at policy levels.

Annual Water Supply Management Report

The Water Supply Management Report (WSMR) is an annual report summarizing the activities of the past water year (October 1, 2014 through September 30, 2015). The report fulfills a mitigation requirement of the Coastal Branch of the State Water Project to manage water supplies to prevent long-term overdraft of local groundwater. City staff also uses the report to inform Council and the public about recent activities and current water supply conditions. The key issues of the report are summarized below:

- Lake Cachuma ended the water year on September 30, 2015, at 18 percent of capacity. As the City's largest water supply source, Lake Cachuma is the most important indicator of the City's water supply status. The last four water years (October 2011 - September 2015) have received the lowest cumulative rainfall in recorded history in a consecutive four-year period. Due to the severe drought and low lake levels, the gravity-fed conveyance system to receive water from Lake Cachuma was anticipated to no longer be operational as the lake level fell below the intake delivering water to the South Coast. The Cachuma Operation and Maintenance Board (COMB) was the lead agency responsible for the construction of an Emergency Pump Project (EPP) to continue to convey critical water supply. The project included the installation of 3,600 feet of pipeline and a pumping barge. The Cachuma EPP has been in operation since August 2015, and COMB continues to monitor lake level projections to assess a possible relocation of the pumping barge to a deeper part of the lake, should that be necessary.
- A ruling by the State Water Resources Control Board (SWRCB) on water rights for the Cachuma Project is still pending. At issue is how water should be managed to balance the needs for water supply, while protecting the endangered Steelhead Trout. The updated Final Environmental Impact Report has been completed and was officially entered in the record following a hearing in March 2012. The draft water rights order for the Cachuma Project remains a high priority for the SWRCB, although the processing of water rights orders by the SWRCB has slowed due to drought workload. The SWRCB has not yet rescheduled a tentative date for the release of the draft order.
- Gibraltar ended the water year at 9 percent of capacity. Siltation related to the 2007 Zaca Fire resulted in significant reduction in storage capacity at Gibraltar Reservoir and continues to cause increased water treatment costs. The reduced storage volume is the impetus for our work on initiating the "Pass Through" option under the 1989 Upper Santa Ynez River Operations Agreement (also known as the "Pass Through Agreement").
- Groundwater resources are in balance, and long-term groundwater production does not exceed estimated basin yield. Several groundwater well projects are underway to increase production capacity during extended dry periods. Groundwater pumping is reduced during subsequent wetter years to allow for the recovery of water levels in the basin.
- The 2015 State Water Project (SWP) allocation was 20 percent of Table A contract amounts, or 660 AF for the City. In response to state-wide drought conditions, the City purchased supplemental water conveyed via the SWP. The City used a combined 4,361 AF from the SWP system in the 2015 water year. Approximately 4,200 AF of the City's water is carried over in San Luis Reservoir. In addition, the City has 1,490 AF of banked water in the Dudley Ridge and Palmdale water banking programs. The initial allocation for 2016 is 10 percent, although this is subject to change depending on hydrologic and water supply conditions.

- The City's new recycled water filtration plant went online on November 2, 2015, replacing the previous filtration plant constructed in 1989. The new facility uses a membrane treatment technology to remove pathogens and particles that affect the appearance of the water, providing water quality that will reliably meet regulatory standards now and into the future. Now that the recycled water facility is back online, our recycled water customers are no longer subject to Stage Three Drought restrictions for water use.
- In accordance with the City's Water Plan, the Water Conservation Program is operated to minimize the use of potable water supplies, meet the requirements of the California Urban Water Conservation Council Best Management Practices, and achieve compliance with the State's 20 percent x 2020 per-capita water use reductions. Conservation measures are evaluated for cost effectiveness based on the avoided cost of additional water supplies. In Water Year 2015, the City continued with the implementation of the comprehensive South Coast Water Conservation Marketing Plan and the Drought Response Marketing Plan, including increased training for landscape professionals, targeted advertising with specific calls to action, and providing guest speakers to neighborhood and community organizations. Workload for the Water Conservation Program has increased dramatically as a result of the drought and continues to remain high in Water Year 2015. The demand for free water checkups and landscape programs continues to increase, as does the number of water waste complaints and enforcement.
- Total supply produced for delivery to customers was 10,171 acre-feet (AF) for the year, with a per-capita water use of 90 gallons per person per day. Production and usage was down overall from the previous year, in response to the Stage Three Drought condition that was declared on May 5, 2015, and required mandatory reductions in water use.

In summary, water supplies for Water Year 2016 are projected to be sufficient, provided that citywide demands continue to achieve the 25 percent reduction target. The drought water supply strategy is based on adopted policies of the City's 2011 Long Term Water Supply Plan, and has been adapted to reflect current water supply conditions.

The draft WSMR has been made available for public review and comment. On December 14, 2015, the Water Commission reviewed the draft and voted 4-0-0 to recommend its adoption.

ATTACHMENT(S): 2015 Draft Water Supply Management Report

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



City of Santa Barbara

Water Supply Management Report

2015 Water Year (October 1, 2014 – September 30, 2015)

Water Resources Division, Public Works Department
January 4, 2016

INTRODUCTION

The City of Santa Barbara operates the water utility to provide water for its citizens, certain out-of-City areas, and visitors. Santa Barbara is an arid area, so providing an adequate water supply requires careful management of water resources. The City has a diverse water supply including local reservoirs (Lake Cachuma and Gibraltar Reservoir), groundwater, State Water, desalination, and recycled water. The City also considers water conservation an important tool for balancing water supply and demand. The City's current Long-Term Water Supply Plan (LTWSP) was adopted by City Council on June 14, 2011.

This annual report summarizes the following information:

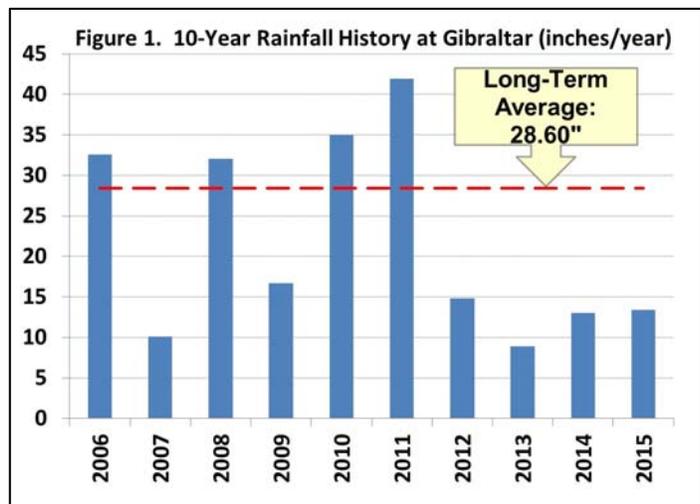
- The status of water supplies at the end of the water year (September 30, 2015)
- Drought outlook
- Water conservation and demand
- Major capital projects that affect the City's ability to provide safe clean water
- Significant issues that affect the security and reliability of the City's water supplies

Appendix A provides supplemental detail. Additional information about the City's water supply can be found on-line at: www.SantaBarbaraCA.gov/Water

WATER SUPPLIES

The City has developed five different water supplies: local surface water; local groundwater (which includes water that seeps into Mission Tunnel); State Water; desalinated seawater; and recycled water. Typically, most of the City's demand is met by local surface water reservoirs and recycled water; and augmented as necessary by local groundwater and State Water. The City's desalination facility has been off-line and is currently under construction for reactivation due to drought conditions.

The City's local surface water comes from Gibraltar Reservoir and Lake Cachuma, both of which are located in the upper Santa Ynez River watershed. The inflow to these reservoirs is rainwater, so rainfall data for Gibraltar Reservoir is important for water supply management purposes. Figure 1 shows rainfall for the past ten years as



compared to the 50-year average. Additional historic information is included in Appendix A. Runoff generated by average rainfall is generally enough to fill Gibraltar; however, it typically takes above-average rainfall to produce any significant inflow to Cachuma. Rainfall in the Santa Ynez River watershed during 2015, as measured at Gibraltar, was 53% below average, and the last four water years (Oct 2011-Sep 2015) have received the lowest cumulative rainfall in recorded history for a consecutive four-year period. Over the last four years, there has been very little inflow to Lake Cachuma. To enhance rainfall, the City participates in the cloud seeding program administered by the County of Santa Barbara. However, cloud seeding only works when there are storm events, of which we have seen very little in the last 4 years.

Table 1, below, summarizes the status of the City's various water supplies at year-end.

Table 1. End of Year Status of City Water Supplies	
The Water Year runs from October 1 through September 30. All data is as of September 30, 2015.	
Lake Cachuma	Total Capacity: 184,121 AF (2014 survey for 750' elevation) End of Year Storage: 32,989 AF (18% of Total Capacity) The City's share of the Cachuma Project's normal annual entitlement is 8,277 AF. Due to drought conditions, the entitlement in WY 2015 was reduced by 55% to 3,725 AF. Actual City use was 3,476 AF; remaining entitlement has been carried over to the current year. Total remaining carryover for the City as of September 30, 2015 was 4,394 AF.
Gibraltar Reservoir	Total Capacity: 5,246 AF (2013 survey) End of Year Storage: 467 AF (9% of Total Capacity) Gibraltar Reservoir typically fills and spills two out of every three years. Due to drought conditions, the last time Gibraltar spilled was May 2011. Deliveries in 2015 were 398 AF, below the projected long-term average of 4,330 AF under Pass Through Operations ¹ .
Mission Tunnel	Groundwater that seeps into Mission Tunnel is an important part of the City's water supply, providing 728 AF in 2015, about 35% below the long-term average of 1,125 AFY ² .
Ground-water	Groundwater levels are lower than normal and are not expected to recover until drought conditions end and groundwater can be replenished during wetter years. Six out of nine potable production wells are currently available for use, with 2 more expected to be available in 2016. The City used 2,160 AF of groundwater in 2015.
State Water Project (SWP)	The City has a 3,300 AF "Table A" allotment (with drought buffer), subject to availability. In 2015, the State's Table A allocation was 20%, or 660 AF for the City. In response to state-wide drought conditions, the City purchased supplemental water conveyed via the SWP. The Coastal Branch and Santa Ynez Extension of the SWP are in place to deliver the City's water into Lake Cachuma. The City used a total 4,361 AF of supply via the SWP in 2015; of which, 611 AF was exchanged with Santa Ynez River Water Conservation District, Improvement District No. 1 pursuant to the Exchange Agreement.
Desal	The desalination plant has been offline but is permitted to provide up to 10,000 AFY of supply. In July 2015, the City awarded a design and construction contract for plant reactivation in order to provide 3,125 AFY of supply (construction anticipated to be complete by October 2016).
Recycled Water	The City's recycled water system serves parks, schools, golf courses, other large landscaped areas, and some public restrooms. Demand from the system was 636 AF, or 6.3% of the total customer water demand, plus 160 AF of process water at El Estero Wastewater Treatment Plant (EEWTP). The total demand of 796 AF was lower than normal due to required demand cutbacks in response to drought conditions, since potable water has been used in recent years for blending to meet water quality standards. In 2015, the recycled system demands were supplied by 673 AF of potable blend water and 123 AF of non-potable groundwater. Construction of an upgraded tertiary filter system was completed in October 2015 to eliminate or significantly reduce the need for potable water blending going forward.

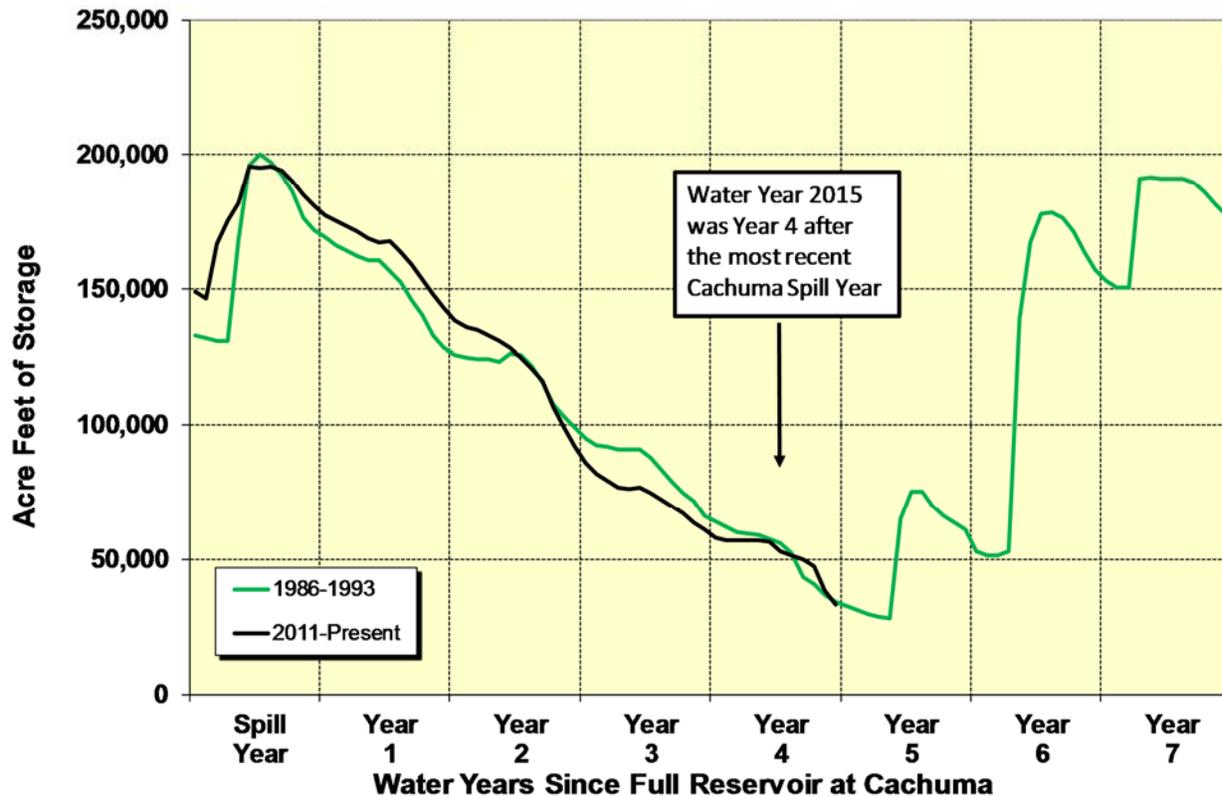
¹ Stetson, 2013. *Hydrologic Analysis of the Pass Through Operations at Gibraltar Reservoir*. Prepared for the city of Santa Barbara. July 2013.

² SWRCB et al., 2011. *Final Environmental Impact Report for the Cachuma Project Water Rights Hearings*. Prepared for the State Water Resources Control Board. December 2011.

DROUGHT OUTLOOK

Because the City depends heavily on local surface water, our water supply reliability is vulnerable to prolonged drought. Lake Cachuma is our primary source of surface water and its storage level is the most important indicator of potential near-term drought impacts. Figure 3 shows a recent history of storage levels at Lake Cachuma. The severe drought period of 1987-1992 is also shown for comparison. Cachuma members normally begin to take voluntary reductions in deliveries when the reservoir storage drops below 100,000 AF as a way of stretching supplies in case drought continues. At the end of 2014, the City used 61% of its entitlement, and carried over the remainder to 2015. In 2015 and 2016, Cachuma allocations were reduced to 45% and 0% of normal entitlement, respectively. Due to these historic low allocations, all of the City's remaining Cachuma water currently available was carried over from previous years.

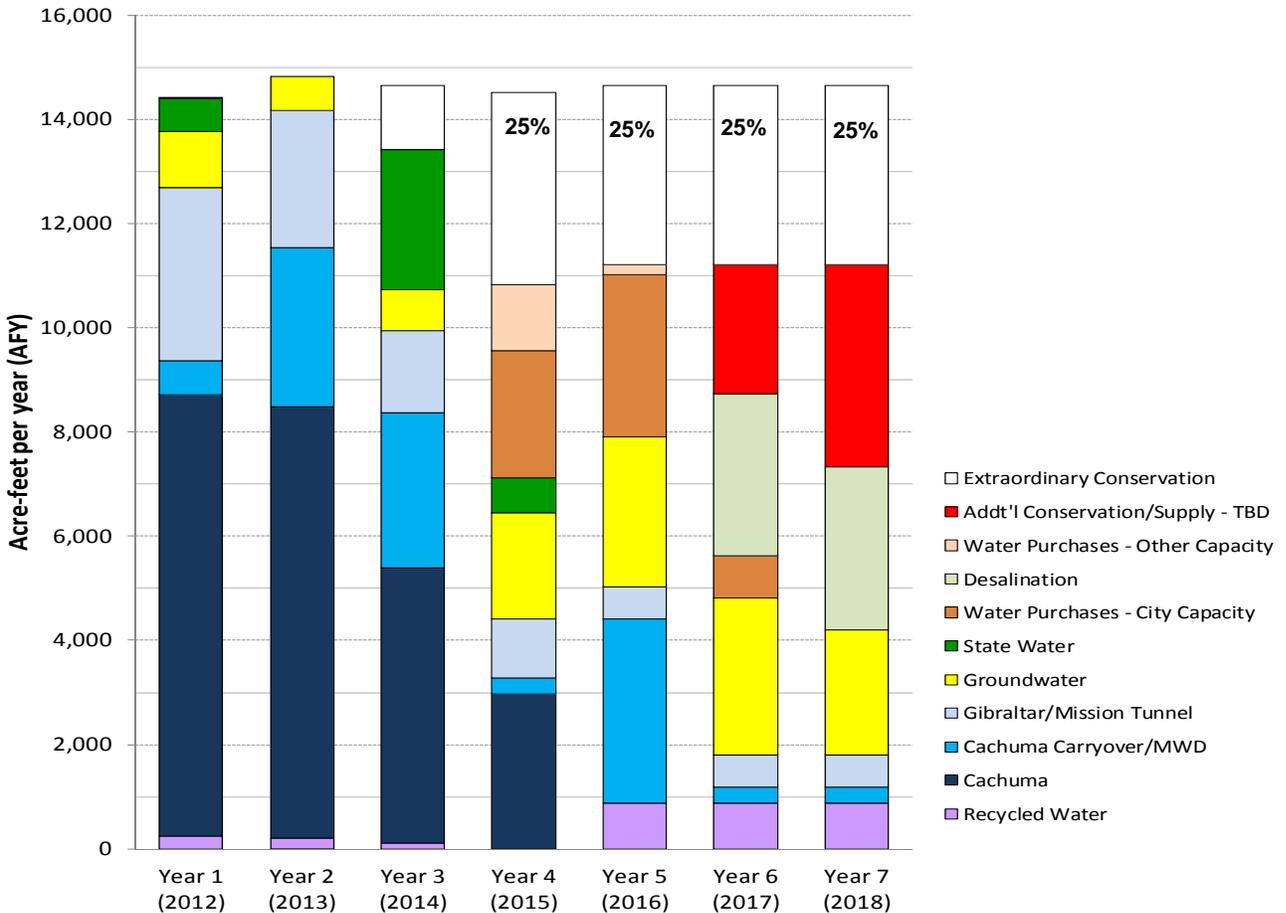
Figure 3.
Recent History of Lake Cachuma Storage Levels (AF)
With 1987-1994 Period Shown for Comparison



Under the adopted 2011 LTWSP, the City's planned water supply meets 100% of unrestricted customer demand in most years and no less than 85% of demand during the latter portion of a 6-year period of below average rainfall, which defines our "critical drought period." When rainfall is below average, there is limited inflow to Lake Cachuma and the storage level continues to drop. Our management plan assumes the first year after a spill at Cachuma may be the first year of a 6-year critical drought period.

Figure 4 shows a projection of the current water supply strategy over a 6-year period. Since 2011 was the last spill at Lake Cachuma, 2015 was Year 4 of a critical drought period, and we are now in Year 5. The 2011 LTWSP drought water supply strategy is based on available supply during the 1947-52 critical drought period, which was considered the “design drought” for planning purposes. Because the current historic drought has been worse than the “design drought”, the current drought supply strategy has been adapted to reflect a more conservative assumption of 1) no additional inflows to Gibraltar or Cachuma; and 2) no additional Table A allocation of State Water. These assumptions are based on an extended duration of recent drought conditions.

**Figure 4.
Current Drought Water Supply Strategy**



The supply strategy reflects the management policies adopted in the 2011 LTWSP; however, the planned demand reduction has been increased to 25%, meaning supplies are targeted to meet 75% of unrestricted customer demand in later years of the drought. This is consistent with Governor Brown’s January 2014 declaration of drought state of emergency and April 2015 mandate for a State-wide 25% demand reduction. The level of required demand reduction will be re-assessed in spring 2016 once more information is known regarding water supplies after the rainy season.

The City Council declared a Stage One Drought condition on February 11, 2014, Stage Two Drought condition on May 20, 2014, and Stage Three Drought condition on May 5, 2015. The City’s adopted 2011 Water Shortage Contingency Plan outlines the stages of drought and actions to achieve planned demand reductions. A Stage 3 Drought condition is the most

critical stage. Under the current Stage 3 Drought condition, the City Council adopted regulations for drought water use restrictions (Resolution 15-036) and adopted drought based water rates. In addition, public outreach and messaging has increased to communicate the status of drought conditions and need for extraordinary water conservation.

MONITORING OF WATER SUPPLY AND DEMAND

Water demand has historically been measured by total water supply production, which is the total amount of supply from all sources to serve demands on the potable and recycled distribution systems. New State requirements for water conservation have established a “20% by 2020” target based on gallons per capita per day (GPCD) for potable water use. Since the supply production numbers provide historical context on our demand, and per capita water use is the new mandatory metric, both are being tracked. Figure 2.A illustrates the historical tracking of demands based on total water supply produced. Total water production was 10,171 AF for 2015 (excluding water produced for El Estero process demands). Figure 2B shows monthly potable water GPCD water use values, as well as a moving 12-month GPCD average. Usage for 2015 was 90 GPCD. In both charts, demands show a decline in 2014 and 2015 in response to the Stage 2 and 3 drought conditions requiring mandatory reductions in water use.

Figure 2.A.

City of Santa Barbara Water Demand

Moving 12-Month Production to Serve Potable + Recycled Systems

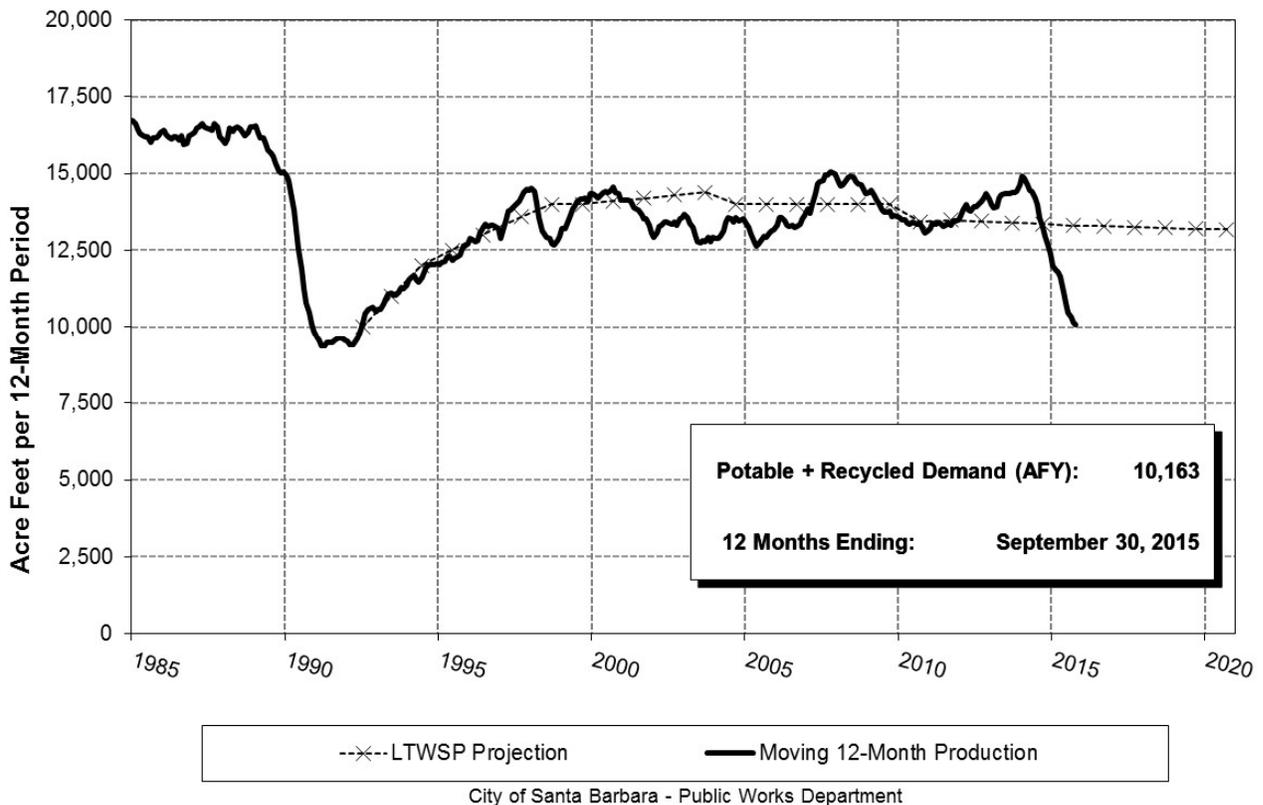
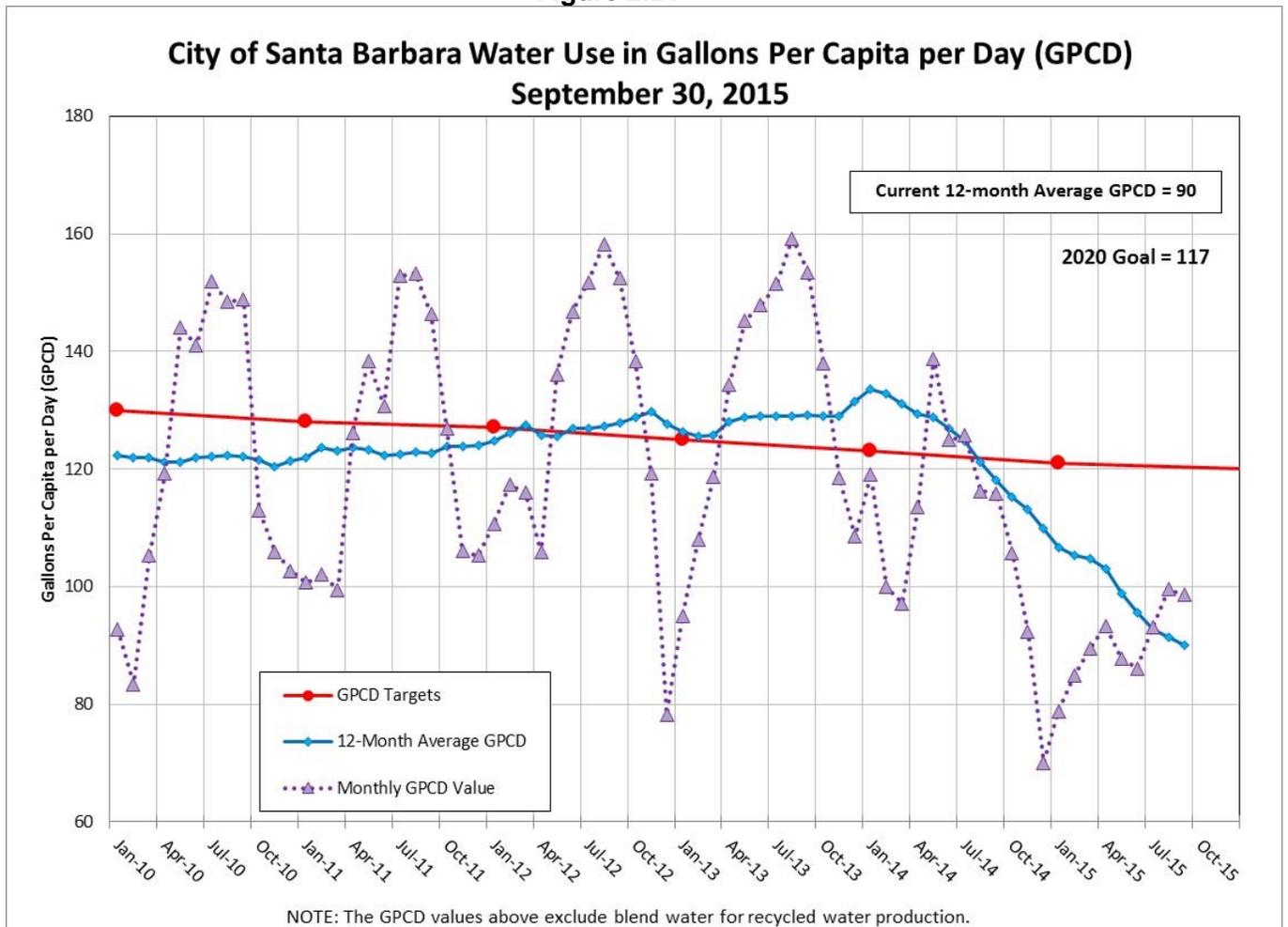


Figure 2.B.



CITY WATER CONSERVATION PROGRAM

In accordance with the LTWSP, the Water Conservation Program is operated to minimize the use of potable water supplies, meet the requirements of the California Urban Water Conservation Council Best Management Practices, and achieve compliance with the State's 20% x 2020 per capita water use reductions. Water conservation measures are evaluated for cost effectiveness based on the avoided cost of additional water supplies. Highlights of the City's Water Conservation Program include the following activities:

- **Free Water Checkups:** Checkups are provided to all water customers to assist in evaluating water usage indoor and out and to offer efficiency recommendations. 1,628 free water checkups were provided in Water Year 2015.
- **Landscape Training:** Lectures and workshops geared toward homeowners and landscape professionals; many in conjunction with horticultural organizations and local irrigation stores. Highlights from Water Year 2015 include: 4 landscape transformation lectures, 10 hands-on workshops, a Drought Symposium with the Master Gardeners, and a Water Conservation Summit with Assemblymember Das Williams.

- Smart Landscape Rebate Program: 50% rebate on eligible, pre-approved material costs for landscape water efficiency. 601 pre-inspections were completed and 466 rebates were issued in Water Year 2015.
- Marketing and Outreach: Continuing to implement the comprehensive South Coast Water Conservation Marketing Plan and the Drought Response Marketing Plan. Highlights from Water Year 2015 include: increased training for landscape professionals, targeted advertising with specific calls to action, tailoring the website to drought response, and providing guest speakers to neighborhood and community organizations.
- Water Education Program: Free in-class presentations, tours to the El Estero Wastewater Treatment Plant, and school assemblies with music to highlight where our water comes from and how to conserve it. 4,462 students were reached in Water Year 2015.
- Additional Programs in Water Year 2015: 56 high efficiency washing machine rebates; 2,430 free sprinkler nozzles redeemed; and 414 free mulch delivery participants.

Workload for the Water Conservation Program continues to remain high as a result of the drought. A comparison of Water Year 2015 to Water Year 2014 (both during drought) conservation activities shows an increase in demand for water conservation services and programs, with an average percent increase in customer services of 69% (see table below for a summary of certain programs). Note that a comparison of Water Year 2014 to Water Year 2013 (pre-drought) showed a dramatic increase in customer services of 1300%.

Item	Oct 2013 – Sept 2014	Oct 2014 – Sept 2015	Percent Increase
Water Checkups	1,396	1,628	16%
Smart Landscape Rebate Pre-Inspections	271	601	121%
Free Mulch Deliveries	213	414	94%
Water Waste Complaints	810	1,148	42%

CAPITAL PROJECTS

Staff continues work on a number of projects to improve the reliability and maintain quality of City water supplies:

- **Cachuma Emergency Pump Project:** Cachuma Operation and Maintenance Board was the lead agency responsible for construction of the pumping project on behalf of the South Coast Cachuma Member Units. Due to severe drought conditions, the gravity fed conveyance system to receive water from Lake Cachuma was anticipated to no longer be operable as the lake level fell below the intake portal to the South Coast Conduit. The Cachuma Emergency Pump Project (EPP) was necessary to allow for

continued use of allocated Cachuma water and conveyance of State Water (via Cachuma). This project consisted of a pumping system to convey water from low lake levels to the intake portal of the South Coast Conduit, including installation of 3,600 feet of pipeline and placement of seven pumps on a floating barge. Additionally, sediment blocking the lowest intake portal was dredged to allow for the intake of water at lower elevations. The Cachuma EPP has been in operation since August 2015, and COMB continues to monitor lake level projections to assess possible relocation of the pumping barge to a deeper part of the lake, should that be necessary due to continued drought conditions. Without substantial inflows to Cachuma, latest projections show the need to relocate the barge by June 2015.

- **Recycled Water Treatment Plant Rehabilitation:** On November 2, 2015 the newly rehabilitated recycled water treatment facility went online. This project rehabilitated the original treatment plant that was built in 1989. The goal of this project was to eliminate or significantly reduce the need to use potable water for blending to meet water quality regulations and to position the plant to meet more stringent water quality requirements in the future.
- **Groundwater Well Projects:** Groundwater is an important part of the City's water supply to meet peak demands, provide back-up for depleted surface supplies during drought, and provide an emergency water supply in the event of catastrophic supply interruptions, such as tunnel failure. The following is a summary of well status and work currently underway:

Storage Unit #1 Basin:

- *Corporation Yard:* Online.
- *Alameda:* Online.
- *High School:* Offline due to water quality issues. Piping conveyance to Ortega Groundwater Treatment Plant is currently complete. Construction of wellhead improvements forthcoming. Well expected to be online in Spring 2016.
- *Vera Cruz:* Online.
- *City Hall:* Online.
- *Ortega:* Offline due to need for major rehabilitation or replacement.

Foothill Basin:

- *San Roque:* Online.
- *Hope:* Offline due to pump failure. Well rehabilitation and pump replacement underway. Well expected to be online in April 2016.
- *Los Robles:* Online.

Storage Unit #3:

- *Valle Verde Well:* Non-potable well utilized to augment supply to the recycled water system.

- **Charles E. Meyer Desalination Facility:** Due to the severity of the present statewide drought, the City is reactivating the Charles E. Meyer desalination facility. In July 2015, City Council authorized execution of a contract for design and construction services for reactivating the desalination facility. The initial construction phase currently underway will provide up to 3,125 AFY of supply. Construction is anticipated to be complete by October 2016. Per the adopted 2011 LTWSP, the primary role of the desalination facility is a drought relief measure. With the investment now being made to reactivate this facility, the long-term role of this supply will need to be revisited as part of a future update to the LTWSP.

WATER SUPPLY ISSUES

There are a number of significant issues related to the City's water supplies, discussed briefly below.

Long-Term Water Supply Plan: The City's 2011 Long-Term Water Supply Plan (LTWSP) was the product of numerous technical studies and over a year-long collaboration between staff and the Water Commission to appropriately quantify our water supplies and develop policies to guide our water supply management over the next twenty years. The plan is available to the public on the City's website at the following address:

www.SantaBarbaraCA.gov/Drought

The next LTWSP Update is anticipated to be initiated in 2017, once we know more information regarding the duration of the current historic drought and its basis for a new "design drought".

The LTWSP is the basis for the City's State-mandated Urban Water Management Plan (UWMP), which is required to be updated every five years. Compliance with the State's Urban Water Management Planning Act maintains the City's eligibility for State grants and loans. The next UWMP Update is due to the State by July 2016. At this time, the policies outlined in the City's 2011 LTWSP will remain the basis for the 2016 UWMP Update. A future LTWSP Update would be incorporated into the next round of UWMP updates (occurring every 5 years).

Recycled Water:

The significant issues associated with recycled water are as follows:

- **Potable Reuse Feasibility Study:** As directed by Council and required by the City's amended National Pollutant Discharge Elimination System (NPDES) permit, staff is currently working to evaluate the feasibility of alternatives to the screened ocean intake for the desalination facility, including subsurface intakes and potable reuse. Potable reuse refers to advanced treatment (purification) of recycled water for drinking water purposes. There are two concepts for potable reuse: indirect potable reuse (IPR) and direct potable reuse (DPR). Current State regulations allow for IPR, in which purified recycled water is held within an environmental storage buffer, such as a groundwater basin, for a certain period of time prior to use for drinking water supply. The purpose of the environmental storage buffer is to provide sufficient response time should there be a failure in the recycled water treatment system. While current regulations don't currently allow DPR, the concept proposes to use an engineered buffer in lieu of an environmental buffer. In some by not all cases, DPR has the potential to increase supply yield and/or reduce facility costs. The State is currently working to develop guidelines for DPR, which will provide a framework for future regulations. The State guidelines for DPR are scheduled to be released by December 2016. Staff is tracking the State's progress and will incorporate most recent information in to the City's feasibility analysis of potable reuse alternatives.
- **Expansion of Non-potable Reuse:** In accordance with the LTWSP, non-potable recycled water use by City customers will be expanded by 300 AFY in the long term, for a total of approximately 1,100 AFY of customer demand, not including the existing process water demand at EEWTP. Additional customers are connected to the system

over time, and additional pipeline extensions are required in order to achieve the additional 300 AFY of demand within the City's service area. While the recycled water treatment plant was under construction and recycled water was not being produced, the City was not pursuing additional customer connections. Now that the plant is back online, policies regarding connection of additional customers will be revisited with consideration given to the current potable reuse feasibility study currently underway.

- **Potable Water Blending:** The City completed an upgrade to its recycled water treatment plant in October 2015, which will significantly reduce or eliminate the need to blend potable water supply into the existing non-potable recycled water system. Now that recycled water supply is being produced, our recycled water customers are no longer subject to Stage Three Drought Regulations for water use restrictions.

Cachuma Project State Water Rights Hearing: The Bureau of Reclamation (Reclamation) and the members of the Cachuma Project continue to await a decision on Cachuma Project water rights by the State Water Resources Control Board (SWRCB). The decision will reflect SWRCB's determination on a long-standing review of the Cachuma Project operations in terms of its effects on downstream water users and on public trust resources (steelhead trout). A December 2002 settlement agreement resolved a number of issues among several of the participants in the hearing, and is under consideration by the SWRCB. The Final EIR for the decision has been officially entered into the hearing record. The draft water rights order for the Cachuma Project remains a high priority water rights issue for the SWRCB, although processing of water rights orders by the SWRCB has slowed due to drought workload. The SWRCB has not yet rescheduled a tentative date for release of the draft order. The SWRCB decision is important to the City because it could affect the amount of water available from Lake Cachuma for water supply purposes.

Cachuma Project Biological Opinion: In 2000, a Biological Opinion was issued by the National Marine Fisheries Service (NMFS) for Reclamation's operation and maintenance of Bradbury Dam (the Cachuma Project). NMFS is the agency that oversees protection of Southern California steelhead. The BO addresses the effects of the proposed Cachuma Project operations on steelhead and its designated critical habitat in accordance with Section 7 of the Endangered Species Act of 1973. Reclamation and the Cachuma Project Water Agencies have developed the proposed revisions to the Project operations since 1993 to improve habitat conditions for steelhead trout while still maintaining water supplies. In 2014, the NMFS formally initiated a reconsultation of the Biological Opinion. A draft BO revision is anticipated in January 2016. Similar to the State water rights decision, the revised BO is important because it could affect Cachuma Project operations and the amount of water available for water supply purposes.

Gibraltar Pass Through Operations: The 2007 Zaca Fire burned approximately 60% of the Gibraltar Reservoir watershed, which normally contributes up to 35% of the City's water supply. On top of historical siltation, the additional sediment load resulting from the fire reduced the reservoir's storage capacity by 1,535 AF, leaving a current storage volume of about 5,250 AF. In 1989, the City entered into the Upper Santa Ynez River Operations Agreement (the "Pass Through Agreement") with other Santa Ynez River water agencies. The City agreed to defer its planned enlargement of Gibraltar Reservoir in exchange for provisions that would allow the City to "pass through" a portion of its Gibraltar water to Lake Cachuma for storage and delivery through Cachuma Project facilities. Due to the Zaca Fire effects, the City has elected to commence this phase of operations and is working with the Reclamation to negotiate a "Warren Act" contract as the preferred approach of accounting for the City's Pass Through water. In order to execute any Warren

Act contract, Reclamation must prepare an environmental assessment under the National Environmental Policy Act (NEPA). Computer modeling work to assess the effects of Pass Through operations is now complete and is the basis for the environmental review currently underway. In anticipation of a potential Gibraltar spill event this winter, staff is also considering alternative accounting approaches should the Warren Act contract be further delayed. The Pass Through operations will allow the City to stabilize its Gibraltar deliveries as the reservoir continues to fill with sediment. An updated assessment of sediment management options is also planned, per the LTWSP.

State Water Project/Delta Issues: Significant issues include:

- **Delta Issues:** The Sacramento-San Joaquin Delta is a critical conveyance link for all water moved to the south by the State Water Project (SWP). However, the reliability of State Water supply is at risk due to drought, environmental restrictions, and seismic events. The Bay Delta Conservation Plan (BDCP) proposed a solution to balance coequal goals of water supply and environmental benefits. A Draft Environmental Impact Report (EIR) and Draft Environmental Impact Statement (EIS) for the BDCP were made available for public review from December 2013 to July 2014.

In April 2015, State and Federal agencies announced a new alternative which would replace the BDCP as the State's proposed project. The new alternative reflects the state's proposal to separate the conveyance facility and habitat restoration measures into two separate efforts: California WaterFix and California EcoRestore. These two efforts are a direct reflection of public comments on the BDCP EIR/EIS and fulfill the requirement of the 2009 Delta Reform Act to meet co-equal goals.

A Recirculated Draft Environmental Impact Report (RDEIR)/Supplemental Draft Environmental Impact Statement (SDEIS) that incorporates the California WaterFix alternative were made available for public review and comment from July 2015 through October 2015. No final decisions have been made regarding California WaterFix or in selecting an alternative; those decisions will only occur after the completion of the CEQA and NEPA processes.

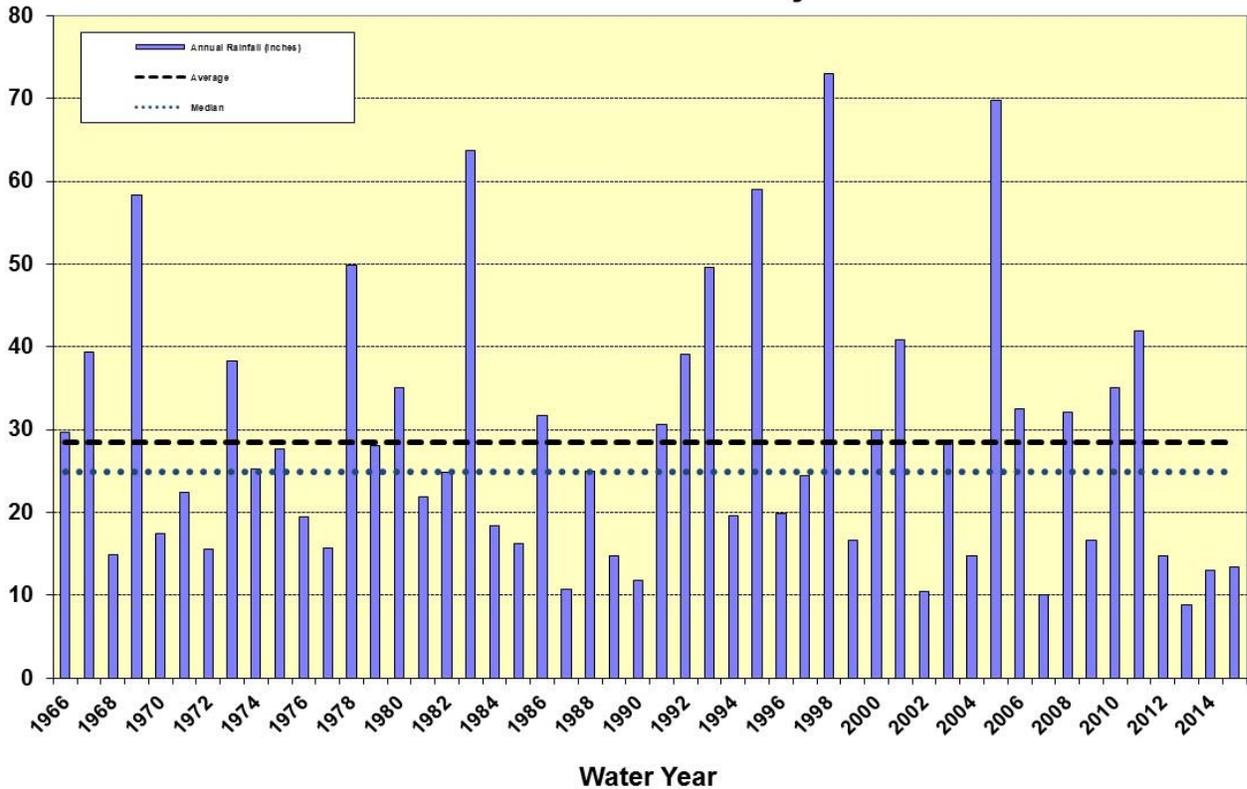
- **CCWA Contract Extension:** The City receives State Water through the Central Coast Water Authority (CCWA), a regional wholesale water provider for areas within Santa Barbara County and San Luis Obispo County. Santa Barbara County's contract for State Water is set to expire in 2035. CCWA is currently negotiating a contract extension with DWR as well as other contract amendments.
- **State Water Storage Programs:** The City relies on State Water to a limited extent, but it can be an important source of water for banking as a way of increasing the reliability of our water supply. The City currently has State Water stored in groundwater banking programs in the western San Joaquin Valley. While this water has not been available for delivery in the current drought, it will help with meeting requirements of some of the City's agreements for supplemental water purchases that require water be returned in the future. The City will continue to look for groundwater banking opportunities in order to improve reliability and avoid loss of State Water during future San Luis Reservoir spill events.

Groundwater Management Plan: The City has relatively small groundwater storage, but it plays an important part in meeting demand during drought periods. It is also our only currently active potable water supply that is truly local. The latter is important in the event of a catastrophic interruption of water supplies from one or both tunnels through the Santa Ynez Mountains. During 2013, staff continued efforts to develop a formal Groundwater Management Plan to ensure that groundwater resources are managed so as to be available to contribute to the City's water supply during normal years, drought periods, and emergency conditions. Due to drought workload and competing priorities since 2013, development of the formalized GMP was put on hold. However, this effort is expected to be ramped up again and will address the State of California's newly adopted Sustainable Groundwater Act of 2014. For State-ranked priority basins, the act requires the formation of a local groundwater sustainability agency that must assess conditions in their local water basins and adopt locally-based management plans. The Sustainable Groundwater Management Act provides local GSAs with tools and authority to 1) require registration of groundwater wells, 2) measure and manage extractions, 3) require reports and assess fees, and 4) request revisions of basin boundaries, including establishment of new sub-basins.

Appendix A – Supplemental Water Supply Information

Long-Term Rainfall Data

Rainfall at Gibraltar Reservoir by Water Year



Groundwater Balance

Project conditions of the State Water Project (SWP) require the City to use SWP water to offset any demonstrated groundwater basin overdraft. Under the LTWSP, the City uses groundwater conjunctively with surface supplies, such that significant groundwater use only occurs when surface supplies are reduced. Basins are rested following periods of heavy pumping to allow water levels to recover.

The estimated groundwater yield over a 5-year drought period is based on previous numerical groundwater modeling performed by the United States Geological Survey. As summarized in Table A-1, the estimated yield exceeds actual pumping over the last 5 years, and the City’s primary groundwater basins are in long-term balance with no overdraft projected in the next year.

Table A-1. Groundwater Balance

Storage Unit 1 Basin	
Estimated 5-Year Drought Storage Yield for City Use ¹ :	7,418 AF
City Groundwater Production last 5 years (October 2010 – September 2015):	2,131 AF
Remaining 5-Year Drought Storage Yield for City Use:	5,287 AF
Projected City Groundwater Production for 2016:	2,260 AF
Foothill Basin	
Estimated 5-Year Drought Storage Yield for City Use ¹ :	5,563 AF
City Groundwater Production last 5 years (October 2010 – September 2015):	2,930 AF
Remaining 5-Year Drought Storage Yield for City Use:	2,633 AF
Projected City Groundwater Production for 2016:	620 AF
¹ Nishikawa, 1998. USGS Report 97-4246A <i>Simulation/Optimization Model for Water Resources Management, Santa Barbara, CA, Tables A-14 and A-15.</i>	

The City used non-potable groundwater from Valle Verde well located in Storage Unit III to augment supply to the recycled system while the recycled water treatment plant upgrades were under construction. The City pumped a total of 123 AF from Valle Verde well during January 2015-October 2015, which is less than the historical maximum annual pumping by the City of 216 AF in 1990. The estimated average annual Storage Unit III yield available for use by the City is approximately 100 AFY. Valle Verde well is currently offline to rest Storage Unit III now that the recycled water supply is available, and long-term use of Valle Verde well is being evaluated.

Projection of Supply Availability

Table A-2 summarizes the City's water supply sources and fulfills a requirement of the project conditions for the SWP. The Water Year (WY) 2015-2016 Supply Plan reflects a projected total demand of 11,286 AF including ~180 AF for El Estero process water, which reflects a 25% reduction in potable water demand as required by the current Stage Three Drought condition.

Table A-2. Sources of Supply (AF)

Source of Supply	WY 2015 Original Supply Plan	WY 2015 Actual	WY 2016 Supply Plan (Projected)
Gibraltar Reservoir	500	398	0
Cachuma Project	5,923	2,851	3,646
Mission Tunnel	531	728	615
Devil's Canyon	0	0	0
Juncal Res. (300 AF from MWD)	(w/ Cachuma)	(w/ Cachuma)	(w/ Cachuma)
State Water /Water Purchases	2,200	4,361	3,303
Groundwater (potable) ^A	2,220	2,036	2,882
Desalination	0	0	0
Recycled Water	306	0	840
Groundwater (non-potable) ^A	0	123	0
Net Other Supplies ^B	(na)	-166	(na)
Total Production:	11,680	10,331	11,286
Total Demand:	11,680 ^C	10,331 ^D	11,286

^A The City uses potable groundwater supply from Storage Unit I and Foothill, and non-potable groundwater supply from Storage Unit III.

^B Represents miscellaneous production sources (positive values) and water used from the distribution system for purposes such as transfers to adjacent water purveyors or groundwater recharge.

^C Planned demands include ~240 AFY for El Estero process water.

^D Actual 2015 demand includes 9,535 AFY potable demand, 636 AFY recycled demand, and 160 AFY El Estero process demand.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For The Charles E. Meyer Desalination Facility

RECOMMENDATION: That Council

- A. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the contract for the Charles E. Meyer Desalination Facility with IDE Americas, Inc., Contract No. 25,221, in the amount of \$2,300,000, for a total Project expenditure authority of \$47,601,654;
- B. Authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra services for the contract for Owner Support Services for the Charles E. Meyer Desalination Facility with Carollo Engineers, Inc., Contract No. 25,222, in the amount of \$62,898, for a total Project expenditure authority of \$2,298,782; and
- C. Authorize the Public Works Director to amend and increase a City Professional Services Contract, subject to approval as to form by the City Attorney, with Patrick Tumamait, Contract No. 21600039, in an amount of \$35,100, for a total Project expenditure authority of \$70,000.

DISCUSSION:

Background

The City's 2011 Long Term Water Supply Plan (LTWSP) included the Charles E. Meyer Desalination Plant (Desal Plant), which was completed in March 1992, and put into long-term standby mode in 1997. The Desal Plant was included in the plan as a recognized drought water supply. The City is currently experiencing a drought condition that is drier than the historic drought of record, which was used as the drought planning basis of the LTWSP. As a result of continued dry conditions, Council approved an Ordinance that became effective on August 28, 2015, awarding a contract with IDE Americas, Inc. (IDE), to reactivate the Desal Plant. The reactivation will ensure that the community continues to have sufficient uninterrupted drinking water supplies should drought conditions continue beyond 2016.

Council Agenda Report

Increase In Construction Change Order Authority For The Charles E. Meyer Desalination Facility

January 12, 2016

Page 2

Current Status

On-site construction for the reactivation of the Desal Plant started in September, 2015. On November 3, 2015, IDE notified the City that suspicious soils were encountered and construction work was halted. Preliminary testing of six locations showed soil contaminated with primarily lead associated with rubble and debris and some diesel, both from an unknown source.

The soils report for the original plant indicated that debris was found in the soils at the site and that it was replaced with clean soils under the structures. Because of this, no further soils testing was conducted before the start of the project. The contamination that was discovered on November 3, 2015, is consistent with the old soils report indicating debris. It therefore appears that the soils were not cleaned as indicated in the post construction soils report for the original project.

Staff, with assistance from IDE, completed a soils assessment and remediation plan that was approved by County Environmental Health Services. An Air Pollution Control District permit was received on December 8, 2015. Currently, the estimates call for the removal of approximately 5,800 cubic yards of material. This work started on December 14, 2015.

With the review of the baseline schedule, the excavation for electrical, and piping works, as well as the building of foundations for the reverse osmosis skids, was a critical path. Delays associated with the cleanup of contaminated soils has delayed the receipt of the skids and will have an impact on the completion date for the project. Staff is assessing whether to accelerate portions of the schedule so the completion date of October 7, 2016 will not be affected. The change order increase requested includes an estimate of costs for the contractor related to schedule impacts and to accelerate construction to meet the original construction completion date. .

The increase in Carollo's contract of \$62,898 reflects an extra five weeks for on-site management and inspection. This coincides with the extra time that the contractor may be delayed by the contaminated soils cleanup permitting. If the project is accelerated or if there is less of a delay impact, these funds will not be used.

The increase in the contract for Patrick Tumamait of \$35,100 reflects a reconciliation of the time needed for a cultural monitor on site based on the actual schedule provided by the contractor. Cultural monitoring is a State Revolving Fund Loan condition. Staff had executed a professional services contract with Patrick Tumamait in the amount of \$34,900 prior to receiving a schedule from the contractor. This allowed services to begin without delay when the contractor started demolition.

There is the potential that other issues may occur during excavation and that staff may need to return to Council in the future for additional monies.

BUDGET/FINANCIAL INFORMATION:
Funding

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Proposed Increase	Total
IDE	\$43,437,234	\$1,864,420	\$2,300,000	\$47,601,654
Carollo	\$2,032,622	\$203,262	\$62,898	\$2,298,782
Patrick Tumamait	34,500	\$400	\$35,100	\$70,000

It is anticipated that savings in other areas of the Project will allow for sufficient funds in the State Water Revolving Loan Fund to cover these extra work items.

PREPARED BY: Desi Alvarez, Interim City Engineer/LS/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 12, 2016

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Appointment Of Mayor Pro Tempore, Ordinance Committee, And Finance Committee

RECOMMENDATION:

That Council consider the appointment of a Mayor Pro Tempore, and Chairs and Members of the Ordinance and Finance Committees.

DISCUSSION:

Designation of Mayor Pro Tempore - Section 504 of the Charter says that "The City Council shall designate one (1) of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council." Council Member Gregg Hart presently holds the position.

Appointment of Ordinance Committee - Resolution No. 94-129, adopted on October 11, 1994, provides for the appointment of a three (3) member Ordinance Committee and the designation of the Chair of said Committee to serve for one year. Also, Resolution No. 99-034 providing for the appointment of the Mayor as an alternate member was adopted on May 4, 1999. The current membership of this committee is as follows:

- Randy Rowse, Chair
Frank Hotchkiss
Cathy Murillo
Helene Schneider, Alternate

Appointment of Finance Committee - Resolution No. 99-035, also adopted on May 4, 1999, provides for the appointment of a three (3) member Finance Committee and the designation of the Chair of said Committee to serve for one year. This Resolution also provides for the appointment of the Mayor as an alternate member. The current membership of the Finance Committee is as follows:

- Dale Francisco, Chair
Gregg Hart

Harwood "Bendy" White
Helene Schneider, Alternate

City Council members also serve on various regional bodies and serve as liaisons to various City Advisory Groups. We will be asking that Council make these appointments on January 26, 2016.

PREPARED BY: Nicole Grisanti, Administrator's Office Supervisor

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office